

CONSERVATION COMMISSION MINUTES

Date: March 10, 2022

Time: 6:00 -8:11 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. Steven Chidester was absent.

DECISIONS

I. PUBLIC HEARINGS

1. 144 Lake Road-RDA (Request for Determination of Applicability)-replacement of utility poles and removal of trees

- Owner/Applicant: MA Electric CO Easement Representatives: J. Surette, Epsilon Associates
- Request: Issue a Determination
- Documents Presented: Ariel map
- Jurisdiction: buffer zone
- Project Summary
 - Project includes the replacement of electric distribution poles and removal of seven trees in the MA Electric easement on Lake Road.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - The majority of the work proposed is between 100-200 foot buffer zone.
 - The Commission discussed the replacement of the trees with native shrubs.
 - The Agent recommends approval of the project, no replacement is recommended due to the tree cover in the area.
- Public Comment:
 - none
- Vote: On a motion by E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 144 Lake Road. AIF 4-0
- On a motion of E. Gaspar, 2nd by D. Barnicle the commission vote to issue a Determination with the following:
 - Negative #5: The work, within the 100 ft. BZ, appears exempt pursuant to utility maintenance provision in the WPA
 - Positive #5 (subject to local bylaw) with the conditions:
 - Sedimentation controls shall be installed and maintained during work as needed.
 - Tree roots not to be removed if not needed.
 - Pre-const. and post-const. conditions to include: post sign, notification of work and completion.
 - Replacement required with 14 berry bearing bushes.

AIF 4-0

2. 61 River Road-RDA(Request for Determination of Applicability)-Single Family Home with associated site work

- Owner/Applicant: K. Beland Representatives: none
- Request: Issue a Determination
- 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 is located within priority and estimated habitat. Natural Heritage has approved the project with conditions:



**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

Ed Goodwin

Steven Chidester-A

David Barnicle-V

Erik Gaspar

Roy Bishop

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The Applicant shall submit a Wood Turtle Protection Plan. Said Protection Plan must be approved in writing by the Division prior to the start of Work. The Division is available for consultation on the development of the plan. *If all work can occur between November 1st and April 15th, a Wood Turtle Protection Plan will not be required*

- The applicant is installing an entrenched silt fence around the entire limit of work area during construction.
- The house and site work are shown outside the 200 ft buffer zone.
- The Agent recommends approval of the project.

○ Public Comment:

- none

○ Vote: On a motion by E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 61 River Road. AIF 4-0

○ Vote: On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to issue a Determination with the following:

- Negative #4, area and work is not within an area subject to the WPA; therefore, work does not require a NOI unless and until the work alters an Area subject to protection under the Act.
- Negative #6, the area and/or work described in the request is not subject to the SWB.

Require erosion controls at the limit of work, between the resource areas and work, to avoid potential for inadvertent work in jurisdiction or runoff impacts to resource areas during work.

AIF 4-0

3. **380 Main Street- RDA (Request for Determination of Applicability) –construction of two concrete pads.**

○ Owner/Applicant: Lynn Cormier Representatives: none

○ Request: Issue a Determination

○ Documents Presented: n/a

○ Jurisdiction: buffer zone

○ Project Summary

- Project includes site improvements for change of use at an existing developed site to include: the construction a two concrete pads one for a freezer and one for a dumpster, walkway and associated site work

○ Presentation and Discussion:

- Proof of abutter notification and legal ad received.
- Project is minor in scope, Agent recommends approval.
- Commission would like extra care taken for trash pickup so it doesn't end up in the resource area.

○ Public Comment:

- none

○ Vote: On a motion by E. Gaspar, 2nd by R. Bishop the Commission vote to close the Hearing for 380 Main Street. 4-0

○ On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to issue a Determination with the following:

- 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.
 - Stockpiles of excavated material to be immediately removed from the site or protected with a tarp and ECs until removed or used and permanently stabilized.
 - 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

4. **263 New Boston Road- RDA (Request for Determination of Applicability) –site inspection to confirm jurisdictional areas on site.**

○ Owner/Applicant: Ken Leblanc Representatives: G. Krevosky, EBT Environmental

○ Request: Issue a Determination

○ Documents Presented: n/a

○ Jurisdiction: buffer zone

○ Project Summary

- No work is proposed at this time

○ Presentation and Discussion:

- Proof of abutter notification and legal ad received.

