

CONSERVATION COMMISSION MEETING MINUTES

Date: September 15, 2022
Time: 6:00 pm – 8:12 pm
Meeting held at The Center Office Building 2nd floor
301 Main Street, Sturbridge MA 01566

Full application plans and narratives referenced in these minutes are available on the Commission's website: <https://www.sturbridge.gov/conservation-commission/pages/meeting-calendar-and-documents>

Quorum Present-David Barnicle appeared virtual and Steven Chidester was absent.

No Walk-In

DECISIONS

I. PUBLIC HEARINGS

1. 43 Collette Road- RDA-Landscape Improvements

- Owner/Applicant: Brad Green Representative: Boston Outdoor Living
- Request: Issue a DET
- Documents Presented: sketch drawing & site photos
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes: landscape improvements within a developed yard and driveway runoff mitigation.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - Site is within BZ. Extent of work/yard appears at or just within the 100 ft. BZ.
 - Existing walls are rotting and need to be replaced. Small outdoor kitchen and steps to be added.
 - Stormwater BMPs to mitigate runoff from previous driveway expansion. Rutting within driveway. Berm was added to the end of the driveway/roadway to eliminate road runoff entering the driveway. Stormwater BMPs to be installed within existing developed area. Filter fabric under rip-rap and should be slightly concave/a bowl or have check dams to capture and slow down runoff. Details can be worked out between Conservation Agent and contractor on site. This will be an improvement.
 - Erosion controls may only be necessary for swale work and if areas are left exposed for a period of time.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing. AIF 4-0
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a DOA for 43 Collette Road with the following:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install between work and BVW for swale work.
 - Stormwater BMP to be within existing developed footprint. Parameters of stormwater BMP to be worked out w/ Agent on site. Swale to include filter fabric.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.
 - AIF 4-0

2. 131 Shore Road-RDA-Addition on a lakefront house

- Owner/Applicant: Douglas & Susan Purves Representatives: Nathaniel Messier
- Request: Issue a DET
- Jurisdiction: Buffer Zone



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

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- Documents Presented: colored site plans & site photos
 - Project Summary: Addition of a 2nd story to a lakefront home including replacing of the existing deck in kind.
 - Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Representative or Property Owner was not present at the Hearing.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit conducted.
 - Project approved by ZBA.
 - Commission discussed adding stormwater management to the plan. The Agent recommends conditionally approving the project to keep the construction project on schedule.
 - No expansion of footprint is proposed. ECs shown on the plan.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing. AIF 4-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a DOA for 131 Shore Road with the following:
 - Negative #5: 310 CMR 10.02(2)(b)(1)
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install as proposed due to steep slope and in case footing replacement necessary.
 - Only repairs to existing deck are approved. No expansion or change of impervious surfaces or size expansion proposed or approved.
 - Applicant will provide an updated plan which includes stormwater management prior to the start of work.
 - AIF 4-0
- 3. 231 & 233 Cedar Street- NOI-Construction of a Single Family Home and associated site work-DEP File# 300-1139**
- Owner/Applicant: Bradley Marszalkowski Representative: S. Jordan, EcoTec
 - Request: Issue an Order of Conditions
 - Documents Presented: colored plans
 - Jurisdiction: Buffer Zone to BVW w/ Intermittent Stream
 - Project Summary: The project includes the construction of a single family house with attached garage, private well, septic and driveway within the buffer zone.
 - Presentation and Discussion:
 - Written continuation request received prior to the Public Hearing.
 - VOTE: Commission was AIF 4-0 of a continuation of the Public Hearing for 231 and 233 Cedar St, DEP File #300-1139. Continue to next meeting October 6, 2022.
- 4. 5 Ladd Road- NOI-After the fact Driveway expansion-DEP File# 300-1140**
- 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:
 - Public Hearing must be postponed because the applicant has not provided proof of abutter notification.
- 5. 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: revised plans & draft OOC conditions
 - Project Status Summary: Project was continued to allow for team to address SCC comments.
 - Presentation and Discussion:
 - Peer review had been completed.
 - SCC requested a fence shown on the plan as industrial use and final use unknown to not impact wildlife habitat.
 - Revised plans received which included the fence 6' tall except 4' in setback.

