

CONSERVATION COMMISSION MINUTES

Date: September 21, 2021
Time: 6:00 -10:43 pm
Place: Hybrid Meeting Veterans Hall
<https://sturbridge.vod.castus.tv/vod>

With a quorum present, the meeting opened at 6:00 pm, Ed Goodwin presiding as Chair.
All Members present.

Ed Goodwin read the following statement:

-Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to litigation (RV Management Services, LLC v. Sturbridge Conservation Commission, Worcester Superior Court Docket No. 2185CV00756) involving the property located at 30 River Road, if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares that having a discussion in open session would have a detrimental effect on the Town's litigating position

6:05 pm On a motion of E. Gaspar the Commission vote to close the Public Meeting, 2nd by D. Barnicle; AIF 5-0

Commission moved to the Julian Room

6:06 pm On a motion of E. Gaspar, the Commission vote to enter in Executive Session, 2nd by D. Barnicle; AIF-Goodwin-Y, Barnicle-Y, Chidester-Y, Bishop-Y, Gaspar-Y

6:26 pm On a motion of E. Gaspar the Commission vote to re-enter the Public Meeting, 2nd by D. Barinckle; AIF 5-0

DECISIONS

I. PUBLIC HEARINGS

1. 13 Jamieson Ave – RDA-Paving of a gravel driveway

- Owner/Applicant: Town of Sturbridge Representatives: none
- Request: Issue a Determination
- Documents Presented: site locus and color photographs
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland
- Project Summary
 - Pave an existing gravel driveway within a cemetery.
- Presentation and Discussion:
 - The Agent recommends approval.
 - Proof of legal ad and abutter notifications received.
 - Driveway is approx. 350 feet long by 14 feet wide and is located approx. 80-100ft from the wetland edge.
 - The storm-water will flow into established cemetery grass.
 - The Commission required new asphalt used for the paving not millings.
- Public Comment:
 - Charlie Blanchard(26 Farquhar Road) is in favor of the paving.
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the Commission close the hearing for 13 Jamieson Ave, AIF 5-0.
 - On a motion of D. Barnicle, 2nd by E. Gaspar, the Commission vote to issue a Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
 - Sedimentation controls shall be installed and maintained during work in the vicinity of Jameison Rd.
 - Standard conditions for erosion control measures, pre-construction and post- Positive #5 (subject to local bylaw. AIF 5-0



Conservation Agent
Rebecca Gendreau

Administrative Assistant
Erin Carson

Conservation Commission Members
Ed Goodwin
Steven Chidester
David Barnicle
Steve Halterman
Erik Gaspar
Roy Bishop

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2. **55, 75 Farquhar Road & 61 River Road- NOI- approx. 0.7-mile expansion of the Grand Trunk Trail with roadway improvements-DEP File#300-XXXX**

- Owner/Applicant: Town of Sturbridge Representatives: J. Bains, Eastern Federal Lands Highway Division
- Request: Issue OOC
- Documents Presented: site plans
- Jurisdiction: Buffer Zone and Riverfront Area
- Project Summary
 - Project includes the expansion of the Grand Trunk Trail approx. ¾ of a mile. The project will be located on ACOE, private and town owned lands. The trail expansion begins at the Ed Calcutt Bridge and will terminate along a section of Farquhar Rd. The trail is primarily aggregate except along Farquhar Rd where it will be paved. The project also includes the roadway improvements including modifications to the intersection at Farquhar Rd. And River Rd. and repaving
- Presentation and Discussion:
 - Tom Chamberlain provided an overview of the trail expansion to the Commission.
 - Work is located on private property, Army Corp land and town property.
 - Conceptual plans are in the works for the continuation of the Grand trunk trail beyond this are to connect to the established trail system.
 - Project is located within Priority Habitat. Staff have been coordinating with the NHESP. NHESP had preliminarily reviewed the project plans and did not have concerns with the proposed trail location. Timing restriction or turtle protection plan will be required for work during the turtle's active season. Project filed with NHESP. NHESP comments have not been received to date.
 - DEP File # and comments have not been received to date, so the Hearing will need to be continued.
- Public Comments:
 - Keith Beland(61 River Road) He has concerns with liability and access to the trail from his abutting property. Tom Chamberlain agreed to speak with him privately about his concerns.
- Vote: On a motion of D. Barnicle, 2nd by E. Gaspar the Commission vote to continue the Public Hearing for 55, 75 Farquhar and 61 River Road. AIF 5-0

