

Sturbridge Conservation Commission

Tuesday, September 1, 2020

Meeting Minutes

Approved October 6, 2020

****Virtual Meeting****

Chairman Goodwin read the public statement regarding Virtual Meetings:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation can be found on the Town's website at <https://www.sturbridge.gov/town-administrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted. but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

Chairman Goodwin read the Public Hearing notice.

6:00 PM Chairman Goodwin opened the meeting and confirmed there was a quorum. All Commissioners were in attendance.

Committee Updates

- **CPA:** No report.
- **Trail Committee:** No report.
- **Open Space Committee:** E. Goodwin announced that there has been no recent meeting. He added that has been made aware of a letter that had been submitted to the Board of Selectmen regarding large parcel of land for sale on Cedar Lake.
- **Lakes Advisory Committee:** No report.

Approval of August 18, 2020 Minutes

On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the August 18, 2020 Conservation Commission Meeting as prepared. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

Walk-ins

Hobbs Brook Retaining Wall Repair.

Representatives from Kimley-Horn(Rep), CIM Group (Owner) and GSI (Contractor) provided a presentation of their preferred repair plan for the failing retaining wall at the Center for Hobbs Brook. They are proposing a geo-confined retaining wall that will be located 10 feet in front of the existing wall leaving approximately 8 feet between the new wall and the wetlands. They added that the equipment needed to perform the work will only take up five feet of that 8 foot area so there will still be a buffer of 3 feet between the work and the wetlands. The representative group is seeking feedback from the Commission on the proposed plan. The Commission inquired about alternate plans. The representative stated that one alternate plan to construct a new wall behind the existing wall was considered but the

extreme cost is a deterrent. The Commission requested the party return with alternative proposals and when more time can be allotted for discussion.

Public Hearings

6:15 152 Lake Road – Request for Determination of Applicability; C. Callahan, Owner; J. Dubois, DC Engineering & Survey, Inc., Representative; Paver Patio, Fire Pit and Sitting Walls, Paver Walkways.

Documents: Site Plan

J. Dubois appeared before the Commission on behalf of the applicant.

Agent: R. Gendreau advised the Commission that this is a small landscaping project within an existing lawn/landscaped area. No tree removal is necessary to complete the work. R. Gendreau recommended approval with +2B, +5, and -3 determinations, and typical pre-construction and erosion control conditions.

Commission: The Commission inquired about excavation on the site. They were informed that the material would be moved off-site.

Public: No comments.

ACTION: On motion of D. Barnicle, seconded by S. Halterman, the Commission closed the public hearing. On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the paver patio, fire pit with sitting wall, and paver walkways at 152 Lake Road with a +2B, +5, and -3 determination and pre-construction and erosion control conditions.

Vote: 5-yes, 0-no, 0-abstain, 0-absent.

6:30 9 Holland Road – Abbreviated Notice of Resource Area Delineation; DEP File #300-1068; *continued from August 18, 2020;* R. DiBonaventura, Owner/Applicant; G. Krevosky, EBT Environmental Consulting Inc., Representative; Approval of Wetland Resource Areas.

G. Krevosky, EBT Environmental, appeared on behalf of the Applicant.

Agent: R. Gendreau reported that RFP's had been issued for a wetland peer review. Two companies submitted proposals (GZA, EcoTec). GZA cannot complete the work until October 20th while EcoTec can complete the work in three weeks.

Applicant: Representative G. Krevosky indicated that the Applicant is interested in moving the project forward as soon as possible.

Commission: Commission is also interested in moving forward as soon as possible.

Public: No comments.

ACTION: On motion of D. Barnicle, seconded by S. Chidester the Commission approved EcoTec to perform the 3rd Party Wetland Peer Review (ANRAD and determination of historical mill status). **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. At request of Applicant Public Hearing continued to October 6, 2020 at 6:30pm by consensus vote to allow for peer reviews. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

6:45 9 Holland Road – Request to Amend DEP File #300-0959; *continued from August 18, 2020;* R. DiBonaventura, Owner/Applicant; G. Krevosky, EBT Environmental Consulting Inc.,

Representative; amend Orders of Conditions for DEP File #300-0959 to remove Special Condition #38 and amend Special Condition #77 to remove # 38.

G. Krevosky, EBT Environmental, appeared on behalf of the Applicant.

Agent: R. Gendreau reminded Commission that the permit is expired and is not eligible for extension, even under Covid regulations, due to existing violation. As such cannot be amended. She recommended completing the ANRAD process to see if the site indeed qualifies for the Historic Mill classification. If the historic mill classification is confirmed then a note can be included in the certificate that states the historic mill status which would invalidate the items requested to be amended. The agent advised that the Enforcement Order still needs to be completed and closed out.

