

# CONSERVATION DEPARTMENT MINUTES

Date: August 25, 2022

Time: 6:00 pm – 9:50 pm

**Quorum Check-Steven Chidester is Absent, David Barnicle appeared virtually, and all others are present.**

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 1 South Paradise Lane- RDA-Landscape Improvements

- Owner/Applicant: Rob Scoble     Representative: none
- Request: Issue a DET
- Documents Presented: sketch drawing & site photos
- Jurisdiction: Buffer Zone & RA
- Project Summary:
  - Project includes replacement of a landscape wall and steps with a timber wall and steps.
- Presentation and Discussion:
  - Proof of abutter notifications & proof of legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - Site visit performed by staff.
  - Site is within BZ and within RA to perennial stream as shown on USGS map.
  - Existing walls and steps are rotten. Replacement will be in kind. Some landscaping plantings will need to be removed. All work is within developed and maintained areas. Mini excavator to be used to remove old timbers. Old timbers are to be directly loaded into a dumpster and removed. Work proposed to be completed within 3-5 days.
  - No work proposed near the lake. The lake is on the other side of the structures. An existing driveway is between the work and the vegetated stream. Work is within BVW to stream. ECs proposed along lower driveway. Recommend just straw wattles during work.
  - Site is well vegetated.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 1 South Paradise Lane. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a DOA:
  - Negative #3 with conditions:
    - Standard pre-work and sign off conditions.
    - Straw wattle install between work and BVW.
  - Positive #2b: no resource area approval
  - Positive #5 w/ conditions noted above.
  - AIF 4-0

#### 2. 16 Mt. Dan Road- NOI-Raze and Rebuild of a lakefront home-DEP File #300-1135

- Owner/Applicant: Deborah Weber     Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plan, arborist evaluation and site photos
- Jurisdiction: Buffer Zone & Bank
  - **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."
  - **Bank**: 301 CMR 10.55 (4): General Performance Standard.
    - "(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:



**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

A-Steven Chidester

V-David Barnicle

Erik Gaspar

Roy Bishop

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

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1. the physical stability of the Bank;
  2. the water carrying capacity of the existing channel within the Bank;
  3. ground water and surface water quality;
  4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
  5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60."
- SWB Regs. 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
  - Project Summary:
    - Project includes the raze and rebuild of the existing house. The parking area will be expanded to park five cars with a gravel base and stone top on the opposite side of the private road. 2 sets of stairs proposed within the bank of the pond.
  - Presentation and Discussion:
    - Proof of abutter notifications & proof of legal ad received.
    - Project site is not located within Priority & Estimated Habitat.
    - DEP File # and Comments received.
    - Site visit conducted.
    - Chapter 91 may be required. OOC must include condition: Either a Negative DOA or a waterway's license would be required before Bank work begins as under commonwealth ownership.
    - 8 feet of Bank impact noted for 2 sets of stairs. 126' of bank on property. 10% impact can be allowed provided no significant impact on values... Locations evaluated at site visit. One set is proposed at existing seasonal dock location which already has some alteration. Would not appear to have impact on values or surrounding tree routes. Other location is primarily open so no vegetation removal appears required. One large tree nearby proposed to be removed. Stairs need to not be placed on land under water.
    - 14 trees to be removed. Arborist Report received and provided to the Commission. Trees reviewed on site. Many trees would need to be removed due to house project. Shoreline trees health evaluated and recommended for removal. Staff recommend that the small pine with woodpecker holes be left as not dead. It's not a threat and can be removed if it dies and becomes a threat easily in the future. It is providing wildlife habitat. Trees could be added along property line near E1 pump.
    - New structure is within 50' no build setback. Alternative analysis must be shown that all alternatives explored before board can consider. A waiver must be requested and mitigation provided. Applicant should provide the Commission how much the house square footage increases are in the 50ft buffer.
    - Mitigation options could include improvements to the catch basin (deep sump), swale, and additional plantings.
    - A detailed landscape plan on a separate sheet is recommended. Items including: walkways, propane tanks (or other fuel tank locations), landscaping, lawn areas to be shown.
    - All areas within the EC line shown to be loamed and seeded. Areas near lake are currently not lawn and should not be converted to lawn. Revise and show alternative cover or leave as is where possible. ECB line encompasses whole lot and probably not necessary. This should be tightened up for project to avoid compaction of tree roots during work for remaining trees. Remaining trees and tree root zones in the LOW must be protected during work. Condition must be added in permit when issued.
    - Perimeter and stormtech chambers should not be directed into the swale, which leads to the lake. A concave splash pad prior to this or into other areas is recommended.
    - Details on parking area are included in the narrative but should be included on a detailed landscape restoration plan for contractors. Staff recommend seeding the slopes with a native erosion control seed mix and an erosion control blanket.
    - There is a slope between the house and road. It may be advisable to level or terrace this area to minimize runoff and allow for some infiltration
    - O & M for stormwater structures required.

