

CONSERVATION COMMISSION MINUTES

Date: January 27, 2022

Time: 6:00 -9:02 pm

Place: Hybrid Meeting COB 2nd Floor

<https://sturbridge.vod.castus.tv/vod>

With a quorum present, the meeting opened at 6:00 pm, Ed Goodwin presiding as Chair. David Barnicle joined the meeting virtually.

DECISIONS

I. PUBLIC HEARINGS

1. 165 Shepard Road-Local Bylaw NOI-proposed single family home and associated site work

- Owner/Applicant: T. Davidson Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plan
- Jurisdiction: buffer zone
- Project Summary
 - Project includes the construction of a single family house associated appurtenances to include private septic and well.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - The site includes an on-site BVW that is identified as a Potential Vernal Pool. Site is currently forested with a dense understory of mountain laurel and contains some historic cart roads.
 - The house and well have been cited outside of the 200 ft. BZ. The septic and driveway are located within the 200 ft. BZ.
 - The Agent recommends approval of the project with silt fence and straw wattles in place for erosion controls.
 - The lot currently has an existing cart path, no tree removal is proposed for the driveway installation.
- Public Comment:
 - none
- Vote: On a motion by E. Gaspar, 2nd by S. Chidester the Commission vote to close the Public Hearing for 165 Shepard Road. AIF 5-0
- On a motion of E. Gaspar, 2nd by S. Chidester the commission vote to issue an Order of Conditions under the Sturbridge Wetland Bylaw for 165 Shepard Road including the addition of bollards every 50 ft to permanently demarcate the vernal pool habitat on site. AIF 5-0

2. 17 South Road –RDA-Tree Removal

- Owner/Applicant: Mikal Carrier Representatives: none
- Request: Issue a Determination
- Documents Presented: sketch drawing
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes removal of 18 Pine trees within the buffer zone.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - There is no work proposed in the Riverfront.
 - Commission discussed replanting near the wetland to provide some shade to the area.
 - Tree removal starts at the 100 ft buffer and extends to the outer buffer zone on the neighboring property (21 South Road).
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to close the Hearing for 17 South Road. AIF 5-0



**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

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

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- Vote: On a motion of E. Gaspar, 2nd 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:
 - Standard conditions for erosion control measures, pre-construction and post-construction
 - Positive #5 (subject to local bylaw) with the condition noted above.
 - Replanting to include fifteen native shrubs growing to six feet tall. AIF 5-0
- 3. **28 Allen Road –RDA-Single Family Home with associated site work**
 - Owner/Applicant: Ethan Hillman Representatives: S. Morrison, EcoTec
 - Request: Issue a Determination
 - Documents Presented: site plan
 - Jurisdiction: Buffer Zone
 - Project Summary
 - Development of a lot to include a single-family home with well and septic system.
 - Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - The proposed septic system appears to be 200 ft from the closest resource area. The site visit was during significant snow cover so it is difficult to verify wetland lines.
 - There will be minimal tree removal for the installation of the septic system, applicant want to keep as many trees as possible.
 - The system is placed in the best location on site to avoid the 100 ft radius of the well.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd S. Chidester the Commission vote to close the Hearing for 28 Allen Road. AIF 5-0
 - Vote: On a motion of E. Gaspar, 2nd by S Chidester the Commission vote to issue a negative #1, the area is not subject to the Act; a positive 2B, the boundaries of resources areas are not confirmed and positive #5, subject to the local bylaw including the Agent’s standard conditions and notes. AIF 4-0-1(Barnicle Abstain)

Commission was approached by an abutter from a previous Hearing who was notified improperly of the Hearing time. The Commission explained what the project was for 165 Shepard Road and what was discussed during the Hearing.