Applicant: Representative G. Krevosky advised he has attorney researching this fact. G. Krevosky added that he will provide Agent and Commission with a written update on the status of the items to be accomplished per the enforcement order.

Commission: The Commission asked how long it will take for the Applicant's attorney to provide Applicant with answer to their questions, and how long it will take to provide the Enforcement Order status update.

Applicant: G. Krevosky advised the Commission that he can have all of the information and update completed by October 6th and asked for a continuation until that date.

Public: No comments.

ACTION: At request of Applicant Public Hearing continued to October 6, 2020 at 6:45pm by consensus vote to allow for update on enforcement order to be completed and issued to Agent.

Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:00 136, 138, 140, 148 Lake Road – Notice of Intent; DEP File #300-1067; continued from August 18, 2020; T. Clark, Big Alum Lake Association, Applicant; S. Pikul, Bertin Engineering, Representative; Roadway/Drainage Improvements along Lake Road.

Documents: Site Plan; minor revisions since last meeting.

Agent: R. Gendreau informed Commission that since the last meeting (based on DEP comments) the Applicant has notified all the additional abutters and the individual property owners have signed off on the project. Agent has no concerns about the proposed plan and feels it will be an improvement to the area. She recommended approval.

Applicant: C. Bertin, Engineer, informed the Commission that there had been several minor revisions to the plan, a series of check dams for drainage improvements on the road, since the last meeting and reviewed them with the Commissioners. He advised the Commission that they plan to start the project in late September or early October. No trees are scheduled to be removed however if they are required they will be replaced.

ACTION: On motion of S. Halterman, seconded by D. Barnicle, the Commission closed the public hearing. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On motion of D. Barnicle, seconded by E. Gaspar, the Lake Road Drainage Improvement Project, DEP File #300-1067, was approved by the Commission. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. The Commission also approved the execution and issuance of the Orders of Conditions as prepared by Agent by consensus vote. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

7:15 6 Picker Road – Notice of Intent; DEP File #300-1062; Continued from August 18, 2020; New England Cold Storage LLC, Applicant; G. Krevosky, EBT Environmental Consultants, Representative; for the construction of a wetland crossing and commercial site infrastructure.

B. Panis, C. Bailey appeared on behalf of the applicant.

Agent: R. Gendreau advised the Commission that she had received all the necessary information pertaining to the slight modification to the Storm Water Management System presented at the last meeting. She added that the storm water peer review and wetland peer reviewer had no concerns with the revisions. Agent recommended approval with conditions including management note for the wetlands area and the requirement of an individual monitor (with reports issued to SCC), and wetland replication upon completion of the project.

Commission: No comments.

Public: No comments.

ACTION: On motion of D. Barnicle, seconded by S. Halterman the Commission closed the public hearing. On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Applicant's proposed individual monitor, VHB, the permit for DEP File #300-1062 with conditions as outlined by Agent in the prepared Orders of Conditions, and the execution of the Orders of Conditions. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

7:30 27 Ladd Road; Notice of Intent; DEP File #300-1056; Continued from August 18, 2020; R. Jennings, 508 International, Applicant; A. Sellew, Owner; O'Neil, Representative; Replacement of decking on existing telephone pole bridge.

S. Chidester recused himself from this public hearing.

D. O'Neil, Attorney; G. Krevosky, Wetland Representative; and A. Baum, Engineer, appeared before the Commission on behalf of the Applicant.

Commission: The Commission advised the Applicant's representatives that they had received word the Applicant's company had been dissolved, i.e. was no longer a registered business and has concerns about issuing a permit to that entity.

Applicant: Attorney O'Neil stated that he was unaware of that and it is easily remedied administratively.

Agent: R. Gendreau reported that a site visit has been performed. She informed the Commission and Applicant that the application is still missing some materials. While the plan has been received and the bridge structure is detailed, the trails are shown only as a dotted line with no details regarding size etc. She added that, since the Applicant changed the scope of the work for the filing, the fee has changed. Due to the dissolution of the Applicant, and recent evidence supporting the belief that motorized vehicles are being used on Sturbridge land the Agent does not recommend approval.

Applicant: Discussion ensued regarding the status of the incomplete application. Attorney O'Neil requested a written list of missing materials so there would be no question by the Applicant what is still needed. A. Baum reviewed the bridge plan details including erosion controls and replication plan detailing the plantings.

Agent: R. Gendreau advised that the missing items had been discussed at several meetings but the Applicant and Representatives have chosen not to attend all of the scheduled meetings. She added that the bridge is only part of the application. The trails and wetland restoration details should also be included in the application and shown on the plans.

Applicant: Applicant's representatives requested a continuance to prepare and deliver the requested materials in full.