- Construction access and staging should be shown.
- Vote: Motion by E. Gaspar, 2<sup>nd</sup> by R. Bishop to continue to allow Applicant to address comments. Continue to the next meeting on Sept. 15, 2022. AIF 4-0

**3. 242 Big Alum Road---NOI-Raze and Rebuild of a SFH-- DEP File #300-1136**

- Owner/Applicant: Samuel and Cara Gilbert      Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: Colored Site Plans
- Jurisdiction: Buffer Zone & Bank
  - **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: Raze and rebuild of a single family house.
- Presentation and Discussion:
  - Proof of abutter notifications & Proof of legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - DEP File # and Comments received. See attached.
  - Revised plan received to address DEP comments.
  - Property is within the buffer zone to a BVW across Roy Rd (within 100 ft. BZ) and within the 200 ft BZ to Bank associated with Big Alum. Site is a developed SFH lot. No new structures shown within 50 ft. of wetlands.
  - Additional large oak noted to be removed at site visit. Tree is approx. 200 feet from lake and over 100’ from the BVW. No replacement would appear necessary.
  - Property contains 2 houses. One to be removed. ZBA approval will be sought for accessory unit as houses will be attached.
  - Pervious paver driveway proposed.
  - O & M for stormwater structures and driveway required.
  - EC should have opening that is closed when not being worked on (straw bales).
  - Applicant asked to modify the plan to include removal of five evergreen trees along the roadway and replace with like kind.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the public hearing for 242 Big Alum Road. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to approve the project at 242 Big Alum Road, DEP File #300-1136 pursuant to the WPA and the SWB with the following conditions:
  - PE to provide O & M plan to be referenced in OOCs.
  - Standard OOC conditions.
  - Engineer sign off and supporting documentation of install of drainage structures and pervious driveway.
  - Perpetual conditions for maintenance of pervious pavers and 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. \$5,000 for new single family house development has been previously required. To be released upon issuance of a Certificate of Compliance.
  - AIF 4-0

**4. 15 Cove Drive--NOI-Addition on a lakefront house – DEP File #300-1137**

- Owner/Applicant: Sean Bushe      Representatives: L. Jalbert, Jalbert Engineering
- 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.”

- SWB Regs. New structure Setback: 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- SWB Regs Vernal Pool Habitat 365-5.6
- Project Summary: Removal of existing deck and gazebo to be replaced with a smaller deck, pervious patio. An area below an existing sunroom will be lowered and a new sunroom constructed under the existing sunroom.
- Presentation and Discussion:
  - Proof of abutter notifications & proof of legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - DEP File # and Comments received. See attached.
  - Revised plan received. Includes BLSF designation. No work shown within BLSF.
  - Site visit conducted.
  - Underground utilities proposed within 50-100’ from PVP and rest of work is within 150-200’ of PVP, however, work is minor and will include digging a small trench. No vegetation (shrubs/trees) proposed to be removed. Staff have no concerns with this.
  - New sunroom under existing sunroom appears to be expanded and would be a new structure within 50’ of the lake.
  - New structure is within 50’ no build setback. Alternative analysis must be shown that all alternatives explored before board can consider. A waiver must be requested and mitigation provided. It may be advisable to stay in same footprint of sunroom and not expand here. Appears there are alternative options to the extended sunroom.
  - Area under sunroom will require excavation most of material appears to be past fill. Significant tree roots of large pine noted adjacent to this area. Areas beyond existing footprint should not be excavated.
  - Potential mitigation options could include improvements along the shoreline to create a vegetated filter strip between the lawn and lake. Herbaceous perennials and shrubs could be planted. Some minor erosion noted along the side yard from downspouts and driveway. It would be a good improvement to install BMPs (i.e. drip strip, underground chambers, etc.) to manage stormwater here.
    - O & M for stormwater structures (if installed) may be necessary.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 15 Cove Drive. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to approve and issue an Order of Conditions for 15 Cove Drive, DEP #300-1137, with the Agents standard conditions. AIF 3-1(Barnicle)