- 4. **235 Podunk Road-continued RDA- Construction of a Single Family Home and associated site work.**
 - Owner/Applicant: AH & DB Custom Homes Representatives: M. Dipinto, Three Oaks Environmental
 - Request: Issue a Determination
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone to a bordering Vegetated Wetland
 - Project Summary
 - Construction of a SFH and associated appurtenances to include private septic and well.
 - Presentation and Discussion:
 - A written request was received to continue the Hearing.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to continue the Hearing for 235 Podunk Road to March 10, 2022; AIF 5-0.
- 5. **235 Podunk Road- continued Local NOI- Construction of a Single Family Home and associated site work.**
 - Owner/Applicant: AH & DB Custom Homes Representatives: M. Dipinto, Three Oaks Environmental
 - Request: Issue a Determination
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone to a bordering Vegetated Wetland
 - Project Summary
 - Construction of a SFH and associated appurtenances to include private septic and well.
 - Presentation and Discussion:
 - A written request was received to continue the Hearing.

- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to continue the Hearing for 235 Podunk Road to March 10, 2022; AIF 5-0.
- 6. **53 Hillside Drive-continued 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 was continued to allow time to for peer review. Application was revised to include a review under the WPA.
 - Presentation and Discussion:
 - Staff only received one proposal for the review of this project. Agent recommends a continuance to allow time for more proposals.
 - The applicant through his Attorney (Christopher Myhrum) would like resolution before a third party review takes place on the project.
 - The Commission decided to turn down the applicant's request.
 - Public Comment:
 - none
 - Vote: On a motion by D. Barnicle, 2nd by S. Chidester the Commission vote to have the agent solicit two additional wetland professionals to provide a peer review under the SWB and the WPA. AIF 3-0-2(Gaspar, Bishop abstain).
 - On a motion of E. Gaspar, 2nd by S. Chidester the commission vote to continue the Hearing for 53 Hillside Drive to February 15, 2022. AIF 4-0-1(Bishop abstain)
- 7. **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: M. Krubricky, Landing Rock, LLC Representative: P. Engle, McClure Engineering
 - Request: Issue an OOC
 - Documents Presented: n/a
 - 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:
 - Applicant is looking to continue the Hearing. The original plan for the property has dissolved and he needs time for a new project on the site.
 - The applicant has not provided any requests or new information until 2 pm the day of this meeting. The Commission had advised the applicant at the last meeting, new information was required (by the seven day deadline).
 - The Commission recommends withdrawing this application and reapplying when a new project is finalized.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote close the Public Hearing for 650 & 680 Route 15, DEP File #300-1092. AIF 4-0-1(Bishop Abstain)
 - On a motion of D. Barnicle, 2nd by E. Gaspar the Commission vote to issue an Order of Conditions denying the project pursuant to the WPA and Sturbridge Wetland Bylaw for 650 and 680 Route 15, DEP File #300-1092. AIF 4-0-1(Bishop Abstain)
- 8. **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 was continued from the last hearing to allow for the peer review to be completed. Report to be presented for the board and staff by the peer reviewer for questions and comments and then for the project team to work to address.
 - Presentation and Discussion:
 - Peer review report received. This has been provided to the applicant and their project team.
 - Staff had requested additional information demonstrating compliance with performance standards. An applicant is required to demonstrate this. Additional details appear required.
 - Oxbow Associates gave the Commission an overview of the thorough review they provided for this site.
 - The project team will need to revise and adjust the plans to address the comments of staff, Oxbow and this Commission.
 - It appears Oxbow will need additional funds for further review.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to continue the Hearing for DEP File #300-1115, 150 Charlton Road to February 15, 2022. AIF 5-0
9. **180 Breakneck Road & 16 Cross Street-cont'd ANRAD(Abbreviated Notice of Resource Area Delineation) -proposed equine center-DEP File #300-1120**
- Request: Issue a Determination
 - Owner: 16 Cross Street-Breakneck Ridge Inc, 180 Breakneck Road-Leon, Doris, Edward, Roger, George, Madeline, and Paul Pontbriand
 - Applicant: Sturbridge Equine and Agricultural Property, LLC Representative: Chris Wagner, VHB
 - Request: Issue ORAD
 - Documents Presented: n/a
 - Project Summary
 - Resource area approval for 2 parcels of land totaling 298.50 acres. Project has been continued from the last hearing as the project team requested time before the SCC voted on the project.
 - Presentation and Discussion:
 - This ORAD has been continued since October of 2021, no new information was provided to staff since last discussion.
 - No one from the project team joined the meeting in person or virtually to seek continuing the project so the Commission must close the Hearing.
 - Public Comment:
 - none
 - Vote: On a motion by E. Gaspar, 2nd by S. Chidester the Commission vote to close the Public Hearing for DEP File #300-1120, 180 Breakneck Road and 16 Cross Street. AIF 5-0
 - On a motion of D. Barnicle, 2nd by S. Chidester the commission vote to issue an ORAD with inaccurate findings, denying the project for DEP File #300-1120. AIF 5-0