3. **106 Westwood Drive– NOI- Landscape Improvements-DEP File #300-1109**

- Owner/Applicant: Nicholas Salvadore Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plan
- Jurisdiction: Buffer Zone and LUW, Bank, and BLSF
- Project Status Summary
 - Applicant proposes landscape improvements on a developed lakefront lot include upland retaining walls and steps, the removal of 2 pine trees and a new shoreline wall and steps into the water.
- Presentation and Discussion:
 - L. Jalbert provided an overview of the project, the applicant is looking to create boulder stairs into the lake with a shoreline wall.
 - The buffer zone is steep in areas and the proposed stairs and retaining wall in the upland areas would appear to be beneficial to prevent erosion and provide a use area for the homeowners. Provided no materials added to the flood zone then this would appear to be acceptable. If the flood zone is requested to be leveled for use, then they would have to remove material versus building up this area to meet performance standards.
 - Two pine trees will need to be removed to create the retaining wall. Two maples are proposed as replacements.
 - The agent recommends revisiting the site to get a better understanding of bank impact.
 - The commission would like to see a 2 to 1 replacement of the pine trees.
- Public Comment:
 - none
- Vote: By consensus vote, the Commission continue the Public Hearing for 106 Westwood Drive to October 5, 2021. AIF 5-0

4. **100 Paradise Lane-continued NOI-Raze and Rebuild of a SFH-DEP File#300-1108**

- Owner/Applicant: Michael Detarando Representative: L. Jalbert, Jalbert Engineering

- Request: Issue an Order of Conditions
- Documents Presented: updated colored site plans
- Jurisdiction: Buffer Zone and Bank
- Project Status Summary:
 - Project was continued as the SCC had questions and as the DEP File # had not been issued. SCC raised concerns with the amount of impervious surface proposed on the site and requested that options are explored to reduce impervious areas. Concerns were also raised in regards to the loss of tree cover on site. It was requested that options are explored to mitigate/replace trees on the site. DEP has not issued a file # or comments to date. In addition, Additional filing fees required by DEP for category 5 (bank impacts associated w/ dock and shoreline work) project to be submitted.
- Presentation and Discussion:
 - Staff have received all administrative filing fees before today's hearing.
 - L. Jalbert submitted an updated plan which shows the replacing trees dispersed throughout the site and an O & M plan for the impervious paver driveway.
 - The plan also had a reduction in the access driveway from the neighboring property.
 - The commission still have concerns over the amount of lot coverage vs existing conditions and the encroachment of the 50 ft buffer zone.
- Public Comments
 - None
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to close the public hearing for 100 Paradise Lane. AIF 3-1-1(Bishop Abstain)
- E. Gaspar makes a motion to approve DEP File #300-1108, 100 Paradise Lane, with no second the motion fails.
- On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to reopen the Public Hearing for 100 Paradise Lane. AIF 4-0-1(Bishop Abstain)
- By consensus vote the Commission continue the Public Hearing for 100 Paradise Lane to October 19, 2021. AIF 4-0-1(Bishop Abstain)

5. 30 Woodlawn Drive – NOI – Replacement of a failed septic system– DEP File #300-1110

- Owner/Applicant: Hibbard Family Trust Representative: J. Dubois, DC Engineering
- Request: Issue an Order of Conditions.
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Project Status Summary:
 - Installation of a new septic to replace a failed system.
- Presentation and Discussion:
 - Homeowner has a failed septic system that they are looking to replace.
 - Site visit performed. BVW delineation does not appear accurate. Delineation needs to be completed by a PWS. The engineer has contracted S. Morrison from EcoTec. Tree clearing has already occurred and portions of developed property are saturated and have wetland vegetation growing within it. It appears that the yard may have been expanded in this area and a rubber mulch has been installed.
 - Representative is looking for a continuation to complete the delineation.
- Public Comment:
 - Mr. Hibbard(homeowner) reported to the commission that water is coming off a neighboring property and causing this section of the lawn to be wet.
 - His neighbor also spoke on the water traveling off the turnpike into that area.
- Vote: On a motion of S. Halterman, 2nd by S. Chidester, the Commission vote to close the public hearing for 122 Main Street. AIF 5-0
 - By consensus vote the Commission continue the public hearing for 30 Woodlawn Drive to October 5, 2021. AIF 5-0

6. 231, 233, & 235 Cedar Street – continued ANRAD (Abbreviated Notice of Resource Area Delineation– DEP File #300-1090

- Owner/Applicant: Michael and Gail Young Representative: P. McManus, EcoTec
- Request: Issue an ORAD
- Documents Presented: n/a