**5. 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 Status Summary:
  - Project was continued for further revisions.
- Presentation and Discussion:
  - Project was discussed at last meeting. Representative to address staff & SCC comments.
  - Reminder: NHESP Letter received. No concerns. Not within Estimated Habitat just w/in Priority Habitat. BOH no concerns w/ septic proposal in relation to OWR standards.
  - New information received:
    - Revised Plan
    - Revised Septic Plan
  - Reduction to RA impacts had been addressed on last plan. Substantial portion of structure moved back into RA to reduce house within 50’ no build. However, structure size increased since last plan and porch now added to 50’ no build setback. RA area is previously developed; however, new structure is not an improvement over existing lawn. RA restoration of remaining RA could satisfy this for SWB standards.
  - Project still requires waiver as new structure is within 50 ft no new structure setback. Mitigation is 2:1. Board should evaluate mitigation. Mitigation shown as recharge systems for roof.
  - Current House plan is approximately double the original footprint.
  - Applicant requested a continuation to address the Commissions comments.

- Vote: By consensus vote the Commission continue the Public Hearing for 86 & 88 South Shore Drive to September 15, 2022. AIF 4-0

**6. 92 McGargle Road- RDA- Removal of two trees within 25 feet of Bank**

- Owner/Applicant: Tom Creeden      Representative: none
- Request: Issue a DET
- Documents Presented: site photos
- Project Status Summary: Project is the removal of two trees within 25 feet of Leadmine Pond and approval to remove 2 additional trees further from the lake if their condition deteriorates further.
- Presentation and Discussion:
  - Proof of abutter notifications & legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - Staff site visit performed.
  - 2 trees requested to be removed on the bank are a pine and maple. Trees have grown into each other at base. Both lean over the lake and roots on upland side are exposed. Owner notes that this has recently happened.
  - If these trees fall they will cause damage to the bank. It may be best to remove before they fall and destabilize bank.
  - There are a few mature birches in that area and some saplings growing in vicinity. One maple may be sufficient for the area. Would have to be setback as stumps to remain.
  - One of the other trees has a significant lean and leans towards the electrical lines and sheds (approx. 120' from the lake). The other tree's roots are exposed and has a very slight lean. That may also be due to searching for sunlight as clustered within other trees (approx. 70' from lake).
  - There is a stream and BVW on other side of McGargle Rd. The trees are not adjacent to the BVW and the area has many trees.
  - Lose of these 2 trees would not appear to affect the resource area. They are only asking to remove if their condition declines as they have the RDA filing in front of the board now.
- Vote: On a motion on E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 92 McGargle Road. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a DOA for 92 McGargle Road with the following:
  - Negative #3 with conditions:
    - Standard pre-work and sign off conditions.
    - No stump or root removal.
    - Replacements: 1 maple near the Bank. Tree to be at least 1.5 inches at DBH. To be planted immediately following removal. If trees are removed in winter (to fall on ice) then tree to be planted w/in one month of the following growing season.
  - Positive #2b: no resource area approval
  - Positive #5 w/ conditions noted above.
  - AIF 4-0

**7. 235 Podunk Road- NOI- Construction of a single family home-DEP File #300-1134**

- Applicant: Dave Brunelle      Representative: M. Dipinto, Three Oaks Environmental
- Request: Issue OOC
- 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."
- Project Summary: Construction of a SFH lot.
- Presentation and Discussion:
  - DEP File # received. No comments.
  - Site visit performed. Site was not staked.
  - Proof of abutter notifications & proof of legal ad received.

