

# CONSERVATION COMMISSION MINUTES

Date: March 31, 2022  
Time: 6:00 -8:30 pm  
Place: Hybrid Meeting COB 2<sup>nd</sup> 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 and Steven Chidester joined the meeting virtually.

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 148 Podunk Road-RDA (Request for Determination of Applicability)-removal of 36 trees

- Owner/Applicant: Wyont & Marianne Bean      Representatives: none
- Request: Issue a Determination
- Documents Presented: sketch drawing
- Jurisdiction: buffer zone
- Project Summary
  - Project includes removal of 36 trees that are damaged, injured, or dying due to gypsy moth infestation, wooly disease or are a hazard.
- Presentation and Discussion:
  - Abutter notification and proof of Legal Ad verified.
  - Approx. 14 trees are located outside the 200-foot buffer zone, 22 are within jurisdiction.
  - The Commission discussed the replacement of the removed trees or even treating hemlocks for disease.
  - 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, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 148 Podunk Road. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a Determination for the removal of 16 trees with the following:
  - Negative #3: The work described in the Request.....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:
    - Stumps and roots shall not be removed.
    - No equipment to enter resource area. Dead trees to be cut by hand. (if allowed).
    - Pre-work notification and completion of work notifications for sign off.
    - Positive #5 (subject to local bylaw) with the conditions noted above.

AIF 4-0-1(Barnicle Abstain)

#### 2. 379 Main Street-RDA(Request for Determination of Applicability) –Landscape Improvements in a previously disturbed commercial site

- Owner/Applicant: Jessica Pillsbury & Patricia Shevory      Representatives: none
- Request: Issue a Determination
- Documents Presented: sketch drawing
- Jurisdiction: Riverfront and Buffer zone
- Project Summary
  - Project includes landscaping improvements to the addition of a fenced in play area and dumpster enclosure within a developed Riverfront Area.
- Presentation and Discussion:
  - Abutter notification and proof of Legal Ad verified.
  - All work is proposed in currently developed areas within the site.
  - The Commission discussed moving the dumpster away from the river but ultimately didn't feel the position change would change the impact on resource area.
  - The Agent recommends approval of the project.



**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

Steven Chidester-V

David Barnicle-V

Erik Gaspar

Roy Bishop

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

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

- Public Comment:
  - none
- Vote: On a motion by E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 379 Main Street. AIF 5-0
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the commission vote to issue a Determination with the following:
  - Negative #5: The work, within the 100 ft. BZ, appears exempt pursuant to 321 CMR 10.02(b) (2) & exempt from RA standards 321 CMR 10.58(6) (b).
  - Positive #5 (subject to local bylaw) with the conditions:
    - Pre-const. and post-const. conditions to include: post sign, notification of work and completion for sign off.
    - Should excavation be required for fence posts, etc. all materials shall not be deposited within undeveloped RA on site. Any stockpiling of earthen material shall be covered and protected so it does not enter the drainage system which discharges to resource areas.

AIF 5-0

3. **115 McGilpin Road- NOI (Notice of Intent) –Construction of a single family home and associated site work-DEP File #300-1122**

- Owner/Applicant: Michael & Fatoumatta Philips      Representatives: Z Gless, Existing Grade
- Request: Issue an OOC
- Documents Presented: colored site plans
- Jurisdiction: **Buffer Zone** 10.53(1): General Provisions
  - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Project Summary
  - Project includes development of a forest lot to include a single-family home, well, septic system and associated site work
- Presentation and Discussion:
  - Proof of abutter notification and legal ad received.
  - Site has previous wetland delineation, site has a bordering vegetated wetland with jurisdictional buffer zone.
  - Commission has concerns about the high ground water on site, extra BMP’s are needed for de-watering during construction and after.
  - Agent recommends approval including a performance bond returned at compliance.
  - Engineer will tighten up the limit of work to limit the impacts on resource areas.
- Public Comment:
  - Public asked if permanent markers could be added at the limit of work to minimize future encroachments to the wetlands. Commission agreed and will add this to the Order of Conditions.
- Vote: On a motion by E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Hearing for 115 McGilpin Road, DEP File # 300-1122. AIF 5-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by S. Chidester the commission vote to issue an Order of Conditions with the following:
    - Standard OOC conditions.
    - Sedimentation controls shall be installed as shown on the plan and maintained during work.
    - Install roof and driveway infiltration as shown on the plan. Provide proper documentation of installs to be verified by P.E.
    - Perpetual conditions for maintenance of drainage structures.
    - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. Staff recommend amount of \$5,000 for new single family house development. This is allowed under the bylaw.
    - Agent to provide monitoring during the pouring of foundation.
    - Bollards will be placed at the limit of work every 25 ft.