- Jurisdiction: Buffer Zone
 - Project Status Summary:
 - Hearings have been continued to allow restoration work to be approved and completed.
 - Presentation and Discussion:
 - A written continuation request was received for this project to allow time for the applicant to finish the wetland replication. (11-2-2021).
 - Public Comment:
 - none
 - Vote: By consensus vote, the Commission continue the hearing for DEP File #300-1090 to November 2, 2021. AIF 4-0-1(Bishop Abstain)
- 7. 134-148 Lake Road – continued Amendment Request – Pavement of a gravel private Roadway DEP #300-1067**
- Owner/Applicant: Thomas Clark, Big Alum Lake Association Representative: S. Pikul, Bertin Engineering
 - Request: Amend current Order of Conditions.
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone to Bank and LUW
 - Project Status Summary: Original OOC issued to improve stormwater along unpaved portion of Lake Rd. Project has constructed, additional improvements made and modifications to the plan as they decided to pave the roadway to reduce silt
 - Presentation and Discussion:
 - The representative provided on overview of the work performed. He recommends approval of the amendment as this is an improvement to the previous conditions.
 - Representative recommends annual cleaning of the storm structures.
 - The commission had concerns over the pipes used vs the original plan, this contractor has deviated from the approved plan on multiple projects of late.
 - As this time it is not recommended to tie in drainage form Old Towne Way.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the commission vote to close the Public Hearing for DEP #300-1067. AIF 4-0-1(Bishop Abstain)
 - On a motion of D. Barnicle, 2nd by E. Gaspar, the commission approve the amendment to the Order of Conditions for DEP File #300-1067, 134-148 Lake Road including the yearly cleanout requirement. AIF 4-0-1(Bishop Abstain)
- 8. 650 and 680 Route 15 – cont'd NOI – Proposed development of a Nursery and Tree Farm to include a perennial stream crossing-DEP File #300-1092**
- Owner/Applicant: Mark Kubricky, Landing Rock Representative: P. Engle, McClure Engineering
 - Request: Amend current Order of Conditions.
 - Documents Presented: n/a
 - Jurisdiction:
 - Project Status Summary: Project has been continued since the 6-1-2021 meeting to allow the proponent to work to address the peer review comments, staff comments and the board's comments.
 - Presentation and Discussion:
 - The representative provided a written request for continuation to 11/16/21.
 - The applicant is looking for more time to see how the proposed Equine Center will affect this property.
 - The commission will not be favorable to additional continuations without substantial information presented at the next Hearing date.
 - Public Comment:
 - none
 - Vote: By consensus vote the commission vote to continue DEP File #300-1092, 650 and 680 Route 15 to November 16, 2021. AIF 4-0-1(Bishop Abstain)
- 9. Lot 3 -30 Main Street – ANRAD – DEP File #300-XXXX**
- Owner/Applicant: J. Stemok Representative: P. Engle, McClure Engineering
 - Request: Issue an ORAD

- Documents Presented: n/a
- Jurisdiction:
- Project Status Summary: Request for Resource Area Delineation approval
- Presentation and Discussion:
 - This lot is a portion of Fiske Hill East Subdivision which is a proposed 55+ community. Staff have started to initiate RFP's for peer review.
 - The owners provided the commission a brief overview of the project.
- Public Comment:
 - none
- Vote: On a motion of D. Barnicle, 2nd by E. Gaspar the commission vote to allow the Agent to silicate quotes for peer review of the wetlands and vernal pools at 30 Main Street. AIF 5-0
- By consensus vote the commission continue the Hearing for 30 Main Street to October 5, 2021. AIF 5-0

118 Leadmine Lane, Enforcement Order, DEP File #300-684

- The wetland restoration appears to be complete as outlined. The Agent recommends releasing the cease and desist but not the Enforcement Order.
- On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to release the Cease and Desist for DEP File #300-684. AIF 4-0-1(Bishop Abstain)

10. 118 Leadmine Lane –continued NOI - DEP File #300-1073

- Owner: G. Kellaher Applicant: A Kellaher Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction:
- Project Status Summary:
 - Project has been continued as all EO items must be addressed before any new permits are issued.
- Presentation and Discussion
 - Two plans are available for review. The original engineer is not working on this project anymore. A new engineering firm has been hired to assist with completion of permitting. The new plan details changes requested by the SCC which include managing driveway runoff and roof runoff from the house and the removal of the vista pruning area and the new proposed tree line. The new plan references the original plan for the septic system and to be used for proposed contours.
 - G. Krevosky provided an overview of the erosion control plan including the driveway construction and the site work.
- Public Comment:
 - none.
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the commission vote to close the hearing for 89 Leadmine Lane, DEP File #300-1073. AIF 4-0-1(Bishop Abstain)
- On a motion of D. Barnicle, 2nd by E. Gaspar the commission vote to approve the Order of Conditions for 89 Leadmine Lane, DEP File #300-1073 with the Agents conditions and the addition of closing the limit of clearing. AIF 4-0-1(Bishop Abstain)