- Project site is not located within Priority & Estimated Habitat.
- Project was filed under a SWB NOI and RDA last year but applications w/drawn as Applicant was awaiting perc testing (during drier conditions) to relocate to the front of the yard.
- At that time, there were questions on wetland flagging. Staff reviewed and found an area outside of the flagged wetland that had evidence of groundwater break through, leaf staining, wetland vegetation, etc. They agreed to revise flagging. Does not appear that flagging has been revised. Need to evaluate line as accurate.
- Current plans do not show extent of wetland line. This is required to be shown on the plan.
- Hearing must be continued to give the applicant time to address comments of the Commission.
- Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for 235 Podunk Road to September 15, 2022. AIF 4-0

#### 8. 237 Podunk Road- NOI- Construction of a single family home-DEP File #300-1138

- Applicant: Dave Brunelle      Representative: M. Dipinto, Three Oaks Environmental
- 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.”
- Project Summary: Construction of a SFH lot.
- Presentation and Discussion:
  - DEP File # received. No comments.
  - Site visit performed. Site was not staked.
  - Proof of abutter notifications & proof of legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - Project was filed under a SWB NOI and RDA last year but applications w/drawn as Applicant was awaiting perc testing (during drier conditions) to relocate to the front of the yard.
  - At that time, there were questions on wetland flagging. Staff reviewed and found an area outside of the flagged wetland that had evidence of groundwater break through, leaf staining, wetland vegetation, etc. They agreed to revise flagging. Does not appear that flagging has been revised. Need to evaluate line as accurate.
  - Area was looked at again at this year’s site visit and similar concerns still exist.
  - Current plans do not show extent of wetland line. This is required to be shown on the plan.
  - Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for 237 Podunk Road to September 15, 2022. AIF 4-0

#### 9. 5 Ladd Road- NOI-After the fact Driveway expansion-DEP File# 300-XXXX

- Owner/Applicant: Lorenzo Monaco      Representative: none
- Request: Issue an Order of Conditions
- Documents Presented: colored sketch plan
- Jurisdiction: Buffer Zone to BVW and Bank
- Project Summary:
  - Project was conducted without wetland permitting. NOI required by board.
- Presentation and Discussion:
  - Hearing is postponed to provide time for the applicant to place a legal ad as required.

#### 10. MA DOT – Request for a Determination of Applicability - I-90 Resurfacing and Vegetation Management Work

- Applicant: MA DOT – Highway Division      Representative: S. Kriesel, BSC Group
- Request: Issue an Negative DOA

- Documents Presented: n/a
- Project Summary: Eastbound and Westbound Shoulder I-90 from I-84 exchange to municipal boundary of Charlton within I-90 ROW.
- Presentation and Discussion:
  - Project includes re-surfacing, adjustments to drainage structures and vegetation management. All veg work within the highway layout, most within guardrail some will extend past guardrail. Most of the work is exempt pursuant to the WPA, however, some of the vegetation work will occur in resource areas (RA is exempt).
  - Proof of abutter notifications not required. Proof of legal ad received.
  - State agencies not subject to local bylaws so no SWB jurisdiction.
  - Veg management does not include any earthwork.
  - Work is related to the project in which the required drainage improvements are being made. Those improvements were required and completed under an EO. Con com is waiting an update and answers to substantial compliance with that work. Few small outstanding cleanup items, too.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for I-90. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a DOA with the following:
  - Negative #3 with conditions for non-exempt vegetation management:
    - Notification prior to work.
    - Contractor training for work in resource areas.
    - DOT environmental staff or BSC staff oversight for work in resource areas.
    - Post-work Reporting documenting work in resource area and any alteration.
    - No stump or root removal.
  - Negative #5
  - Negative #5: 310 CMR 10.02(2)(b)(1) & 2.n
  - Positive #2b: no resource area approval.
  - AIF 4-0

