

# CONSERVATION COMMISSION MINUTES

Date: January 6, 2022  
Time: 6:00 -8:15 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.  
Roy Bishop was absent and David Barnicle joined the meeting virtually at 6:06 pm

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 53 Hillside Drive-RDA-proposed single family home and associated site work

- Owner/Applicant: John Rowley      Representatives: P. Engle, McClure Engineering
- Request: Issue a Determination
- Documents Presented: colored site plan
- Jurisdiction: unknown
- Project Summary
  - Project includes the construction of a single family house associated appurtenances to include private septic and well. The RDA is requesting to make a determination whether the area/and or work is subject to the Sturbridge Wetland Bylaw.
- Presentation and Discussion:
  - Abutter notification and proof of Legal Ad verified.
  - The project site consists of 2 parcels that were recently combined. The parcels appear to have been divided from a larger parcel before or at least one parcel was divided off from a larger parcel and then combined together. Properties were formerly owned by a trust and all sold. 2 additional lots also created and sold to separate property owners.
  - The area was flagged previously when the area was perc tested – Jan. 2021. The area again was flagged by Three Oaks Environmental in July 2021. The flags were later removed by the representative as they determined that the area was not jurisdictional. Flags must have been removed after Sept. of 2021 when staff visited area w/ abutter.
  - Representative prepared plan showing 41 ponding areas within the area of question which they are trying to demonstrate as non-jurisdictional. Separate plan previously submitted showing 9 ponding areas. Lidar topography used to create newest plan depicting 41 ponding areas, 24 of which shown on the subject parcel.
  - These ponding areas need evaluation to confirm that area is not jurisdictional.
  - The Agent recommends the commission seek additional information in the form of a peer review or issue a positive #5 under the Sturbridge Wetland Bylaw.
  - The Commission discussed waiting to review the area until spring to allow time for proper review.
- Public Comment:
  - none
- Vote: On a motion by E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to continue the hearing for 53 Hillside Drive and solicit proposals for third party review under the Sturbridge Wetland Bylaw. AIF 2-2(Goodwin, Chidester apposed) motion failed.
- On a motion of S. Chidester, 2<sup>nd</sup> by D. Barnicle the commission vote to continue the Hearing to January 27, 2022 and silicate proposes for third party review including investigation of the flora and fauna review. AIF 3-1(Gaspar)

#### 2. 47 Caron Road –RDA-Landscape Improvements

- Owner/Applicant: Kenneth Strom      Representatives: M. Lavigne, Ground Effects
- Request: Issue a Determination
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary
  - Project includes landscaping improvements to include the repair of an existing walkway, patio and stairs for a waterfront home.



#### Conservation Agent

Rebecca Gendreau

#### Administrative Assistant

Erin Carson

#### Conservation Commission Members

Ed Goodwin  
Steven Chidester  
David Barnicle-V  
Erik Gaspar  
Roy Bishop-A

308 Main Street.  
Sturbridge, MA  
01566  
T 508/347-2506

[www.sturbridge.gov](http://www.sturbridge.gov)

- Presentation and Discussion:
    - Abutter notification and proof of Legal Ad verified.
    - All work is proposed within a developed yard.
    - Agent recommends approval of the project with conditions.
  - Public Comment:
    - none
  - Vote: On a motion of S. Chidester, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the Hearing for 47 Caron Road. AIF 4-0
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S Chidester 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.
    - Standard conditions for erosion control measures, pre-construction and post-construction
      - Positive #5 (subject to local bylaw) with the condition noted above. AIF 4-0
- 3. 53 New Boston Road –Local Bylaw NOI-Single Family Home with associated site work**
- Owner/Applicant: Thomas Mazzarino                      Representatives: T. Revane, Revane Builders
  - Request: Issue an OOC
  - Documents Presented: site plan
  - Jurisdiction: Sturbridge Zoning Bylaw, chapter 300-4.1€
  - Project Summary
    - Development of a forest lot to include a single-family home within 500 foot of a water body on a 8% slope subject to the Sturbridge Zoning Bylaw, 300-4.1 (E)
  - Presentation and Discussion:
    - Abutter notification and proof of Legal Ad verified.
    - Property is all located within 500 feet of the lake and is at an 8% slope or exceeds that amount. Lot contains a swale which carries stormwater from the roads towards Cedar Lake. Swale extends under Adams road and flow goes overland towards the lake. Proximity of swale and site runoff during and after construction which can migrate to the lake is of concern. Site runoff should not be directed towards the swale as it can carry sediment during work and can carry fertilizers, pesticides and/or other nutrients directly to the lake. Perimeter drains and any roof downspouts also should not be piped into the swale.
    - Agent recommends approval, site runoff should be mitigated with a berm and/or grading for the backyard to prevent nutrient loading to the lake.
  - Public Comment:
    - none
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> S. Chidester the Commission vote to close the Hearing for 53 New Boston Road. AIF 4-0
    - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S Chidester the Commission vote to issue an Order of Conditions under the Sturbridge Zoning Bylaw including the Agent’s standard conditions and notes. AIF 4-0
- 4. Lot 3 - 30 Main Street – ANRAD (Abbreviated Notice of Resource Area Delineation)-DEP File #300-1113**
- Owner/Applicant: J. Stelmock                      Representative: P. Engle, McClure Engineering
  - Request: Issue an ORAD
  - Documents Presented: revised plans/ peer review report
  - Project Status Summary:
    - Site visit conducted. Revised plans received on Dec. 22, 2021. Plans provided to peer reviewer for review.
  - Presentation and Discussion:
    - Applicant revised plan to address comments made at the last meeting.
    - Oxbow reviewed the changes and sent a report prior to this meeting.
    - All vernal pools shall be certified with Natural Heritage program, and noted that vernal pool habitat is present on this site and was not reviewed under this ORAD.
  - Public Comment:
    - none

- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote close the Public Hearing for Lot 3, 30 Main Street, DEP File #300-1113. AIF 4-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to issue an Order of Resource Area Delineation for Lot 3, 30 Main Street., DEP File #300-1113. AIF 4-0
5. **150 Charlton Road –*continued* NOI-Development of a commercial building, truck parking and supporting infrastructure –DEP File #300-1115**
- Owner/Applicant: Interstate Towing                      Representatives: G. Krevosky EBT Environmental
  - Request: Issue OOC
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone to BVW, Bank, LUW, IVW (SWB only) and Riverfront Area
  - Project Summary
    - Project includes the construction of a 7,000 sq. ft. commercial office/garage building, truck parking and associated infrastructure for a towing facility. Site to be serviced by municipal water and sewer. Project was continued from the last hearing as a peer reviewer was selected.
  - Presentation and Discussion:
    - A written request was received for continuation to the next Hearing.
  - Public Comment:
    - none
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to continue the Hearing for DEP File #300-1115, 150 Charlton Road to January 27, 2022. AIF 4-0
6. **231, 233, 235 Cedar—*continued* ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1090**
- Owner/Applicant: Michael and Gail Young                      Representatives: P. McManus, EcoTec
  - Request: Issue an ORAD
  - Documents Presented: n/a
  - Jurisdiction:
  - Project Summary
    - Resource area approval for 3 parcels, continued to allow time to restore the wetlands. This has been continued as work needs to be completed before the ORAD is issued. Has been continued to allow for work to be conducted.
  - Presentation and Discussion:
    - A written request was received to continue the Hearing.
  - Public Comment:
    - none
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to continue the Hearing for 231, 233, 235 Cedar Street to April 21, 2022; AIF 4-0.
7. **24 Hamilton Rd. RDA-Removal of 40 trees**
- Owner/Applicant: Hamilton Rod and Gun Club                      Representatives: n/a
  - Request: Issue a Determination
  - Documents Presented: n/a
  - Jurisdiction:
  - Project Summary
    - Removal of 40 Pine Trees-Project was continued for additional information.
  - Presentation and Discussion:
    - A written request was received to withdraw the RDA.
  - Public Comment:
    - none
  - Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by S. Chidester the Commission vote to close the Hearing for 24 Hamilton Road; AIF 4-0.

## II. WETLANDS DECISIONS

8. **28 Preserve Way—Request for a Partial Certificate of Compliance – DEP File #300-0471**
- Original Applicant/Permit Holder: Robert Moss, Leonard Jolles                      Requester: Anthony & Tania Harris
  - Request: Issue a Partial OOC

- Project Summary: Property is part of the Preserve. Property does have wetlands on the front and a conservation easement in this area. Staff performed a site visit and site appears consistent with the subdivision plans.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to Issue partial Certificate of Compliance for DEP File #300-0471, 28 Preserve Way; AIF 4-0.

