

CONSERVATION DEPARTMENT MINUTES

Date: April 21, 2022
Time: 6:00-9:59 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 and Erik Gaspar was absent.

DECISIONS

I. PUBLIC HEARINGS

1. **86 & 88 South Shore Drive-NOI-Raze and rebuild of a single family home and associated site work-DEP File# 300-1127**
 - Owner/Applicant: Steven & Marcy Reed Representative: L. Jalbert, Jalbert Engineering
 - Request: Issue an Order of Conditions
 - Documents Presented: colored site plans
 - Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
 - Project Summary:
 - Project includes plans to demolish an existing cottage and construct a new single family home with associated site work including a new septic system within the existing developed lot.
 - Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - DEP File # and comments received.
 - Project site is located within Priority Habitat. NOI does not require review pursuant to the WPA just MESA. Applicant has filed separately with NHESP.
 - Site visit performed.
 - Site contains RA, BLSF, and is within the buffer zone to a BVW and an altered Bank. Work is not proposed within BLSF.
 - BVW data sheets have not been included.
 - Application does not include documentation outlining how the project meets performance standards for work within RA under the WPA or SWB nor an alternative analysis.
 - Lot coverage has significantly increased and expansion is proposed within the 50 foot no new structure setback. 3 mature trees proposed to be removed as part of the project. Work would require a waiver under the SWB.
 - Project requires review by the ZBA.
 - The Commission has concerns over the large section of the house in the 50 ft no new structures.
 - The Agent recommends addressing comments of the Commission and bringing changes back to the next meeting.
 - Public Comment: none
 - Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to continue the Hearing for 86 & 88 South Shore Drive to May 12, 2022 AIF 4-0
2. **290 Clarke Road Ext.- NOI- Addition of accessory unit above the garage-DEP File# 300-1123**
 - Applicant: Steven & Meagan Tardanico Representative: L. Jalbert, Jalbert Engineering
 - Request: Issue an Order of Conditions
 - Documents Presented: colored site plans
 - Jurisdiction: Buffer Zone
 - Project Summary: Project includes: construction of a second story addition to an existing garage w/ stairs, installation of sewer and water lines extensions to the garage, removal of a brick patio (covered by a roof) and replacing it with a raised decking surface and new supports for the roof.
 - Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.

**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

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

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

www.sturbridge.gov

- Project site is not located within Priority or Estimated Habitat.
- No DEP Comments.
- Site contains Bank and work is proposed within the buffer zone.
- Site visit performed. Concerns noted about observed erosion noted from site runoff issues.
- Since the site visit plan was altered to add drip strips around the garage and side of the house.
- Commission has concerns with the drainage issues on site which should be addressed with this filing.
- Public Comment: none
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to continue the Hearing for 290 Clarke Road Extension to May 12, 2022.

3. 17 Library Lane South – RDA-Removal of Trees in the buffer zone

- Owner/Applicant: John Cronin Representative: none
- Request: Issue a Determination
- Documents Presented: sketch plan & arborist report
- Project Summary: Removal of trees on a developed single family lot on Walker Pond
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project site is not located within Priority or Estimated Habitat.
 - Site visit performed.
 - Arborist evaluation received.
 - Request: remove 1 leaning pine on the shore, 20+ dead red pines and 2 declining red maples all located approx. 70-90 feet from the lake.
 - Agent does not see the need for replacements due to the cover in the area.
- Public Comment: none
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to close the Public Hearing for 17 Library Lane. AIF 4-0
- On a motion of S. Chidester, 2nd by D. Barnicle the Commission to issue a:
 - 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.
 - Care to be taken to minimize impacts to adjacent vegetation.
 - Pre-work notification to discuss removal of the pine by the shore and completion of work notifications for sign off.
 - The Conservation Agent will view the site at the conclusion of the removal to decide if any replacements are needed.
 - Positive #5 (subject to local bylaw) with the condition noted above. AIF 4-0

4. 42 Goodrich Road – NOI-Repair or replace existing steps, landings, and deck-DEP File# 300-1126

- Owner/Applicant: Robert and Brenda Thomas Representative: M. Farrell, Green Hill Engineering
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Project Summary: Proposed work to include the replacement of steps, landings and deck on a developed lake front lot.
- 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.”
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project site is not located within Priority or Estimated Habitat.
 - DEP File # issued. No comments received.