Public: No comments.

ACTION: A consensus motion was made to continue the public hearing to September 15, 2020.

Vote: 2-yes (Goodwin, Gaspar), 2-no (Barnicle, Halterman), 1-abstain (Chidester), 0-absent. S.

Halterman moved to reconsider the previous motion, D. Barnicle seconded the motion. The Commission continued the public hearing to October 6, 2020 at 7:00pm and advised the Applicant

that they are to make sure they know exactly what materials are still needed and to make sure the Conservation Department is in receipt of everything that is needed prior to that hearing. **Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.**

7:45 205B and 205C Podunk Pike; Notice of Intent; DEP File #300-TBA; Continued from August 18, 2020; R. Jennings, 508 International, Applicant/Owner; Brant and Iris Jennings, Owner; D. O'Neil, Representative; Development of Recreational Trails.

S. Chidester recused himself from this public hearing.

D. O'Neil, Attorney; G. Krevosky, Wetland Representative; and A. Baum, Engineer, appeared before the Commission on behalf of the Applicant.

Agent: R. Gendreau advised that this application is also incomplete. DEP has not issued a file number yet and a call to DEP has revealed that they still have no filing by the applicant to date. Also, a site visit has revealed that 205C is missing detail on the plan, resource areas are not show on 205C as needed. Agent asked for McKint Street Brook to be shown on the plans and the trails to be more detailed than just a dotted line on the plan.

Commission: Chairman Goodwin asked the Applicant if it is their intent to seek a continuance as there are a lot of missing items to be addressed.

Applicant: Applicant stated that it will take some time to complete all of the requested items.

Public: No comments.

ACTION: The public hearing was continued to October 20, 2020 by consensus vote. **Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.**

Letter Permits

- **92 McGargle; Tree Removal:** Applicant is seeking removal of two trees and the limbing of a third tree. Site visit was performed and the trees to be removed are approximately 70 feet from the resource area. Agent recommended approval and added that no replacement plantings are needed. **ACTION: The Commission approved the removal of two trees, and limbing of a third tree as specified in the application and marked in the field. Vote: 4-yes, 0-no, 1-abstain (Barnicle), 0-absent.**
- **332 The Trail; Tree Removal:** Applicant seeking approval to remove two dead trees from the site. R. Gendreau performed a site visit and has no concerns about their removal. She added that no replacement plants are necessary. **ACTION: The Commission approved the removal of the two dead trees as requested, detailed in the application, and marked in the field. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Request for Certificate of Compliance

- **59 New Boston Road; SCC #19-51; 123 Kids LLC:** Agent advised the Commission that the project house and septic locations were flipped from the approved plan. An as-built plan has been submitted to the Conservation Department and the Board of Health has approved of the change as well since perc was approved in both locations. **ACTION: On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved execution of the Certificate of Compliance for SCC #19-51. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

New Business

- Center at Hobbs Brook – Retaining Wall Repair Presentation: Discussed under Walk-Ins.

Old Business

- **Heins' Farm Invasive Species Monitoring Report:** Agent shared the report from Ganesh Tree detailing the positive results of the Autumn Olive treatment. All treated plants are still deceased. R. Gendreau informed the Commission that there is still money remaining in the fund for a future project.
- **DEP File #300-684; 118 Leadmine Lane:** Agent reminded the Commission that this site has an outstanding permit with conditions which are not being met and there was also new work on the site within a resource area. The Commission did however authorize the owner to perform perc testing on the site, at the last meeting. BOH has advised that the site passed the perc test. No update from owner had been received since last meeting. Agent issued a letter asking owner for update and requesting his attendance at tonight's meeting. Owner replied that he had a family emergency but intended to submit update. Subsequently a Notice of Intent was filed for 89 Leadmine Lane (parcel of land subdivided from 118 Leadmine Lane) for the construction of a new single family home with well and septic. Agent reviewed the NOI and found minimal mention of wetland restoration. N. Hill is the engineer for the new home NOI; B. Murphy will be working on the items needed for the original site and Conservation should receive that soon.
- **DEP File #300-964; 226 Roy Road:** Last year Commission asked owner to fulfill condition of permit which called for him to remove the temporary driveway and restore it to original state. Owner received a one-year extension to complete that work. That extension is expiring soon and work has not been completed. Agent issued letter to owner asking for follow up. To date no reply has been received. Since the permit is expiring, the owner will need to seek another extension in order to perform the work. Agent will call J. Roy and advise him he is to submit a restoration plan by September 15th.

Forest Cutting Plans

Emergency Certifications

Minor Amendments to Orders of Conditions

Correspondence

Permit Extension Requests

Agent Report

Adjourn: Commission adjourned at 8:56PM.

The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.