- Draft OOC conditions provided to the Commission for review.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 150 Charlton Road. AIF 4-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve project through issuance of an OOC pursuant to the WPA and the SWB for DEP File #300-1115 with the noted Agent's conditions. AIF 4-0
- 6. 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: Project was continued to allow time for the peer review to finish.
 - Presentation and Discussion:
 - Revised plan received 9/8/22.
 - Art Allen of EcoTec reviewed the revised plan and is in agreement with the updated wetland lines.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 698 Main Street, DEP File #300-1133. AIF 4-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue an Order of Resource Area Delineation for 698 Main Street, DEP File# 300-1133. AIF 4-0
- 7. 16 Mt. Dan Road- *continued* 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: n/a
 - Jurisdiction: Buffer Zone & Bank
 - Project Status 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. Project was continued to allow the Applicant to address the board's comments.
 - Presentation and Discussion:
 - A written request for continuation was received prior to the Public Hearing.
 - Vote: The Commission was AIF 4-0 of a continuation of the Public Hearing for 16 MT. Dan Road, DEP File #300-1135. Continue to the next meeting on Oct. 6th, 2022.
- 8. 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: n/a
 - Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
 - Project Status Summary:
 - Project was continued for further revisions.
 - Presentation and Discussion:
 - Written continuation request received from the Applicant prior to the Public Hearing.
 - Vote: Commission is AIF 4-0 of a continuation for the Public Hearing for 86 & 88 South Shore Drive. Continue to next meeting: Oct. 6, 2022 as requested.
- 9. 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: Peer Review Report (dated 8-25-22)
 - Project Summary: Project was continued to allow for project revisions based on comments to date.
 - Presentation and Discussion:
 - Revised conceptual materials received on 8-19-22. Peer review report received after meeting opened so was not seen in time for last meeting.
 - Brian Madden shared an example of a wildlife crossing used in Easton Ma which was a three sided structure which allowed some light and moisture through. The structure they propose for this project would be four sided but similar. The project team feels this crossing is more than sufficient for the project

- Peer review expresses concerns with extent of development and concerns for impacts to populations related to vernal pool A, directing amphibians through crossing structure and water quality impacts to VPs. An example of a grated bridge presented as option for crossing structure from Oxbow. Team should explore option as would appear to address concerns for light and moisture within crossing structure. Also would be wider and more likely wildlife would use it.
 - The Agent recommends that supporting documentation is provided for the proposed crossing structure and supporting documentation that support no significant adverse impact to VP habitat and not result in a decrease to extant wildlife populations as noted in LEC's 8-18-22 letter. Staff recommend that the grated bridge crossing structure along with four sided crossing is explored and cost out.
 - The SCC requested that current approvals for Town water and sewer be provided for this project.
 - Team to work to address stormwater comments and peer review comments, the applicant is confident the Engineers will clarify any concerns over the use of Rain Gardens as the best stormwater management practice for this project.
 - Applicant requests a continuation to the October 27, 2022 meeting.
- Vote: The Commission is AIF 4-0 of a continuation of the Public Hearing for DEP File #300-1132, continue to October 27, 2022.

10. 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: n/a
- Jurisdiction: Buffer Zone
- Project Status Summary: Construction of a SFH lot. Project was continued to allow for joint site visit.
- Presentation and Discussion:
- A written request for continuation was requested prior to the Public Hearing for 235 Podunk Road, DEP File #300-1134.
- Vote: Commission AIF 4-0 for a continuation for the Public Hearing. Continue to next meeting: Oct. 6, 2022 with a site visit date of Sept. 27th.

11. 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 an OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Status Summary: Construction of a SFH lot. Project was continued to allow for joint site visit.
- Presentation and Discussion:
 - A written continuation was requested prior to the Public Hearing.
- Vote: Commission AIF 4-0 for a continuation for the Public Hearing for 237 Podunk Road, DEP File #300-1138. Continue to the October 6, 2002 meeting.

II. WETLANDS DECISIONS

12. 530 Leadmine Road- Request for a Certificate of Compliance-DEP File#300-271

- Applicant: Attorney Michael Colognesi Permit Holder: Victor Morano
- Request: Issue a COC
- Presentation and Discussion:
 - Certificate of Compliance request on hold until all information is provided by the Engineer.