**11. 698 Main Street—continued ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1133**

- Owner: National Grid      Applicant: Interstate Towing      Representatives: G. Krevosky, EBT Environmental
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary: Continued to select and initiate peer review.
- Staff Notes:
  - DEP File # issued no comments.
  - Art Allen selected for peer review. Review was conducted on 8-16-22.
  - Staff visited site w/ Art. Report to proceed. One revision noted when staff were there w/ connection of 2 BVWs as flow observed. Pipe was not located but there is some connection. Art was to review the rest of the site and provide comment.
  - The report by the third party was not complete in time for this meeting so the applicant will need a continuation to the next meeting.
- Public Comment: Jean Sullivan representing the Van Gervans-concerns over a river that might run from the subject property to the Van Gervans.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for 698 Main Street to September 15, 2022. AIF 4-0

**12. 150 Charlton Road- continued NOI- Development of a light Industrial building and supporting infrastructure - DEP File #300-1115**

- Owner/Applicant: Cobra Realty Trust      Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: peer review report & colored staking plan
- Project Status Summary: Project was continued to allow for peer review of changed project.
- Staff Notes:
  - Peer review report received with comments for revision. Project to be revised to include recommendations.
  - Revised plans, drainage report and peer review response letter received on 8-17-22. Provided to peer reviewer.
  - Site visit conducted to review new LOW.
  - All work has been removed from the RA.
  - LOW to be added to site plan set. Closest point of the LOW is shown near the IVW at approx. 40 feet.

- Revised project is described as light industrial. Unknown what final use will be at this time.
- Staff continue to strongly recommend that a stockade style fence is installed behind the curb (but on top of the slope) to minimize disturbance to wildlife habitat as this is an industrial zoned area and uses will have an impact on adjacent wildlife habitat. This should be adjacent to Rt. 20 and follow down to the existing stone wall. A gap can be left near Rt. 20 to allow for site lines and access to perform O & M activities and inspections on the stormwater outlet.
- Not shown now as a LUHPL. Condition must be included that any future use must comply with all applicable local, state and federal laws. If the eventual use is a LUHPL then the stormwater system would have to meet standards for such use.
- Revised project is a significant improvement over alternative plans submitted.
- Lighting plan shown. It should be verified that lighting is dark sky compliant (i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so to not illuminate any part of the wetland).
- Applicant/Owner expressed how dissatisfied with the process so far of this Notice of Intent and feels unfair treatment has been applied to this project.
- Commission wants to stockade fence added to the plan before the Order of Conditions is approved, the applicant agrees to a continuation to allow time for this change.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for 150 Charlton Road to September 15, 2022. AIF 4-0

**13. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – *continued* NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-1132**

- Owner: M. Sosik      Applicant: Justin Stelmok      Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: Concept Sheet, Concept Open Space and LEC letter (dated 8-18-22)
- Project Summary: Project was continued to allow for project revisions based on comments to date.
- Presentation and Discussion:
  - Revised materials received on 8-19-22.
  - Brian Madden shared the new concept for the Commission-the plan eliminates three house lots to minimize disturbance to the 200 foot vernal pool buffer zone.
  - New plan shows all the proposed Open Space on the property.
  - Commission provided feedback to the applicant of the new plans, any additions comments about the stormwater should be brought through the Agent to the Third party reviewer to consider.
  - Agent did not have time to add comments for the Commission to review due to the timing of receiving these new plans.
  - Applicant requests continuing to the next meeting.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for Lot 3, 20 Fiske Hill Rd, 30 Main St. to next meeting Sept. 15, 2022. AIF 4-0

**II. WETLANDS DECISIONS**

**14. National Grid Easements along Leadmine Lane- Request for a Certificate of Compliance-DEP File#300-1025**

- Applicant: Mass Electric Company      Permit Holder: same
- Request: Issue a COC
- Presentation and Discussion:
  - Site visit performed, staff have no concerns.
  - The project was for work within a utility easement.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a complete CoC for DEP File#300-1025, no perpetual conditions in OOC. AIF 4-0

