

Sturbridge Conservation Commission

Meeting Minutes

Tuesday, November 17, 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** – Meeting 11/18/20
- **Open Space Committee** – No report.
- **Lakes Advisory Committee** – No Report.

On motion of E. Gaspar, seconded by D. Barnicle, the Commission approved the minutes of the October 20, 2020 Conservation Commission Meeting. Vote: 5-yes, 0-no, 0-abstain.

Public Hearings

**6:15 118 Paradise Lane; Request for Determination of Applicability; K. St. Laurent, Applicant/Owner; Retaining wall repair.
Postponed to December 1 at 6:45 pm**

6:30 200 Leadmine Road, Heins Farm Conservation Land; – Request for Determination of Applicability; Town of Sturbridge, Owner/Applicant; Removal of a dilapidated structure.

Agent/Applicant: R. Gendreau was tasked to locate and plan the removal of dilapidated structures on town owned properties. The cabin located on the Cabin Loop trail on the Heins Farm Conservation land was identified as one of those structures to be removed. Next step is for the

asbestos removal and bid process for the removal of the building. The Cabin is 80 feet from a resource area and R.Gendreau will oversee the project.

Public: No public comment.

Action: By consensus vote, the public hearing for 200 Leadmine Road -Request for Determination of Applicability will be continued to December 15 at 6:15. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

6:45 202 Lake Road – Request for Determination of Applicability, W. Stearns, Owner; L. Jalbert, Applicant; Repair of retaining wall.

Applicant/Representative: L. Jalbert presented the plan to repoint a 100 foot wall along the shoreline.

Agent: R. Gendreau recommends approval of the project with conditions.

Public Comments: none

Action: On motion of E. Gaspar, seconded by S. Halterman, the Commission closed the public hearing. **5-yes, 0-no, 0-abstain, 0-absent.** D. Barnicle made a motion to approve the Request for Determination of Applicability for 202 Lake Road, repair of repointing of a retaining wall with conditions outlined by the DET with a determination of +2B, +5, and -3, S. Halterman seconded the motion. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

7:00 26 Mt. Dan Road; Notice of Intent; DEP File #300-1082; continued from October 20, 2020 M. Nunheimer, Owner/Applicant; E. Silverberg, Representative; retaining wall repair.

Applicant: This project is to repair two retaining walls on the property. The work should take 2-3 days to complete and will be completed by hand.

Agent: R. Gendreau recommended approval of the project with conditions she will outline in the Order of Conditions.

Public Comments: none

On a motion of D. Barnicle, seconded by E. Gaspar, the Commission closed the public hearing. Vote: 5-yes, 0-no, 0-abstain, 0-absent. D. Barnicle made a motion to approve the Notice of Intent for 26 Mt. Dan Road, DEP File #300-1082 with the conditions set by the Agent. S. Halterman seconded the motion. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

7:15 27 Ladd Road; Notice of Intent; DEP File #300-1056; continued from October 6, 2020; R. Jennings, 508 International, Applicant; A. Sellew, 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: On November 3, 2020 an updated packet was received with a completed plan dated 10/6/20. There doesn’t seem to a boundary line clearly marked for the Commission to insure the trails and work are only on this applicants land.

Applicant: Mr. O’Neil shared with the Commission that the property line would be defined as the midpoint of the old cart road labeled on the plan according to MGL.

Public Comments: S. Chidester-If the Commission decided on a third party review, can that reviewer look into cold water fishery.

Action: On a Motion by D. Barnicle, seconded by E. Gaspar the Commission vote to continue the public hearing for 27 Ladd Road to December 15, 2020 at 6:25 pm. **Vote:** 4-yes, 0-no, 1-abstain, 0-absent. E. Gaspar made a motion to require the applicant of 27 Ladd Road to obtain a Peer Review for the Notice of Intent, DEP File #300-1056, seconded by S. Halterman **Vote:** : 4-yes, 0-no, 1-abstain, 0-absent

7:30 118 Leadmine Lane (Lot 1, 89 Leadmine Lane) – Notice of Intent; DEP File #300-1073; *continued from October 20, 2020* A. Kellaher, Owner/Applicant; N. Hill, Land Planning Inc., Representative; Construction of Single Family Home, Well and Septic System

Agent: A new plan was received that shows the wetland restoration in the lower area next to the current house. R. Gendreau recommends a wetlands scientist oversee the restoration that will be completed by the homeowner. Her recommendation is to approve the wetlands restoration and give a continuance for the NOI for the construction of the new house and site work.

Commission: There are three main areas of concern:

- The restoration of the parking area across from the house.
- Erosion from the road entering the stream.
- The paved parking area in the yard needs to be brought into compliance.

