

CONSERVATION DEPARTMENT MINUTES

Date: June 2, 2022

Time: 6:00 pm-8:28 pm

Quorum Check

David Barnicle was absent and Erik Gaspar joined the meeting virtually.

Walk-in NONE

DECISIONS

I. PUBLIC HEARINGS

1. 47 Breakneck Road-NOI-Replacement of failed septic system within a developed yard-DEP File# 300-1130

- Owner/Applicant: Chris & Barbara Mattioli Representative: L. Dupre, Clear Water Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the removal and installation of Title V septic system in a developed yard in the buffer zone.
- Presentation and Discussion:
 - DEP File # and comments have been received. No comments.
 - Abutter notification and proof of legal ad confirmed.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - Agent recommends approval. All work is within the developed yard and system meets Title V 50' setback. Silt fence and wattles proposed.
- Vote:

On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to close the Public Hearing for 47 Breakneck Road. AIF 4-0

On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to issue the Order of Conditions for 47 Breakneck Road, #300-1130. AIF 4-0

2. 19 Mashapaug Road-continued NOI-Replacement of failed culverts-DEP File# 300-1129

- Owner/Applicant: Thousand Trails Representative: S. Morrison, EcoTec
- Request: Issue an Order of Conditions
- Documents Presented: planting sketch
- Jurisdiction: Bank and Buffer Zone
- Project Summary:
 - Project includes an after-the-fact Notice of Intent for an Emergency Certification issued March 17, 2022 to allow failed culverts to be replaced. This application also includes removal of an existing wood crossing upstream of the culvert. Hearing was continued since DEP had not provided a file #.
- Presentation and Discussion:
 - Plan received to provide mitigation plantings along stream. There are limitations to vegetation management along the spillway associated with dam safety requirements. Plan appears to be a good compromise to meet dam safety requirements and protection of resource areas.
 - Agent recommends approval since DEP has issued a file #.
- Vote:

On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to close the Public Hearing for 19 Mashapaug Road. AIF 4-0

On a motion of S. Chidester, 2nd by R. Bishop the Commission vote issue an Order of Conditions for 19 Mashapaug Road, #300-1129 with the following 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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- Native seed mix for altered areas under the footbridge.
- Implement planting plan.
- No equipment to enter resource areas.
- Pre-work meeting & associated conditions during work.
- Allow one growing season before issuance of CoC. AIF 4-0

3. 72 & 72A Paradise Lane- NOI- Raze and Rebuild on a lakefront lot-DEP File #300-1131

- Applicant: Robert & Lisa Muscaro Representative: L. Jalbert, Jalbert Engineering
- Request: Issue a Determination
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
 - **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.”
 - SWB Regs. 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Project Summary:
 - Project includes plans to demolish an existing cottage and construct a three story single family home with associated site within the existing developed lakefront lot.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - DEP File # and comments have been received.
 - Site visit performed.
 - Site contains BLSF and Bank, and is within the buffer zone to Bank. BLSF noted at 721.78 on the plan (MHW EL). Work is not proposed within BLSF. No trees noted for removal.
 - Application does not include documentation outlining how the project meets standards for within the SWB nor an alternative analysis.
 - Project includes a reduction on the stone parking area and infiltration measures for stormwater from the roofs and driveway.
 - Lot coverage increased and expansion is proposed within the 50 foot no new structure setback. Work is also proposed within the 25 ft. no disturb area. Lot is developed, however, fill noted within 25 ft. no disturb to raise the site. Work would require a waiver under the SWB. Project does not include an alternative analysis or information on how project meets requirements for a waiver.
 - As proposed, project does not appear to meet SWB permitting standards, Commission has concerns with fill and work within the 25 ft no touch.
 - This rebuild will require a special permit from ZBA for additional lot coverage.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to continue the Hearing for 70 Paradise Lane to July 14, 2022.AIF 4-0

4. 86 & 88 South Shore Drive-continued 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: revised colored plan
- 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. Hearing was continued to allow time for revisions after Commission comments.
- Presentation and Discussion:
 - Project was discussed at the last meeting. Representative to address staff, SCC and DEP comments.
 - New information received:

- Revised Plan
- Narrative for RA analysis and calculations.
- The Agent recommends the applicant get something in writing from the BOH confirming location of septic in regards to the Certified Vernal Pool across the street
- Reduction to RA impacts noted. Would appear to be more amenable to the WPA and SWB RA standards. House footprint shifted to reduce impacts within RA and to utilize more previously developed area within the 50 ft. no new structure setback. House size was not reduced. Same footprint just shifted. Site is restrictive for building footprint locations due to resource areas, setbacks and septic location.
- Project includes infiltration measures for stormwater from the roofs and driveway. Discharge locations of overflows not shown. How will overflow be handled? Location of perimeter drain not shown. Stormwater shall not be directed onto adjacent properties. Sizing of stormwater structures for roof and driveway should be demonstrated in writing.
- 3 trees to be removed and replaced with 3 deciduous trees. Sizes shall be documented. Should be at least 1.5" dbh. New septic and size of house adds constraints to citing additional trees to meet the 2:1.
- The current home is 1580 square ft, the new home is proposed at 2236 square ft.
- 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 July 14, 2022.