4. **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: n/a
- Jurisdiction: unknown
- Project Summary
  - Project was continued to allow time to for third party review.
- Presentation and Discussion:
  - A written request for continuation was received by the applicant.
- Public Comment:
  - none
- Vote: By consensus, the Commission vote to continue the Public Hearing for 53 Hillside Drive to April 21, 2021. AIF 5-0

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 as awaiting additional information, 3rd peer review report and site visit was postponed due to the weather.
- Presentation and Discussion:
  - The Agent provided the Commission with an outline of items the project team should address.
  - All offsite alternatives have been exhausted by the applicant.
  - G. Krovosky-The temporary entrance across the resource area will only be used to install erosion controls. The permanent entrance will be constructed during that time and fully used after that.
  - Project team can adjust the limit of work to reduce impacts in the buffer zone.
  - Commission has concerns with the one area on site, since the ORAD was issued the conditions on site have changed. This area appears to be resource area.
  - The Agent will discuss with DEP(since an ORAD has been issued) but reminded the Commission they have a right to protect the area if they see it as a buffer zone.
  - The current plan shows the parking lot 149 ft from Riverfront, which the State does allow with mitigation.
  - The Commission discussed additional fencing and mitigation for headlights at all hours, the project team will address for next meeting.
  - The applicant has filed an RDA to address restoration off-site. Staff recommends to include:
    - Remove and restore historic spoil piles and portion of entrance to 150 Charlton Rd near those piles.
  - Additional off-site Restoration/Mitigation also discussed:
    - Restore portion of utility easement area in RA.
  - Look at road improvements on Gifford rd. Clean out Rt. 20 CB. Improved drainage swales along Gifford Rd and other improvements here would provide a long term improvement/impact on the resource areas here.
- Public Comment:
  - None
- Vote: By consensus, the Commission vote to continue the Hearing for DEP File# 300-1115, 150 Charlton Road to April 21, 2022. AIF 5-0

6. **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
    - Project was continued to allow time to secure permission for the applicant's representative and to review the area identified as a potential vernal pool.
  - Presentation and Discussion:
    - Glen Krevosky secured permission from the direct abutters of the property to access the location of potential vernal pool.
    - Agent will visit the site next week.
    - Applicant agrees to continue the Hearing until April 21, 2022.
  - Public Comment:
    - none
  - Vote: By consensus, the Commission vote to continue the Hearing for 263 New Boston Road to April 21, 2022. 5-0
7. **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:
    - A written request for continuation was received. Perc tests are scheduled in April and new information will be available at that time.
  - Public Comment:
    - none
  - Vote: By consensus, the commission vote to continue the Hearing of 235 Podunk Road (RDA) to April 21, 2022. AIF 5-0
8. **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:
    - A written request for continuation was received. Perc tests are scheduled in April and new information will be available at that time.
  - Public Comment:
    - none
  - Vote: By consensus, the Commission vote to continue the Hearing of 235 Podunk Road (local Bylaw NOI) to April 21, 2022. AIF 5-0

## II. WETLANDS DECISIONS

### 9. 172 Lake Road—Request for a Certificate of Compliance – DEP File #300-882

- Original Applicant/Permit Holder: Real and Elizabeth Poirier      Requester: same
- Request: Issue a COC
- Project Summary: The project was a house addition for a lake-front lot. Work was complete and asbuilt plans and letter of substantial compliance received.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the commission vote to issue a Certificate of Compliance for DEP File #300-882, 172 Lake Road; AIF 5-0

### 10. 19 Mashapaug Road—Emergency Certification

- Original Applicant/Permit Holder: Thousand Trails Campground      Property Owner: same
- Request: Issue a COC
- Project Summary: EC request received as culverts had collapsed. Culverts carry intermittent stream under a gravel campground roadway. Roadway was washing out and flooding adjacent property. Plan provided to complete work. Agent and Cahir performed site visit and EC issued w/ conditions. Site is within Priority and estimated Habitat

- Vote: By consensus, the commission vote to ratify the Emergency Certification for 19 Mashapaug Road with an NOI to follow. AIF 5-0

### III. ADMINISTRATIVE DECISIONS

#### 11. Minutes of 3/10/22 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the commission vote to accept the 3/10/22 minutes as written. AIF 5-0

---

### UPDATES

#### IV. OLD BUSINESS

#### 12. Long Pond Conservation Area-Boundary Lines

- Presentation and Discussion: Last FY funds were used to demarcate property boundaries, the adjacent property owner has concerns over the boundaries. Town of Sturbridge hired an engineering firm who confirmed our boundary lines. The Agent will send a letter to the property owner as the next steps.

#### V. ADMINISTRATIVE UPDATES

#### 13. Committee Updates

- CPA: Met Monday for budget approvals for the Town Meeting in June. One request was denied for the new Housing Authority.
- Trail Committee: Conway School is meeting on Trails master plan, associate members may take liaison positions in the future.
- Open Space Committee: Interested in 70 Cedar St being put under the care and custody of Conservation.
- Lakes Advisory Committee: No meetings or report until April 2022

#### VI. NEW BUSINESS

#### 14. Enforcement Order Update

- The Agent provided the Commission with an updated Enforcement Order list, spring is the time to receive monitoring reports from the various sites which may lead to closing out more orders.

#### 15. Agent's Report

- Office will be looking into fee changes for review at the next meeting.

---

Next Meeting Date: 4-21-22    Site Visits: 4-12-22 9 am-12 pm

**ADJOURN at 8:30 pm Motion by S. Chidester, 2<sup>nd</sup> E. Gaspar AIF 5-0**