- Site visit performed.
- Project is proposed within buffer zone to Bank.
- Project is to replace existing structures in kind except the deck. The deck currently overhangs the lake and will be reduced in size to be located in buffer zone only. Minimal earth work is anticipated. Some footings may be replaced. All work to be done by hand. Footings do not currently exist in resource area nor are proposed.
- Public Comment: None.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to close the Public Hearing for 42 Goodrich Road. AIF 4-0
- On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to issue an Order of Conditions for 42 Goodrich Road with the following:
 - Standard OOC conditions.
 - Remove excavated material off site. AIF 4-0

5. 96 Gladding Lane – NOI-Repair of an existing septic system for a single family home-DEP File# 300-1125

- Owner/Applicant: Mark and Laurie Palmer Representative: M. Farrell, Green Hill Engineering
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Project Summary: Proposed work to include upgrading the current cesspool with a compliant Title V septic system on a lakefront lot.
- 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.”
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project site is not located within Priority or Estimated Habitat.
 - DEP File # issued with no comments.
 - Site visit performed.
 - Site contains a bordering vegetated wetland and Bank work is proposed within the jurisdictional buffer zone.
 - System was proposed within 50 feet of a BVW. Representative moved the system to avoid the 50 ft buffer zone.
 - Disposing of leaves and ashes noted over the bank to the BVW. The ash must be removed. Representative informed on site of this.
- Public Comment: none.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to close the Public Hearing for 96 Gladding Lane. AIF 4-0
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to issue an Order of Conditions for 96 Gladding Lane with the following:
 - Standard OOC conditions.
 - Sedimentation controls shall be installed as shown on the plan and maintained during work.
 - Installation of a rip rap berm included.

6. 9,26, & 28 Goodrich Road – NOI-Raze and rebuild of a SFH, build out of a small cottage on an existing foundation and leach field to service 3 cottages-DEP File# 300-1124

- Owner/Applicant: Mark Farrell and Christina Partridge Representative: M. Farrell, Green Hill Engineering
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Project Summary: Proposed work to include raze and rebuild at 28 Goodrich, rebuild on an existing foundation and installation of a septic tank at 26 Goodrich, and installation of a leach field at 9 Goodrich to service 26, 28, and 30 Goodrich Road.
- 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.”
- Presentation and Discussion:
 - Proof of abutter notifications required. Proof of legal ad required.
 - Project site is not located within Priority or Estimated Habitat.
 - Site visit performed.
 - Site contains Bank and jurisdictional buffer zone.
 - #28 Goodrich will be a raze and rebuild a 540 sq ft cabin to a 825 sq ft cabin.
 - #26 Goodrich will be a new cape house on the existing foundation.
 - Plans were adjusted after the site visit to address and manage stormwater on site.
 - 4 trees and a portion of another oak requested to be removed. Bank and site are well vegetated w/ substantial trees on shrubs along the bank. Additional native shrubs proposed.
- Public Comment: none
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to close the Public Hearing for 9, 26, & 28 Goodrich Road. AIF 4-0
- On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to issue an Order of Conditions for 9, 26, & 28 Goodrich Road with the following:
 - Standard OOC conditions.
 - Sedimentation controls shall be installed as hay bales or silt fence and maintained during work. AIF 4-0

7. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-XXXX

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Jurisdiction:
 - WPA: 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.”
 - Local Jurisdiction:
 - Zoning Bylaw Chapter 300-4.1: A 500 ft BZ has been added to the plan as work is proposed within the Zoning Bylaw Chapter 300-4.1 which requires all work on slopes of 8% or greater to be reviewed by the SCC.
 - SWB Regs 1.4:

Vernal pool buffer, the first 100 feet is to be considered the minimum "no disturb" buffer. This buffer zone may be extended to 200 feet based on site conditions and impacts to critical wildlife habitat needed to keep the pool viable.”
 - SWB Regs: 365-5.6 Vernal Pools:

“Where a proposed activity involves work within 200 feet of any certified vernal pool, the Commission shall presume that the area is significant to protect: groundwater, water quality, wildlife habitat and/or rare species habitat.”

“General performance standards. Any work with in the 200-foot buffer zone to a vernal pool shall not cause a significant adverse impact to any function of a vernal pool. It shall not result in a measurable decrease in extant wildlife populations or biological community composition, structure and species richness of the site or in the vicinity, exclusive of the present or future state of adjacent or nearby property, or impair, damage or reduce in value for wildlife purposes identified specific habitat features. The Commission shall take into account indirect effects, including but not limited to effects of nearby human activities, on a case-by-case basis.”

