

Sturbridge Conservation Commission

Meeting Minutes

Tuesday, October 20, 2020

****Virtual Meeting****

6:00 PM **Chairman E. Goodwin read the virtual meeting statement as follows:**

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 E. Goodwin read the Public Hearing statement.

Chairman Goodwin performed a quorum check to confirm a quorum. All commissioners are in attendance, quorum attained.

Committee Updates:

- **CPA** – No meeting since last SCC meeting. No report.
- **Trail Committee** – The work day scheduled for Saturday October 17, 2020 was rescheduled to the following Saturday due to weather.
- **Open Space Committee** – No report.
- **Lakes Advisory Committee** – No Report.

On motion of E. Gaspar, seconded by S. Halterman, the Commission approved the minutes of the October 6, 2020 Conservation Commission Meeting. Vote: 5-yes, 0-no, 0-abstain.

Public Hearings

6:15 **205B and 205C Podunk Pike; Notice of Intent; DEP File #300-TBA; *Continued from September 1, 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 the Public Hearing for 205B and 205C Podunk Pike.

Documents:

Representative for the Owner, Andrew Baum and G. Krevosky shared with the Commission that all wetlands have been delineated and only running trails are in Sturbridge. AB-was not able to make

the deadlines because a positive COVID case forced the closure of the office and put them behind schedule. The applicant discussed with the Commission what documents are still missing

Agent: R. Gendreau advised the Commission that she recommends the applicant withdraw the application and reapply when they have a complete filling or the commission could deny the application based on lack of information. The commission should also consider wetlands restoration that need to be completed on this site and a clear timeline with the applicant as to when this will take place.

Commission: The Commission was expecting a completed plan to be presented before this meeting and is disappointed that the applicant has not been able to make the deadlines.

Public: Steven Chidester called in to remind the commission that the trails discussed for this project are being used for more than running; there is video evidence of other use of these trails. In February, a petition was signed by many community member regarding the 508 International project where none of these trails were included although they were clearly in use.

Action: On motion of E. Gaspar, seconded by D. Barnicle, to continue the public hearing to December 1, 2020. **Vote:** 1-yes, 3-no (Barnicle, Halterman & Goodwin), 1-abstain, 0-absent. **Motion Fails**

On motion of S. Halterman, seconded by D. Barnicle, the Commission closed the public hearing. Vote: 3-yes, 1-no (Gaspar), 1-abstain, 0-absent.

On a motion of S. Halterman, and by D. Barnicle the Commission denies the project for the following reasons: incomplete data and failure to meet performance standards. Vote: 3-yes, 1-no (Gaspar), 1-abstain, 0-absent

On a motion of S. Halterman, and by E. Gaspar the Commission authorizes the Agent and one commission member to draft an enforcement order for the impacted areas. Vote: 4-yes, 0--no, 1-abstain, -absent

6:30 8 Scotch Pine Circle; – Request for Determination of Applicability; P. Elston, Owner/Applicant; installation of above ground pool.

Agent: R. Gendreau advised the Commission that the installation of this pool is within 50ft of a wetland but within a developed yard in a subdivision. She recommends approval of the determination of +2B, +5, -3

Applicant/Representative: did not attend

Public: No public comment.

Action: On motion of S Halterman, seconded by E. Gaspar, the Commission closed the public hearing. **Vote:** 5-yes, 0-no (Goodwin), 0-abstain, 0-absent. D. Barnicle made a motion, 2nd by E. Gaspar to approve the Request for Determination of Applicability for 8 Scotch Pine Circle with the determination of +2B, +5, -3. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

6:45 82 Paradise Lane – Notice of Intent, DEP File #300-1075; continued from October 6, 2020
G. Ellis, Owner/Applicant; Repair of retaining wall;

Applicant/Representative: M. Thibeault of Landscape Evolution presented the site plan and overview of the project. He proposes a repair to the current 35 ft stonewall on the shoreline.

Agent: R. Gendreau prefers this natural stone approach that Landscape Evolution is proposing and recommends approval of the project with conditions.

Commission: The Commission had an opportunity to share comments at the previous Public Hearing so they moved to the vote.