**15. 70 Westwood Drive – Request to extend an Order of Conditions –DEP File #300-1035**

- Applicant: Josh Wages      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue extension.
- Presentation and Discussion:
  - Requesting extension due to COVID for three years.
- Vote: The Commission vote to issue a 3 year extension for DEP File #300-1035. AIF 4-0

**16. 47 Breakneck Road – Request for Certificate of Compliance -DEP File#300-1130**

- Applicant: Michael Caplette      Permit Holder: Chris Mattioli

- Request: Issue COC
- Presentation and Discussion:
  - Site visit performed. And site is stabilized.
  - Supporting documentation received.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a complete CoC for DEP File# 300-1130 with the following perpetual conditions: SC 44-47. AIF 4-0

**17. 10 Willard Road – Request to extend an Order of Conditions –DEP File #300-0942**

- Applicant: Kimberly Klimczuk      Permit Holder: Kimberly Klimczuk
- Request: Issue COC
- Presentation and Discussion:
  - A RDA was filed to complete the project at this site.
  - Supporting documentation received. Site stabilized, confirmed at site visit.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a complete CoC for DEP File #300-942 with perpetual conditions: SC's: 19, 20 & SSC's: 8 & 11. AIF 4-0

**18. 1 Hare Rd. (George Vinton Rd.) Request for Certificate of Compliance -DEP File#300-1007**

- Applicant: Wood Associates on behalf of Ameresco      Permit Holder: BWC 8 LLC
- Request: Issue COC
- Presentation and Discussion:
  - Project included culvert replacement and mitigation plantings.
  - Supporting documentation received: as-builts documenting invert, outlet and water level elevations; monitoring completed for plantings and side slopes; letter of substantial compliance.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission to issue complete CoC for DEP File #300-1007 with perpetual conditions: SC's: 56-63. AIF 4-0

**19. 42 Draper Woods Request for Certificate of Compliance -DEP File#300-0469**

- Applicant: Robert M. Bixby & Nancy Ferreira-Bixby      Permit Holder: Swiaki & Company, LLC
- Request: Issue COC
- Presentation and Discussion:
  - Site visit performed. No concerns.
  - Lot part of Draper Woods. 42 is not located in Buffer Zone.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a partial CoC releasing 42 Draper Woods from DEP File #300-0469. AIF 4-0

**20. 51 Technology Park Road Request for Certificate of Compliance -DEP File#300-1029**

- Applicant: Dileo Gas      Permit Holder: Dileo Gas
- Request: Issue COC
- Presentation and Discussion:
  - Site visit performed.
  - No concerns.
  - Annual maintenance and reporting required as in perpetual conditions.
- Vote: By consensus, the Commission vote to issue complete CoC for DEP File # 300-1029 with perpetual conditions: SC's: 61-67. AIF 4-0

**21. 132 Lane Nine Emergency Certification**

- Requestor: COAN Landscape Design on behalf of Randy Bercume      Property Owner: Randy Bercume
- Request: Ratify approval
- Presentation and Discussion:
  - Site visit performed w/ Erik Gaspar when request received (7-21-22).
  - EC issued as steep bank and continual erosion and sediment washout entering resource areas.
  - Conditions implemented and after the fact NOI requirement.
  - In Priority Habitat. NHESP notified by Requestor.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to Ratify issued Emergency Certification for 132 Lane Nine. AIF 4-0

**III. ADMINISTRATIVE DECISIONS**

**22. Minutes of 7/14/22 to be approved**

- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to accept the minutes of July 14, 2022 as written. AIF 4-0