5. 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: Cobra Realty Trust (formerly) 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 provide the Commission with an updated project.
- Presentation and Discussion:
 - Summit Engineering will provide a revised plan for the next Conservation Meeting of June 23, 2022.
 - Project team may want to consider a new NOI if the project has significant changes.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to continue the Hearing for 150 Charlton Road to June 23, 2022. AIF 4-0

6. 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: Hearings have been continued many times to allow restoration work to be approved and completed.
- Presentation and Discussion: Applicant requested a continuation prior to the Hearing.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to continue the Hearing for DEP File #300-1090 to July 14, 2022. AIF 4-0

II. WETLANDS DECISIONS

7. 9 Evergreen Lane-Partial request for a Certificate of Compliance-DEP File#300-460

- Applicant: Krause Family Trust Original Permit Holder: Robert Moss
- Request: Issue a COC
- Presentation and Discussion:
 - Site visit performed.
 - Development is in compliance with OOC. OOC was for full subdivision. This property does not appear to be within the BZ.
- Vote: On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to issue a partial Certificate of Compliance releasing 9 Evergreen from the OOC. AIF 4-0

III. ADMINISTRATIVE DECISIONS

8. Minutes of 4/28/22 & 5/12/22 to be approved

- On a motion of R. Bishop, 2nd by S. Chidester the Commission vote to approve the minutes of 4/28 and 5/12. AIF 4-0

UPDATES

IV. OLD BUSINESS

9. 5 Ladd Road – work within buffer zone

- Discussion: New Property Owners did work to expand the driveway without knowing the wetland regulations. The expansion in the 25 ft no touch would most likely not have been approved. Owner is willing to work with the Commission to file an after the fact application and move the boulders away from trees and wetland, along with replanting in the area. Staff will assist with the filing of a NOI for the July 14, 2022 meeting.

V. ADMINISTRATIVE UPDATES

10. Committee Updates:

CPA-no update

Open Space-The Commissioners are all in favor of supporting the transfer of 70 Cedar Street the care and custody of the Conservation Commission.

Lake Advisory-no update

Trails-Brandon Goodwin and Tom Chamberlain presented ideas and future plans for the Plimpton and Long Pond properties. They are currently working on concept plans for the Fiske Hill property but there is no CR on the property and Conservation does not have Care or Custody of the property.

VI. NEW BUSINESS

11. Wetland Fund Appropriation

- Vote: On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to appropriate funds to support part of the Admin salary – 5 hours a week in the amount of \$5,882.00 for FY23. AIF 4-0

12. Former Curboy Junkyard, 71 Mashapaug Rd

- Discussion: BOS has application for transfer of auto license for property. Staff have begun to research site. Junkyard was a grandfathered non-conforming use as in residential zoning. Noting as beginning operation in the 1930s and ceasing in 2008. In 2005, gas constituents above drinking water standards found in groundwater. RTN #2-15899 issued by DEP. Then in 2006, nearby wells found to have levels of petroleum. RTN 2-16483 then issued. Original junkyard noted to have closed in 2008. Cars were removed. Review of aerial photos shows that areas had re-naturalized. Substantial vegetation had grown back in. Then in 2013, the current owner purchased the property. Review of 2015 aerial photos shows the site re-vegetated. 2019 aerial photos show new use, areas cleared and cars stored. Notice of non-compliance issued by DEP in 2019. Appears contamination/cleanup issues still being dealt with on site then. Resource areas on site including perennial stream in immediate vicinity of work. Review of records does not show that conservation permits were issued for the work conducted by the current owner. Permitting would have been required. Commission has serious environmental concerns with the property and does not recommend BOS take any action until all concerns are explored by State Agencies and Local Authorities. The Agent will send a memo to the BOS before the next BOS meeting.

13. Tree Removal Policy

- Discussion: The draft policy was presented prior to the meeting for review. The Commission discussed briefly but will continue the discussion at the next meeting and vote on it.

14. Agent's Report

- **The office is looking forward to having a college student start as an intern next week.**

15. Next Meeting-June 23, 2022 and Site Visit Schedule- June 14, 2022 9am-12 pm

On a motion of S. Chidester, 2nd by R. Bishop the Commission vote to adjourn at 8:28 pm. AIF 4-0