- Glen Krevosky is seeking permission from the direct abutters of the property to access the location of the resource areas to verify if vernal pool habitat is present.
 - He proposes to visit the site every four days to observe potential areas of habitat.
 - Additional review may be required in the month of April.
 - Parcel may have additional challenges due to the steep slope and other Town of Sturbridge regulations.
 - Public Comment:
 - none
 - Vote: On a motion by E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Hearing for 263 New Boston Road to March 31, 2022. 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 was continued from the last hearing to allow for responses to the peer review and staff comments and allow for a site visit.
 - Presentation and Discussion:
 - A written request was received for continuation to the next meeting.
 - Public Comment:
 - None
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Hearing for DEP File# 300-1115, 150 Charlton Road to March 31, 2022. AIF 4-0
6. **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 OOC
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone to BVW
 - Project Summary
 - Project review has been continued since the Fall of 2021
 - Presentation and Discussion:
 - No new information was presented or continuation request received.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to grant a prohibitive continuation for the Hearing of 235 Podunk Road (RDA), with the understanding that without new information received by the seven day deadline the Hearing will be closed; to March 31, 2022. AIF 4-0
7. **235 Podunk Road –*continued* Sturbridge Bylaw 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 OOC
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone to BVW
 - Project Summary
 - Project review has been continued since the Fall of 2021
 - Presentation and Discussion:
 - No new information was presented or continuation request received.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to grant a prohibitive continuation for the Hearing of 235 Podunk Road (local Bylaw NOI), with the understanding that without new information received by the seven ay deadline the Hearing will be closed; to March 31, 2022. AIF 4-0

II. WETLANDS DECISIONS

8. 6 Hall Road—Request for a Certificate of Compliance – DEP File #300-641

- Original Applicant/Permit Holder: Thomas Earls Requester: Jeffrey Chase
- Request: Issue a COC
- Project Summary: The OOC was for the development of a SFH lot. Work was not completed and order has lapsed
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to issue an invalid Certificate of Compliance for DEP File #300-641, 6 Hall Road; AIF 4-0

9. 9 Whittemore Road—Request for a Certificate of Compliance – DEP File #300-638

- Original Applicant/Permit Holder: Thomas Earls Requester: Jeffrey Chase
- Request: Issue a COC
- Project Summary: The OOC was for the development of a SFH lot. Work was not completed and order has lapsed
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to issue an invalid Certificate of Compliance for DEP File #300-638, 9 Whittemore Road; AIF 4-0

III. ADMINISTRATIVE DECISIONS

10. Minutes of 2/15/22 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to accept the 2/15/22 minutes as amended. AIF 4-0

UPDATES

IV. OLD BUSINESS

11. DEP File # 300-929 70 Paradise Lane Reardon

- Presentation and Discussion: B. Bressette of Summit presented the asbuilt plan and the proposed stormwater improvement plan to the Commission. As there are multiple items that are omitted or added to the approved plan the Agent recommend the applicant file an RDA for these unpermitted changes. The Commission would like an updated plan including mitigation of the water run off on the parcel across the street included in the RDA for submittal ASAP.

12. 102 South Shore Drive

- Presentation and Discussion: The property owner presented a plan to address run off from adjacent private properties and the private road causing a ravine on his property into South Pond. The work will need emergency approval with a filing after the fact. The Commission would like to visit the site on March 21st to go over the plan on site.

V. ADMINISTRATIVE UPDATES

13. Committee Updates

- CPA: At the last meeting the committee designated a sum of money for the Trails committee and \$9,000 for cemetery improvements.
- Trail Committee: Dave Barnicle will retire as the Trails liaison.
- Open Space Committee: N/A
- Lakes Advisory Committee: No meetings or report until April 2022.

7:50 pm David Barnicle had technical difficulties and did not return to the meeting.

VI. NEW BUSINESS

14. 508 International Charlton Planning Board Plan Modification

- The SCC still have wetland violations outstanding on the site. E. Gaspar is in communication with Senator Smola's office about this project and MEPA's involvement. MEPA does not feel that they need to be involved with this project and directed that DEP in the state's authority for this project. E. Gaspar requested the Agent to provide him the formal wetland violations from Charlton CC so he can provide that to Senator Smola's office.

15. Agent's Report

- Applegreen is continuing the stream restoration work under the supervision of Art Allen.

- DPW is looking to do a vegetation management plan with the Department of Agriculture. More information to follow. SCC will need to be involving in the process.
 - Next meeting Agent will provide an Enforcement Order update.
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Next Meeting Date: 3-31-22 Site Visits: 3-21-22 9 am-12 pm

ADJOURN at 8:11 pm Motion by R. Bishop, 2nd E. Gaspar AIF 4-0