- Project Summary: Project includes construction of a private roadway network, 71 manufactured house lots, a clubhouse, parking, and associated stormwater management measures.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project site is not located within Priority or Estimated Habitat.
 - DEP has not issued a File # or comments.
 - ANRAD recently completed. Property contains 3 documented vernal pools which project VP BZs within the work area. Work also within the BZ to BVWs.
 - Application filed with the Planning Board. Peer review to be conducted and coordinated through Planning Dept. with input from Conservation for stormwater design and roadway design.
 - Applicant will privately own the Manufactured Housing Community with no additional maintenance for the Town.
 - Agent recommends a peer review for wildlife habitat on site. Oxbow Associates have been on site for a previous review and the applicant is agreeable to choosing Oxbow.
 - Commission has concerns with the highly dense developed site in the 200 foot vernal pool habitat.
 - Agent recommends continuation to allow for additional information.
- Public Comments:
 - Abutter from Southbridge has concerns with wildlife habitat on site.
 - Abutter from Fiske Hill asked if there is access for this project on Fiske Hill. **-NO** Is there a traffic light planned? **-NO**
 - 60 Fiske Hill Abutter- Concerns with wildlife impacts -What is planned for the remaining lots of the subdivision? **-Reach out to the Planning Department**
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to request a proposal from Oxbow Associates to review the Notice of Intent and Wildlife Impacts on site. AIF 4-0
- By consensus the Commission vote to continue the Hearing for Lot 3, 20 Main Street and 30 Fiske Hill Road to May 12, 2022. AIF 4-0

8. 53 Hillside Drive – *continued* RDA – (Request for Determination of Applicability)

- Owner/Applicant: John Rowley Representative: P. Engle, McClure Engineering
- Request: Issue a Determination
- Documents Presented: **Peer review report**
- Project Status Summary: Hearing had been continued to allow for third party review of site.
- Presentation and Discussion:
 - Peer reviewer Steve Riberdy joined the meeting to provide the Commission with his evaluation of the site.
 - There is one small IVW located on site recommended to be delineated and there is no work proposed within the BZ to the pond.
 - Wetland Scientist Scott Morrison suggests the Commission move forward with the project through the current RDA.
 - The Commission discussed filing a local NOI and the Agent went over the process of filing the Sturbridge Bylaw Notice of Intent.
- Public Comment: none
- Vote:
 - On a motion of D. Barnicle, 2nd by R. Bishop the Commission vote to close the Public Hearing for 53 Hillside Drive. AIF 4-0
 - On a motion of D. Barnicle, 2nd by R. Bishop the Commission vote to issue a Determination with the following:
 - Positive #1 the area described is an area subject to the Act...requires filing a Notice of Intent.
 - Positive #3 the work...is subject to the Act...requires filing a Notice of Intent.
 - Positive #5 the area and/or work described ...subject to review of the SWB. is subject to AIF 1-4 Motion Fails
 - On a motion of S. Chidester, 2nd by D. Barnicle the Commission vote to issue a Determination with a negative 1 and negative 6. AIF 4-0

9. 231, 233, 235 Cedar Street—*continued* ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1090

- Owner/Applicant: Michael and Gail Young Representatives: P. McManus, EcoTec
- Request: Issue ORAD

- Documents Presented: n/a
- Project Status Summary: Resource area approval for 3 parcels, continued to allow time to restore the wetlands.
- Presentation and Discussion:
 - Applicant's Representative provided a written continuation request to June 2, 2022.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop; the Commission vote to continue the Public Hearing for 231,233, & 235 Cedar Street to June 2, 2022. AIF 4-0

10. 263 New Boston Road—*continued* RDA (Request for Determination of Applicability)

- Owner/Applicant: Ken Leblanc Representatives: G. Krevosky, EBT Environmental
- Request: Issue a Determination
- Documents Presented: n/a
- Project Summary: Project was continued to allow the applicant's representative to review the area identified as a potential vernal pool.
- Presentation and Discussion:
 - G. Krevosky had been monitoring the site for over a month. The Agent recommends ending the monitoring at the end of April.
 - Staff performed a joint site visit on 4-5-22. Very minimal water observed. No obligate or facultative species observed. Final reporting to be submitted for review.
- Vote: On a motion of D. Barnicle, 2nd by S. Chidester; the Commission vote to continue the Hearing for 263 New Boston Road to May 12, 2022 and end site monitoring for April 30, 2022. AIF 4-0.