13. 367 New Boston Road – Request for Certificate of Compliance -SCC# 17-45

- Applicant: Angelo Sposato Permit Holder: Diverdi Builders
- Request: Issue COC
- Presentation and Discussion:
 - Site visit performed.
 - Supporting documentation received. Site stabilized. Restoration plantings installed.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete Certificate of Compliance for SCC #17-45, 367 New Boston Road with the following perpetual conditions: SC 31, 34 & 35. AIF 4-0

III. ADMNISTRATIVE DECISIONS

14. Minutes of 8/25/22 to be approved

- On a motion of R. Bishop, 2nd by D. Barnicle the Commission vote to accept the minutes of August 25, 2022 as written. AIF 4-0

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

Committee Updates:

CPA-Next meeting is in October

Trails-Opacum Land Trust and a few member of the Committee met to discuss future plans for the expansion of trails. Trails is having a ribbon cutting at the Riverlands property on September 24, 2022. Many activities planned throughout the day.

Open Space- No update

Lake Advisory- No Update

VI. CORRESPONDENCE

15. Letter – 34 Cedar Street

- A concerned resident sent a letter to the commission over the new construction at 34 Cedar Street. Previous permitting was denied at that same location years ago. The Commission remembers a project being brought before them for that address.

VII. NEW BUSINESS

16. 8 Birch Street – DEP File #300-1055

- Documents Presented: site photos & EcoTec Memo (dated 9-6-22)
- Presentation and Discussion: Staff performed a site inspection of ongoing work. It did not appear to be in compliance with the approved plans. Staff noted that both trailers seemed identical in size. The previous trailer #8 was shorter and did not extend into the 25 foot no disturb area. There was a condition that the trailers were only approved within the footprint of the existing trailers. Staff required documentation showing the existing locations of the trailers in comparison to the past locations. In addition, a fence was installed between trailer #7 and the abutting trailer to the south. This is typically a minor activity but still requires permitting. A patio and walkway to the lake was also installed which was not shown on the plan or approved as part of the project which would have required permitting.
- Permit holder's representative provided additional information. Trailers are smaller in size and one was moved further from the lake. Also stated that there was a patio and/or walkway near the trailers previously. Fence provide gap underneath for wildlife. Patios are pervious. Shrubs and trees planted near the water. Permit holder had indicated some other minor improvements that they would like (additional fenced in area, & then walkways etc. by last trailer to be installed).
- Action Items: Commission would like a O & M plan for the pervious paver walkway to the lake along with any future walkways on the property. Any future plans for Lot 4 need to be added to a plan on file.

17. 100 Breakneck Road-Unpermitted Work

- Presentation and Discussion: On July 15, 2022, staff were notified of work occurring on this property by DPW. Trees were cleared in preparation of a SFH development. Portions of property are within buffer zone to wetlands and Riverfront Area. Staff performed site visit with property owner and DPW. Does appear that work occurred within BZs and potentially within RA. Staff gave a verbal cease and desist which was agreed to. Staff were informed that an engineer was developing a site plan. Staff requested that the new tree line be shown to determine the extent of work that occurred in jurisdiction. Staff have sent letters and emails following up on this and no plan or additional information received to date. Staff was contacted today by an engineer and he is working on a plan.

18. 2 Glenridge Road-Unpermitted Work

- Presentation and Discussion: Earlier this year, staff had been made aware of work occurring on this property. It is a developed SFH lot which contains BVW, a perennial stream and Riverfront Area. Property owners were just clearing out brush etc. and wanted to expand the yard into these areas. They are new owners and not aware of the wetland laws. Staff met and discussed concerns and options. Property Owners are working with the Agent and staff have gone by the site and it does appear that the areas of concern have revegetated and are being left alone. Commission request that the Agent follow up in the future to ensure compliance.

19. Agent's Report

- A site visit was performed at 6 Picker Road after a temporary occupancy was granted. A few punch list items remain open, Agent recommends the Applicant file for a partial COC and then a complete COC after all monitoring is complete.
- 241 Main Street-Tenant has vacated the property and taken the fence down, Property Owner will work with the Commission on any other work on the property.
- 447 Main Street-There is currently an open order but many conditions have not been maintained, Agent is working with the Attorney on the next steps to close out the permit.
- 110 Brookfield Road-A recent sale of the property occurred and the new owners have expanded the parking it appears. Commission would like to set up a site visit and Agent will send a letter to the PO to notify of this request and stop work.

- 508 International-Applicant is working with a new wetland specialist. After a site visit with DEP, the best option might be a reduction in the full restoration originally required. The new representative can develop a plan to satisfy the Commission

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

Motion to Adjourn by R. Bishop, 2nd by E. Gaspar at 8:12 pm. AIF 4-0