Action: On motion of E. Gaspar, seconded by S. Halterman, the Commission closed the public hearing. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. D. Barnicle made a motion to approve the 82 Paradise Lane DEP File #300-1075; Repair of retaining wall, E. Gaspar seconded the motion. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

7:00 26 Mt. Dan Road; Notice of Intent; DEP File #300-TBA; M. Nunheimer, Owner/Applicant; E. Silverberg, Representative; retaining wall repair.

Agent: R. Gendreau advised the Commission that the applicant had not received the DEP filing number in time for tonight's meeting. He is asking for a continuance to the next meeting.

By consensus vote, the public hearing for 26 Mt. Dan Road; Notice of Intent will be continued to November 17, 2020 at 7:00 pm. Vote: 5-yes, 0-no, 0-abstain, 0-absent

7:15 9 Holland Road – Abbreviated Notice of Resource Area Delineation, DEP File #300-1068; continued from October 6, 2020 R. DiBonaventura, Owner/Applicant; G. Krevosky, EBT Environmental Consulting Inc., Representative; Approval of Wetland Resource Areas.

Agent: R. Gendreau advised the Commission that the applicant had not submitted a revised plan in time for tonight's meeting to address the 3rd party reviewer's comments.

By consensus vote, the public hearing for 9 Holland Road – Abbreviated Notice of Resource Area Delineation, DEP File #300-1068 will be continued to November 17, 2020.

7:30 7 Cove Drive – Notice of Intent, DEP File #300-1074; continued from October 6, 2020 K. Tasse, Owner/Applicant; L. Jalbert, Jalbert Engineering, Representative; Construction of a Single Family Home with associated site work.

Documents: Revised Site Plan

Agent: R. Gendreau advised the Commission that all documentation required have been received including a new plan to reflect the comments from the Commission made at the last meeting. She recommends approval to the project with conditions including comments from the Arborist in the approval.

Representative: L. Jalbert presented the Commission with the updated site plan.

Commission: No comments, everyone was pleased with design.

Public Comment: None

Action: On a motion by E. Gaspar, seconded by S. Halterman the Commission closed the public hearing. 5-yes, 0-no, 0-abstain, 0-absent. On motion of S. Halterman, seconded by E. Gaspar, the Commission approved the permit for DEP File #300-1074 with conditions presented by the Agent. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:45 27 Ladd Road; Notice of Intent; DEP File #300-1056; continued from October 6, 2020; R. Jennings, 508 International, Applicant; A. Sellw, Owner; O'Neil, Representative; Revised project description: Redesign of the present footbridge. Former project description; replacement of decking on existing telephone pole bridge.

S. Chidester recused himself from the Public Hearing for 27 Ladd Road.

Agent: R. Gendreau reported to the Commission that to date the office had only received the signature page of the needed paperwork and a revised project description. She recommends denial of the project based on lack of information.

Applicant: thought a plan dated 10/9/20 was send to the Commission.

Commission: allowed the applicant to present the plan at the meeting in order to keep the project moving.

Public comments: none

Agent: R. Gendreau recommends a third party review for this project; she is waiting on paperwork for the NOI and recommends proper boundary lines be labeled on the plan.

Action: On a Motion by E. Gaspar, seconded by D. Barnicle the Commission vote to continue the public hearing for 27 Ladd Road to November 17, 2020 at 7:15 pm. Vote: 4-yes, 0-no, 1-abstain, 0-absent.

8:00 118 Leadmine Lane (Lot 1, 89 Leadmine Lane) – Notice of Intent; DEP File #300-1073; continued from October 6, 2020 A. Kellaher, Owner/Applicant; N. Hill, Land Planning Inc., Representative; Construction of Single Family Home, Well and Septic System

Applicant A. Kellaher requests a continuance to the next meeting. He provided the commission a brief update on the project including the order of conditions, which he has started and feels very confident he will have everything finished by the next meeting. He is interested in addressing the environmental concerns before the new house or septic system work is to begin.

Agent: R. Gendreau advised the Commission that the applicant needs a detailed plan of how the wetland restoration will happen. Her recommendation is that the applicant submit a plan of wetland restoration by November 9, 2020 for the site visit the following day.

Commission: The Commission discussed an Enforcement Order, how the wetlands restoration should be corrected before the winter comes, and finishing these restorations before work continues on the new house build.