11. 150 Charlton Road- *continued* NOI- Development of a commercial building, truck parking, and supporting infrastructure for a tow truck facility- DEP File #300-1115

- Owner/Applicant: Interstate Towing Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: n/a
- Project Status Summary: Project was continued from the last hearing to allow the applicant to respond to peer review, staff and board comments.
- Presentation and Discussion: New information received on 4-14-22 at 3:35. Sufficient time not provided to provide to peer review.
- Vote: On a motion of D. Barnicle, 2nd by R. Bishop; the Commission vote to continue the Public Hearing for 150 Charlton Road to May 12, 2022. AIF 4-0

12. 174 Charlton Road— RDA (Request for Determination of Applicability)-Restoration of Riverfront

- Owner: G5 Enterprises Applicant: Jeremy Procon, Interstate Towing Representatives: G. Krevosky, EBT Environmental
- Request: Issue a Determination
- Documents Presented: n/a
- Project Summary: Restoration of RA as part of mitigation for project at 150 Charlton Rd.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project site is not located within Priority or Estimated Habitat.
 - Agent recommends project should be filed as a NOI for all work on this property associated with the project on 150 Charlton Rd. Due to proximity of resource areas and work in RA conditions including BMPs are required in addition to monitoring which should be done through issuance of an OOC. Agent questioned status of temporary access on this property.
 - Representative disagrees-one day project not requiring a NOI
- Vote: On a motion of S. Chidester, 2nd by D. Barnicle the Commission vote to continue the Hearing for 174 Charlton Road to May 12, 2022. AIF 4-0

13. 235 Podunk Road- *continued* RDA- Construction of a Single family home and associated site work

- Owner/Applicant: AH & DB Custom Homes Representative: M DiPinto, Three Oaks Environmental
- Request: Issue a Determination
- Project Status Summary: Project review has been continued since the Fall of 2021. Continued at the last meeting.
- Presentation and Discussion: Application was withdrawn.
- Vote: On a motion of S. Chidester, 2nd by D. Barnicle; the Commission vote to close the Public Hearing for 235 Podunk Road. AIF 4-0

- 14. 235 Podunk Road- *continued* Sturbridge Bylaw NOI- Construction of a Single family home and associated site work**
- Owner/Applicant: AH & DB Custom Homes Representative: M DiPinto, Three Oaks Environmental
 - Request: Issue local OOC
 - Project Status Summary: Project review has been continued since the Fall of 2021. Continued at the last meeting.
 - Presentation and Discussion: Application was withdrawn.
 - Vote: On a motion of S. Chidester, 2nd by D. Barnicle the Commission vote to close the Public Hearing for 235 Podunk Road. AIF 4-0.

II. WETLANDS DECISIONS

III. ADMINISTRATIVE DECISIONS

15. Minutes of 3/31/22 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Goodwin, 2nd by D. Barnicle the commission vote to accept the 3/31/22 minutes as written. AIF 4-0

16. Leadmine Mountain Conservation Area-Special Use-4/30/22-By consensus the Commission vote to approve the use. AIF 4-0

17. Heins Farm Conservation Area-Special Use-May 1-June 18- By consensus the Commission vote to approve the use. AIF 4-0

18. Heins Farm Conservation Area-Special Use 7/12/22 & 7/26/22- By consensus the Commission vote to approve the use. AIF 4-0

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

19. Committee Updates

- CPA: None
- Trail Committee: none
- Open Space Committee: Interested in 70 Cedar St being put under the care and custody of Conservation.
- Lakes Advisory Committee: Meeting scheduled today April 21, 2022

VI. NEW BUSINESS

20. DFW memo

- Department of Fish and Wildlife sent a memo in regards to the Conway School's input on the Trails masterplan. It outlined concerns with over development of trails on the Conservation properties.

21. Bylaw Fee change discussion

- Agent shared a few comparison worksheet for the Commissions review. It contained five similar Town's fees and the new fees proposed for wetland permitting in Sturbridge.
- Vote-On a motion of E. Goodwin, 2nd by S. Chidester; the Commission vote to adopt the new fees as proposed by the Agent. AIF 4-0

22. Agent's Report

- Agent updated the Commission on a few projects in Town where work has started without permitting.
- Staff is working on an Earth Day clean project with DPW.
- Commission will need an executive session scheduled prior to the next regular meeting, Agent will provide dates and times for the Commissions review through email.

23. Next Meeting-May 12, 2022 and Site Visit Schedule- May 3, 2022 9am-12 pm

ADJOURN at 9:59 pm Motion by S. Chidester, 2nd R. Bishop AIF 4-0