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## UPDATES

### IV. OLD BUSINESS

#### 23. MA DOT MA DOT Enforcement Order - I-90 Drainage Improvements Update

- Presentation and Discussion: Project has primarily been completed. Staff and Raoul Ricard visited the site in late June & requested the following of DOT.  
 “As Raoul indicated we did stop by to review the project on June 23, 2022. Overall we were impressed with the final work. Thank you for your efforts here. There were a few small items that need to be completed which I have listed below. I informed the board of our site walk and status of the project. We would like to add this to our August 25, 2022 meeting agenda for the board’s review in an effort to work towards being able to close out this Enforcement Order. Prior to that meeting, we would like the following:
  - An update on when the final items (listed below) will be completed. Final items include:
    - Removal of all final site BMPs: compost socks & silt fence and stakes in Cedar Lake (this fence has been in the lake for years)
    - Repair of the pipe under the access roadway (concrete patch) at end of Old Hamilton Road – Area 3
    - Clean out debris in stone swales
  - A walk through with DOT and hopefully Peter, from BSC Group.
  - BSC Group (designing engineers) review the project for compliance with the approved plans and provide the board with a report on the completed project. Note any deviations and if constructed in substantial compliance. Similar to what would be required with a request for a Certificate of Compliance.
  - BSC provide DOT and us recommendations for O & M activities required for the drainage structures to include recommended frequencies of maintenance work.
  - DOT commitment for at least 2 years of monitoring and reporting on the site improvements”
  - Brian Freeland- President of Cedar Lake Association reports to the Commission that the health of the lake looks good, they give the ok for the Commission to release the Enforcement Order.
  - Cedar Lake Association presented the Agent; Rebecca Gendreau a plaque of appreciation for her work of protecting the Lake.
  - The Commission also thanked Raoul Ricard for all his efforts on this project.

### V. ADMINISTRATIVE UPDATES

**Committee Updates: CPA, Trails, Open Space, and Lake Advisory-none at this time**

### VI. NEW BUSINESS

#### 24. Special Use Permit Application – Rotary Leadmine Mtn. Conservation Area

- Request: Use portion of Leadmine Mtn. Conservation Area for 5k non-profit event. The main event is located on OSV’s property and they would like to use the Arbutus Park Trail on Leadmine. The expect 150 participants. They did discuss this with the Trails Committee last year and the Commission was made aware of the event a few days in advance last year. There were no issues and the trails committee reviewed the trail conditions afterwards.
- Additional details that were provided below. The event will comprise:
  - a 1K timed race for pre-teens just along Old Sturbridge Road
  - a 5K timed race for adults starting on Old Sturbridge Road, then following the trail around the lake
  - a 5K walk on exactly the same route, for older folk
  - a costume parade, games and competitions for young kids, entirely in the Dining Room beside the education center at OSV.
- Last year they had 122 registered participants, which included the 80 "5K Runners", 31 "5K Walkers" on the trails, plus 11 "1K Pre-Teen Runners" that only ran on OSV Road. They hope to increase the runners going on the trails to 150. They had one water station on the trails, manned by a club member and a CERT person. In addition, they had a second water station at the Finish line (off site). They anticipate that they will do the same this year.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to allow the special use of the property with the Agents conditions. AIF 4-0

#### 25. 18 Ladd Road-Forest Cutting Plan

- Request: Copy of FCP received.

- Presentation and Discussion: Land is within Chapterland program and has long been maintained as forest. Forester has been responsible for management here for many years. Plan includes work in Charlton and Sturbridge.
  - Stream crossings in Charlton. Access will be on Ladd Road. Forester has been in communication with DPW Director. Plan filed with the BOS for public hearing.
  - Forester could not attend meeting but offered to walk the site and/or speak on the phone with a member if they had any questions.
  - Skid roads are existing.
  - Culvert under former Bond Sawmill Road may benefit from some protections such as a metal plate over driveway surface to distribute weight.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to recommend BOS approve the Forest Cutting plan for 18 Ladd Road. AIF 4-0

**26. Agent's Report**

- The Grand Trunk Trail project is wrapping up
- 508 International site with DEP and E. Gaspar. Agent will follow up with DEP
- Next meeting-100 Breakneck Road and 2 Glenridge Road, discussion about work done without permits.
- Agent is working to contract someone to survey the property boundaries of Lond Pond Conservation Area.

**27. Next Meeting-September 15, 2022 and Site Visit Schedule- September 6, 2022 9am-12 pm**

**Motion to Adjourn by E. Gaspar, 2<sup>nd</sup> by R. Bishop at 9:50 pm. AIF 4-0**