Applicant: Asked the commission to move the garage to a graveled area on the property while the restoration takes place. The Homeowner is an experienced heavy equipment operator and is content to do the work himself with oversight from an expert.

Public Comments: none

Documents: Updated Wetlands Restoration Plan

Action: On a Motion by E. Gaspar, seconded by D. Barnicle the Commission vote to continue the public hearing for the NOI for 118 Leadmine Lane to December 15, 2020 at 6:35 pm. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. E. Gaspar made a motion to approve the restoration plan for 118 Leadmine Lane along with temporarily moving the garage until May 1, 2021, seconded by D. Barnicle. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent

7:45 76 South Shore Drive – Notice of Intent; DEP File Number #300-1077; *continued from October 20, 2020* P. Mimeault, Applicant/Owner; P. Engle, McClure Engineering, Representative; Bank Stabilization Project

Documents: Revised Site Plan after DEP comments

Agent: R. Gendreau advised the Commission that all documentation required was received including a new plan to reflect the comments from the DEP. She recommends approval of the project with the revisions of more native plantings used on the bank.

Representative: RDA has been filed with DEP for work under Chapter 91, they are waiting the answer.

Commission: No comments,

Public Comment: None

Action: On a motion by E. Gaspar, seconded by D. Barnicle the Commission vote to close the public hearing for 76 South Shore Drive – Notice of Intent; DEP File Number #300-1077. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On motion of S. Halterman, seconded by E. Gaspar, the Commission approved the Notice of Intent for DEP File #300-1077 with conditions outlined by the Agent. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

8:00 11 Seneca Lane; Notice of Intent; DEP File #300-1081; P. Aspesi, Applicant/Owner; M. Thibeault, Landscape Evolution, Representative; Replacement of a failed shoreline retaining wall.

Agent: R. Gendreau recommends approval of the project with conditions she will outline in the Order.

Applicant: M. Thibeault proposed a replacement of a 3.5 Ft block wall with a more natural large stonewall similar to a recent project on North Ave.

Public comments: none

Action: On a Motion by D Barnicle, seconded by E. Gaspar the Commission vote to close the public hearing for 11 Seneca Lane; Notice of Intent; DEP File #300-1081. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On a motion from D. Barnicle, seconded by E. Gaspar the Commission approves the Notice of Intent #300-1081, 11 Seneca Lane with conditions outlined by the Agent. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

8:15 38-40 Wallace Road – Notice of Intent; DEP File #300-1079; E.Cloutier, Owner/Applicant; S. Johnson, EcoTec, Representative; Repair of a failed septic system.

Agent: R. Gendreau advised the Commission that this is the best location on the site for the system due to the location of the drinking water well and site constraints.

Public Comments: none

Action: On motion of D. Barnicle, seconded by E. Gaspar, the Commission voted to close the public Hearing for 38-40 Wallace Road DEP File #300-1079. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On a motion of D. Barnicle, seconded by E. Gaspar the Commission approves the Notice of Intent for 38-40 Wallace Road DEP File #300-1079 with conditions set by the Agent. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

8:30 168 Shepard Road – Notice of Intent; DEP File Number #300-1080; M. Yeradi, Applicant/Owner; M. Farrell, Green Hill Engineering, Representative; Repair of a Failed Septic System

Applicant: M. Farrell-proposing to install a new Presby septic system for an existing single family home. This is the best location for the installation due to the location of the drinking water well and site limitations. No trees need removal for this project.

Action: On a Motion by S. Halterman, seconded by E. Gaspar the Commission vote to close the public hearing for 168 Shepard Road – Notice of Intent; DEP File Number #300-1080. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Notice of Intent for DEP File #300-1080 with conditions outlined by the Agent. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

8:45 29-31 Brookfield Road-Request for Determination of Applicability; N. Roufail, Owner/Applicant; Resurfacing of existing pavement and vegetation pruning

Agent: The section of the site where the parking lot is located has wetlands; there will also be minimal pruning to trees and shrubs overhanging the garage.

Public Comments: none

Action: On a Motion by S. Halterman, seconded by D. Barnicle the Commission vote to close the public hearing for 29-31 Brookfield Road – Request for Determination of Applicability. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On a Motion of S. Halterman, seconded by E. Gaspar, the Commission approved the Determination of Applicability with a determination of +2B, +5, and -3. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

9:00 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: EBT revised the plan to reflect the comments by the Arthur Evans, the 3rd Party reviewer.