II. WETLANDS DECISIONS

10. 6 Apple Hill Road—Request for a Partial Certificate of Compliance – DEP File #300-1033

- Original Applicant/Permit Holder: Peter Iott Requester: same
- Request: Issue a Partial COC
- Project Summary: Permit was issued for the construction of a SFH on 11 McGilpin Rd. Work on this property included the installation of a sewer and water line to that property. Permit issued in 2019. Work has been completed for a few years. Area was vegetated.
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to Issue partial Certificate of Compliance for DEP File #300-1033, 6 Apple Hill Road with perpetual conditions #51 and 52 to be noted; AIF 3-2(Goodwin & Barnicle).

11. 6 Apple Hill Road—Request for a Partial Certificate of Compliance(Amended OOC) – DEP File #300-1033

- Original Applicant/Permit Holder: Randy Bercume Requester: Peter Iott
- Request: Issue a Partial COC
- Project Summary: Permit was issued for the construction of a SFH on 11 McGilpin Rd. Work on this property included the installation of a sewer and water line to that property. Permit issued in 2019. Work has been completed for a few years. Area was vegetated. The OOC was amended and recorded. This would release the amended order.

- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to Issue partial Certificate of Compliance for the amended DEP File #300-1033, 6 Apple Hill Road with perpetual conditions #51 and 52 to be noted; AIF 3-2(Goodwin & Barnicle).

12. 336 The Trail—Request for a Certificate of Compliance– DEP File #300-1013

- Original Applicant/Permit Holder: Anthony Reno Requester: same
- Request: Issue a COC
- Project Summary: The property includes BVW, RA and buffer zone. As-built plan & engineer's letter of substantial compliance received. Staff site visit performed. No noted concerns. Ground was covered with snow but work has been completed for some time and stabilized.
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to Issue a Certificate of Compliance for DEP File #300-1013, 336 The Trail with perpetual conditions #21, 22, 23, 24, 31, and 35 to be noted; AIF 5-0

III. ADMINISTRATIVE DECISIONS

13. Minutes of 1/6/22 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of D. Barnicle, 2nd by S. Chidester the commission vote to accept the 1/2/22 minutes as written. AIF 5-0

14. Special Land Use-Joshua Hyde Library/Storytime

- Request: Use of Heins' Farm on August 2, 2022 for storytime for local families.
- Vote: On a motion of D. Barnicle, 2nd by S. Chidester the commission vote to approve the special use of Heins' Conservation Land as presented. AIF 5-0

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

15. Committee Updates

- CPA: No report, looking to meet soon
- Trail Committee: 3rd Saturday of every month will be a work day
- Open Space Committee: N/A
- Lakes Advisory Committee: No meetings or report until April 2022.

VI. NEW BUSINESS

16. 17 & 18 Woodlawn Drive- Central MA Mosquito Control Project notification

- Presentation and Discussion: Mosquito Control projects are exempt pursuant to the WPA. This agency provided notification of work to be completed the summer of 2022. This Commission can provide comment and recommendations even though the property owner is not required to file with Conservation. 18 Woodlawn Drive hopes to alleviate flooding on his property with this project.

17. Agent's Report

- Agent will attend a wetland workshop for professional development.
 - This year's Winter Scavenger Hunt had a declined participation, maybe time for some new ideas.
 - Office staff hope to become more involved in the Trails Committee to assist with administrative tasks.
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Next Meeting Date: 2-15-22 Site Visits: 2-8-22 9 am-12 pm

ADJOURN at 9:02 pm Motion by S. Chidester, 2nd E. Gaspar AIF 4-0