II. WETLANDS DECISIONS

11. 194 & 196 Lake Road-continued Tree Removal request

- Owner/Applicant: Brock Colwell Requester: same
- Request: Issue approval
- Documents Presented: arborist report
- Project Summary: Removal of 11 trees
- Presentation and Discussion:
 - Arborist report was received and reviewed since the last discussion.
 - Commission have concerned over the lake health with removal of such a large amount of trees near the water.
 - The replanting plan was discussed in detail and after lengthy discussion the commission would like to revisit the site to make a replanting plan.
 - A site visit will occur September 28, 2021

12. 51 Technology Park –Request for Certificate of Compliance-DEP File #300-1029

- Owner/ Applicant: Dileo Gas Requester: same
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: Commercial site development which applicant is looking to complete.
- Presentation and Discussion:
 - Site visit performed. More time is needed to complete the project.
- Vote: delayed

13. 22 Mountain Brook Road –Request for Certificate of Compliance-DEP File #300-0899

- Owner/ Applicant: Sturbridge DPW Requester: Jeffery Chasse
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: OOC was for roadway and drainage improvements along Mountain Brook Rd., Long Ave. and Shore Ave.
- Presentation and Discussion:
 - All work was completed by the design.
- Vote: By consensus vote the commission issue a partial Certificate of Compliance for DEP File #300-0899, 22 Mountain Brook Road. AIF 5-0

14. 26 Mountain Brook Road –Request for Certificate of Compliance-DEP File #300-0899

- Owner/ Applicant: Sturbridge DPW Requester: Jeffery Chasse
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: OOC was for roadway and drainage improvements along Mountain Brook Rd., Long Ave. and Shore Ave.
- Presentation and Discussion:
 - All work was completed by the design.
- Vote: By consensus vote the commission issue a partial Certificate of Compliance for DEP File #300-0899, 26 Mountain Brook Road. AIF 5-0

III. ADMINISTRATIVE DECISIONS

15. Minutes of 7/20/21, 8/3/21, & 8/17/21 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Gapsar, 2nd by D. Barnicle the commission vote to accept the 7/20/21, 8/3/21, and 8/17/21 minutes as written. AIF 4-0-1(Bishop Abstain)

16. Reorganization of the Board FY 2022

- Tabled

UPDATES

IV. OLD BUSINESS

17. Update-MA DOT Cedar Lake Turnpike

- Documents Presented: N/A
- Project Status Summary: The DOT is currently working on a large storm-water management project near Cedar Lake
- Discussion
 - Raoul Richard provided the commission an overview on where the project stands and the next steps needed,
 - This site was added to last week's visits and a punch list a remaining items was created at that time.
 - The commission will add Hamilton Road to a future site visit schedule to evaluate the work on that side of the project.
 - The agent will ask DOT for an update on completion of the project and have them provide a written update to give to the commission.

V. ADMINISTRATIVE UPDATES

18. Committee Updates

- CPA: Meeting next week, place holders for rec fields
- Trail Committee: 1 event this weekend on Leadmine Mountain. All day events with yoga, hiking, and mountain biking.
- Vote: By consensus vote the commission grant a special permit for the Trails Committee for this event. AIF 5-0
- Open Space Committee: N/A
- Lakes Advisory Committee: Met and spoke on two main items: private road improvements and permitting for vegetation management.

VI. NEW BUSINESS

19. Project Modification Request -6 Picker Road, DEP File #300-1062

- The Agent visited the site and had concerns over the stream crossing differing from the approved plan.
- The Applicant is recommending this modification is only considered a minor change. They are still meeting stream crossing standards.
- Commission is requesting a site visit to confirm what is on site.-Add to the 9/28 site visits

20. Agent's Report

- The fall MSCC conference is coming up if any of the commission are interested.
 - The abutter to Plimpton property is actively working on clean-up off his property.
 - Equine Center is looking to file an ANRAD for 10/19 and plan a site visit.
 - Staff provided multiple tree removal policies from other communities for the Commission to review and form a sub-committee to develop our own.
-

Next Meeting Date: 10-5-21 Site Visits: 9-28-21 9-12 pm

ADJOURN at 10:43 pm Motion by S. Chidester, 2nd E. Gaspar AIF 5-0