Public: no comments

Action: On motion of E. Gaspar seconded by D. Baricle, the Commission voted to issue an Enforcement Order drafted by the Agent and S. Halterman including a wetland restoration plan for submittal on or before November 9, 2020; and also to continue the public hearing for 118 Leadmine Lane (Lot 1, 89 Leadmine Lane) DEP File #300-1073 to November 17, 2020 at 7:30pm. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

8:15 76 South Shore Drive – Notice of Intent; DEP File Number #300-1077; continued from October 6, 2020 P. Mimeault, Applicant/Owner; P. Engle, McClure Engineering, Representative; Bank Stabilization Project

The applicant provided a written request for continuance to the next meeting.

Action: On a Motion by D. Barnicle, seconded by S. Halterman the Commission vote to continue the public hearing for 76 South Shore Drive to November 17, 2020 at 7:45 pm. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

Letter Permit Requests

SCC # 20-90; 146 Lane 8, Tree removal

Action: The Commission approves the removal of flagged trees at 146 Lane 8 Vote: 5-yes, 0-no, 0-abstain, 0-absent.

SCC # 20-91; 288A Clark Road Ext., Tree removal

Action: The Commission approves the removal of one Pine Tree located at 288A Clark Road Ext. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

SCC # 20-92; 70 Paradise Lane, Tree removal

Action: The Commission approves the removal of flagged trees at 70 Paradise Lane. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

SCC # 20-93; 144 Lake Road, Wall repair

Action: The Commission approves the repair of shoreline wall at 144 Lake Road. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

SCCNI # 20-901; 210 Hemlock Path, Beach Sand Nourishment

Action: Withdrawn

New Business

- **Heins Property:** R. Gendreau presented a proposal from Scott Smyers of Oxbow Associates for the use of the Hein's Farm for a challenging wetlands delineation workshop on November 13, 2020. As the host of the event, our Agent would attend free and Sturbridge would receive a detailed delineation at no cost.
- **Hobbs Brook Retaining Wall:** R. Gendreau updated the Commission on the site plan and work plan for the retaining wall repair at 100 Charlton Road. If the Commission have no concerns with the design, the applicant will move forward with this design and submit a NOI at an upcoming meeting. This is the third option, which the agent feels is a good plan. The project will take 4-6 weeks to complete. After discussion by the Commission, they request a site visit with the applicant to understand the project more clearly.
- **Hamilton Rod and Gun Club:** The club provided a written update the Commission that the drainage portion by the pond has been completed and the grass has started to grow from the hydro seeding recently completed. The Agent recommends adding this property to the list of site visits to see all the progress.

Old Business

- **#300-1054 and #300-711; 36 Goodrich Road; F. Gunn; Enforcement Order Update:**
- **Agent:** Shared the updated plan with the commission and applicant asked the commission to reconsider the fines imposed.
- **Commission** all agrees that the plan looks good and a vast improvement from the previous plan.
- Applicant shared a history of the project over the last decade.
- **Action: On motion of D. Barnicle, seconded by S. Halterman, the commission to move forward with the \$1,200 fines that have been sent through the court system. Vote: 4-yes, 1-no(Gaspar), 0-abstain, 0-absent.**
- **#300-1021; 30 River Road; Enforcement Order Update:** Scott Morrison a representative of the permit holder provided an update to the commission on the progress made since the last update. The permit holder does not have an updated plan to present to the Commission tonight. He shared that most professionals are extremely busy and it had been challenging to get the work completely to date. Jim Pioppi added that the scope of work has also changed adding to the timeline of completion. The attorney for the applicant George Kritsy ensured the commission that his client is working to get completed plan to this Commission. The applicant wants to submit a completed as-built plan and is confident that the plan will be thorough and complete. A plan will be submitted within a few weeks. The Commission has been waiting on an original plan since April of 2020, which this commission has continued to be promised meeting after meeting. The Commission is concerned about the lower pond. Mr. Kritsy informed the Commission that the breach of the pond in April was not a result of the current owner's work. The Commission discussed a third party assessment of the impacts from the project to on-site and off-site wetlands at a cost of \$9,000. Scott Morrison expressed that the price is unreasonable and questioned if the Commission took the lowest bid. The Agent shared that it seemed reasonable considering the scope of work. The applicant is asking for complete transparency, copies of the RFP and all proposals received to the 3rd party review be turned over to the applicant to be reviewed. The Commission will give the applicant additional time to finish the plan for the next meeting.

Adjourn

On motion of S. Chidester, seconded by E. Gaspar, the Commission adjourned at 10:30 pm.