Public comments: none

Action: On a Motion of S. Halterman, seconded by E. Gaspar, the Commission vote to close the Public Hearing for 9 Holland Road – Abbreviated Notice of Resource Area Delineation, DEP File #300-1068. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. On a Motion of S. Halterman, seconded by E. Gaspar the Commission approved the Abbreviated Notice of Resource Area Delineation; DEP file #300-1068 as discussed. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

9:15 286 Big Alum Road- Request for Determination of Applicability; G. Hunt; Owner/Applicant; M. Lavigne, Ground Effects, Representative; Landscaping and replacement of an upland retaining wall and associated site work.

Agent: The applicant plans to replace a failing block wall with a more natural stonewall and patio. The owner might need to replace or repair the sewer grinder pump tank if after thorough inspection it is found to be leaking or in disrepair.

Public Comments: none

Action: On a Motion by E. Gaspar, seconded by S. Halterman the Commission vote to close the public hearing for 286 Big Alum Road– Request for Determination of Applicability. Vote: 5-yes, 0-no, 0-abstain, 0-absent. On a Motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Determination of Applicability with a determination of +2B, +5, and -3, with conditions outlined by the agent and professional inspection of the Grinder Pump Tank. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

9:30 100 Charlton Road-Notice of Intent; DEP File #300-TBA; M. Kroeger, Applicant/Owner; J. Panter, Kimley-Horn, Representative; Repair of a failed retaining wall and associated site work.

Applicant: To repair this wall, mesh and soil nails are planned to hold the blocks and keep them from falling in. There will not be any large trees taken down in order to repair this wall.

Agent: There has not been a DEP file number assigned to the project so the applicant will need a continuance.

Public comments: none

Action: By a consensus vote, the commission vote to continue the Notice of Intent, DEP #300-TBA, 100 Charlton Road to December 1st at 7:00 pm. Vote: 5-yes, 0-no, 0-abstain, 0-absent

9:45 400 Haynes Street-Request to Amend the Order of Conditions, DEP File #300-1063; B. Alsup, Applicant, Replacement of a Fire Suppression Line

Applicant: The original plan to stop the flow of water for a wet well did not work. Working with the Agent the new plan will allow the pipe in the pond to be changed to address the Life Safety standpoint while protecting resource area.

Agent: R. Gendreau recommends approval of the plan with oversight from the wetlands scientist on site while the work is being done.

Public Comments: none

Action: On a Motion of S. Halterman, seconded by D. Barnicle, the Commission vote to close the Public Hearing for 400 Haynes Street-Request to Amend the Order of Conditions, DEP File #300-1063. Vote: 5-yes, 0-no, 0-abstain, 0-absent

On a Motion of D. Barnicle, seconded by E. Gaspar, the Commission amends the Order of Conditions for 400 Haynes Street, DEP File #300-1063. Vote: 5-yes, 0-no, 0-abstain, 0-absent

Permit Extension Requests

- DEP #300-897; 21 New Boston Road

Agent: The applicant is asking for a 30-month extension to finish the retaining wall portion of the project. She recommends approval.

Action: On a Motion by D. Barnicle, seconded by E. Gaspar; the Commission grants a 30-month extension for DEP #300-897; 21 New Boston Road. Vote: 5-yes, 0-no, 0-abstain, 0-absent

Request for Certificate of Compliance

- DEP #300-684; 118 Leadmine Lane

Action: None

New Business

- 44 Allen Road, Chapter 61A Right of First Refusal Request:

This request is to for a small parcel of land adding to another parcel, which the Town of Sturbridge would have no use for.

Action: On a Motion by S. Halterman, seconded by E. Gaspar, the Commission recommends the Board of Selectmen pass on purchasing 44 Allen Road. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

Old Business

- **DEP #300-959 9 Holland Road; Enforcement Order**

Continued to next meeting

- **24 Hamilton Road, Hamilton Road and Gun Club and Rampco Enforcement Order**

Agent: In January of 2019, the Commission issued an Enforcement Order for the closure of a gravel pit area at the site. The area is now stabilized.

Commission: All Conditions seem to be in order.

Action: On a Motion of S. Halterman, seconded by E. Gaspar, the Commission vote to remove the Enforcement Order for 24 Hamilton Road. . Vote: 5-yes, 0-no, 0-abstain, 0-absent

- **DEP #300-1021; 30 River Road; Enforcement Order**

Action: None, moved to December 1st meeting

Agent Report:

- The site visits for the December 1, 2020 meeting are moved to November 30, 2020 at 10 AM.
- The Cedar Lake and Mass DOT follow up meeting is scheduled for December 8, 2020 at 2 PM if the Commissioners are interested in virtually attending.
- The Lond Pond boundary line delineation project is completed.

Adjourn

On motion of S. Chidester, seconded by E. Gaspar, the Commission adjourned at 10:12 pm.