#### **9. 300 Clarke Road Ext—Tree Removal**

- Applicant: Josephine Vogliazzo      Property Owner: same
- Request: Approve Tree Removal
- Project Summary: Request to remove a large pine tree from property.
- Presentation and Discussion: Site visit performed w/ licensed forester. Concern with tree's structure and proximity to homes w/ concern for damage.
- The Commission discussed a 2 to 1 replacement. They would like to see two deciduous trees planted within 25 ft of the lake and one additional tree near the location of the large pine taken.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission approve the tree removal at 300 Clarke Road Extension with the replacement plan of two trees in the 25 foot buffer zone of the lake and one near the pine tree removed. AIF 4-0

#### **10. 42 Wells Park Road—Tree Removal**

- Applicant: Victor Pollock      Property Owner: same
- Request: Approve Tree Removal
- Project Summary: Request approval of 7 trees.
- Presentation and Discussion:
  - Site visit performed. Concerns with removal of a large oak over the stream between property boundaries. Some trees dead and/or noted to have structural concerns.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to approve the removal of seven trees at 42 Wells Park Road. AIF 4-0

#### **11. 101 & 107 Walker Pond Road—Tree Removal**

- Applicant: Doug Smith      Property Owner: same
- Request: Approve Tree Removal
- Project Status Summary: Request approval of 5 trees.
- Presentation and Discussion:
  - Site visit performed. Some of the trees are dead and/or noted to have structural concerns. Staff recommend approval of the project w/ conditions during work to include meeting w/ contractor prior to work to discuss removal strategy and BMPS for resource area protection during work.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the Commission vote to approve the removal of five trees at 101 and 107 Walker Pond Road discussed, with care not to the disturb other trees in the area during work. AIF 4-0

### **III. ADMINISTRATIVE DECISIONS**

#### **12. Minutes of 12/7/21 to be approved**

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the commission vote to accept the 12/7/21 minutes as written. AIF 4-0

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### **UPDATES**

#### **IV. OLD BUSINESS**

#### **13. 70 Paradise Lane DEP File #300-929**

- Presentation and Discussion: This is an expired permit which has not been closed out. The Agent met with the Owner on site. There are some drainage improvements that are incomplete or not to plan. The Commission will send a letter to the permit holder asking to address these drainage issues. The letter will give the applicant until the next meeting to come up with a plan.

#### **14. 205B and 205C Podunk Pike Enforcement Order**

- Documents Presented: n/a
- Project Status Summary: On July 22, 2021, we issued a letter to 508 International and the property owners w/ conditions for compliance with the EO which included wetland replication on site. Wetlands were impacted as jeep events and other events were held in wetlands. A follow up letter was sent on Nov. 23, 2021 noting that the SCC had not been made aware that the conditions had been met. As the Enforcement Order appeal period

has passed, it is their obligation to comply with the Enforcement Order. They were informed that the matter will be added to the SCC's Jan. 6, 2022 meeting. They were requested to provide documentation that they have complied with the Enforcement Order by December 28, 2021. No information has been provided.

- Presentation and Discussion: The Commission will adjust the letter sent to MEPA since Ann Gobi is no longer the representative for Sturbridge, SCC is still requesting MEPA review that site. Commission wants to review the EO to discuss at a later meeting.

## **V. ADMINISTRATIVE UPDATES**

### **15. Committee Updates**

- CPA: No report
- Trail Committee: N/A
- Open Space Committee: N/A
- Lakes Advisory Committee: No meetings or report until April 2022.

## **VI. NEW BUSINESS**

### **16. Right of First Refusal 236 Podunk Road**

- Documents Presented: aerial photo w/ approx. parcel lines
- Presentation and Discussion: This is the third request from this property owner to remove portions of the property on Podunk Rd. 9.36 acres previously removed and converted to SFH lots. This request is just for Parcels B-D (4.54 acres). Parcel A (~24.22 acres) will be transferred to another entity and we have been informed that they will not be removing it from Chapter land. The Commission would like more information on the future use of Lot A, as this area appears to have value for the Town's needs.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by D. Barnicle the Commission vote to send a Memo to the Board of Selectmen asking to explore these parcels and the adjacent Parcel A further. 3-0-1(Goodwin Abstain)

### **17. Agent's Report**

- New information will be provided in regards to the project at 102 South Shore Drive by the next meeting.
  - Next meeting will move back to the Center Office Building.
  - Trails Committee is making improvements to two trails this summer.
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Next Meeting Date: 1-27-22    Site Visits: 1-18-22 9-12 pm

**ADJOURN at 8:15 pm Motion by S. Chidester, 2<sup>nd</sup> E. Gaspar AIF 4-0**