

CONSERVATION COMMISSION Minutes

November 17, 2022 6:00 – 9:23 PM
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

Commission members will not have quorum for the next meeting so the date was changed to Monday December 5, 2022.

DECISIONS

I. PUBLIC HEARINGS

1. 132 Lane Nine – NOI – After the fact erosion and sediment stabilization– DEP File #300-1143

- Owner/Applicant: Randy Bercume Representatives: S. Morrison, EcoTec
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
 - After the fact filing for removal of the accumulated sediments followed by the installation of stairs and stone to prevent washout and scouring that was occurring. No further work is proposed.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - No DEP Comments.
 - All work was completed under an Emergency Authorization. No further work is required.
 - NHESP MESA approval provided.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 132 Lane Nine. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop for 132 Lane Nine, DEP #300-1143 the Commission:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with no special conditions. OOC to be recorded and then immediately file for a Certificate of Compliance.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with no special conditions. OOC to be recorded and then immediately file for a Certificate of Compliance. AIF 3-0

2. 136 Lake Road –RDA – Minor shoreline repair and tree removal

- Owner/Applicant: Bruce Gran & Beverly Litchfield Representatives: none
- Request: Issue DOA
- Documents Presented: site photos
- Project Summary:
 - Project includes the removal of three trees with replacements and the restacking of 8 ft section of a boulder wall.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project is not within Priority or Estimated Habitat.



**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

Ed Goodwin

Roy Bishop

Erik Gaspar

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- Tree removal includes 2 dead hemlocks and a declining 20" oak. Arborist report included with restoration recommendations to include a no disturb area to be planted with shrubs and the planting of a tree near the location of the oak.
- Shoreline is mostly a concrete block wall with the exception of one 8' section of dry laid stone. This has fallen down or partially fallen down. Plan to repair the wall by restacking the wall and to include adding stone and filter fabric behind it.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 136 Lake Road. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue the following Determination:
 - Negative #3 w/ conditions:
 - Standard pre-work and sign off conditions.
 - All work shall follow the submitted and approved protocol. The replacement wall shall not exceed the footprint of the existing wall.
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
 - No materials shall be deposited within Land Under Water. All fallen materials shall be removed at the end of each work day.
 - Straw wattle install until stabilized.
 - Require plantings as proposed.
 - Positive #2b: no resource area approval.
 - Positive #5 w/ conditions noted above. AIF 3-0

3. 231 & 233 Cedar Street – *continued* 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
- Project Status Summary: Project was continued to allow Applicant to address staff and SCC notes.
- Presentation and Discussion:
 - New materials received including revised plan and EcoTec, Inc's. "Project Description, Construction Sequence & Wetlands Interest Assessment". Waiver requested for driveway within the 25 foot no disturb.
 - Project revisions include: "pitch to drain arrows along the driveway to ensure that driveway runoff reaches the basins, clear distinction of where wattle and wattle/silt fence will be used, and a note at the bottom of the plan regarding the signage along the limit of work/lawn on the site".
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the hearing for 231 & 233 Cedar Street. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop for 231 & 233 Cedar Street, DEP File #300-1139 the Commission:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Submit drainage structure O & M Plan prior to the start of work.
 - Permanent demarcations must be installed prior to Certificate of Compliance.
 - Remove debris dumped on site (plywood, lumber, barrel, etc.)
 - Remove existing drainage pipes.
 - Perpetual conditions for stormwater structures and signage.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - 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 3-0

4. 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: n/a
 - Project Summary: Project was continued to allow for project revisions based on comments to date.
 - Presentation and Discussion:
 - Email from LEC (Representative) received application withdrawn w/out prejudice. Planning to re-file for new public hearing. Requesting to waive the Town portion of the state fee.
 - Staff requested feedback from DEP on fee waiver request. DEP will await to review the new NOI to evaluate request. State fees not at Commission's discretion to waive just DEP.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the hearing for DEP File #300-1132 based on withdrawal request. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the withdrawal request without prejudice. AIF 3-0
5. **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: n/a
 - Project Summary: Project under DEP File #300-1132 was withdrawn without prejudice and re-filed.
 - Staff Notes:
 - DEP File # and comments not received to date.
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Applicant asked to waive the filing fees under the Bylaw and DEP's fee.
 - Staff recommend not waiving fee as fee was minimal and has been exhausted. Commission discussed the request and does not want to change a new fee under the Bylaw. The DEP portion of the fee will be held until a decision is reached by DEP.
 - Peer reviews were being conducted by Pare Corp. for stormwater/engineering and Oxbow Associates for wetlands/wildlife. Stormwater was being conducted in conjunction and through the Planning Dept. If allowable by the applicant, staff recommend that the need for 3 proposal requests be waived and only a new proposal be sought for the Oxbow Review.
 - VOTE: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to waive the bylaw fee for the new application. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote continue peer review for both stormwater/engineering for PARE and wetlands/wildlife w/ proposal to be sought from Oxbow. AIF 2-0-1(Goodwin abstain)
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the hearing to next meeting, December 5, 2022. AIF 3-0
6. **68 Paradise Lane –RDA – Minor shoreline repair**
- Owner/Applicant: Jeff Buchanan Representatives: S. Morrison, EcoTec
 - Request: Issue DOA
 - Documents Presented: n/a
 - Project Summary:
 - Project includes the repair of existing masonry stairs into the lake.
 - Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project is not within Priority or Estimated Habitat.
 - Project is a minor repair of the existing stairs. Work is proposed during lake drawdown.
 - Work will not impact resource areas as bank is existing stairs and repair is minor in nature.
 - Property has recently been sold. Staff have been to site with previous owners. Appears cleanup activities have occurred outside of the developed yard within and near wetlands. New property Owners were present, the Commission discussion that no vegetation removal outside of the yard should occur.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the hearing for 68 Paradise Lane. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote for 68 Paradise Lane to issue a Determination:

- Negative #3 w/ conditions:
 - Standard pre-work and sign off conditions.
 - The bottom stairs which have crumbled shall not exceed the footprint of the existing stairs.
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
 - No materials shall be deposited within Land Under Water. All fallen materials shall be removed at the end of the work day.
 - Positive #2b: no resource area approval.
 - Positive #5 w/ conditions noted above.
 - Include language in letter in regards to vegetation management on site. AIF 3-0
7. **698 Main Street– NOI-Construction of a commercial building with associated parking and utilities-DEP File# 300-1144**
- Owner/Applicant: J. Procon, Interstate Towing Representative: G. Krevosky, EBT Environmental
 - Request: Issue an Order of Conditions
 - Documents Presented: colored plans
 - Jurisdiction: Buffer Zone
 - **10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - Project Summary: Project includes the construction of a 7,000 sq. ft. commercial building with associated parking areas and utilities.
 - Presentation and Discussion:
 - DEP File # received. No comments.
 - Project is not within Priority or Estimated Habitat.
 - Proof of abutter notifications & proof of legal ad received.
 - Site visit performed.
 - NOI states inland resource area impacts; however, buffer zone only project.
 - Site is currently forested and includes some remnants of previous foundations and includes stonewalls. Site includes a bordering vegetated wetland which contains an intermittent stream. Appears stream was previous re-directed through the site many years ago as USGS maps show it on the adjacent parcel.
 - Resource Areas verified this year through an ORAD for the whole 8 acre site while only 1-2 acres will be disturbed for this development.
 - Project is a Land Use with a High Potential Pollutant Load.
 - Project has been filed with the Planning Board. A peer review has been initiated with Pare Corp. for stormwater and traffic. Proposal was solicited for joint review with anticipation of being required by Conservation.
 - Pare report received and provided to board. Some recommendations for revisions to stormwater but the applicant addressed all standards.
 - Project has been designed in consultation with staff to meet bylaw regulation setbacks. No work proposed within 25 foot no disturb and no structures within 50 feet.
 - Wetlands eventually discharge into DOT drainage system and would appear to discharge across the street to East Brimfield Reservoir.
 - Project was designed to meet MA DEP Stormwater Standards for a LUHPPL. BMPs include deep sump catch basins with hoods, oil-grit separators, water quality units, underground infiltration chambers and a stormwater basin. 2,000-gallon oil grit separator will provide oil storage in case of a spill and TSS removal. See the Stormwater Report.
 - Project engineer provided a brief presentation to the board on the stormwater plan for the site, an O & M plan is proposed as part of the project.
 - NPDES Permit will be required and can be conditioned to be provided prior to the start of work.
 - A fence is proposed along the truck and vehicle storage area. This proposed fence is a cedar 8’ tall stockade style fence.

- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to provide a joint peer review with the Planning Department with Pare. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 698 Main Street to December 5, 2022. AIF 3-0
8. **136 Lake Road– NOI-Construction of a permeable paver driveway-DEP File# 300-1146**
- Owner/Applicant: Bruce Gran & Beverly Litchfield Representative: G. Krevosky, EBT Environmental
 - Request: Issue an Order of Conditions
 - Documents Presented: colored sketch plan
 - Jurisdiction: Buffer Zone
 - **10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - Project Summary: Project includes installation of permeable pavers in the footprint of an existing crushed stone driveway.
 - Presentation and Discussion:
 - DEP File # issued. No comments.
 - Project is not within Priority or Estimated Habitat.
 - Proof of abutter notifications & proof of legal ad received.
 - Prior site plan utilized for existing conditions. Sketch includes limits of current project and includes permeable paver detail.
 - Work is 54.5 feet from resource area. ECs proposed.
 - Pavers will be maintained through an O & M plan, monitored by staff.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 136 Lake Road, DEP File #300-1146. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop for 136 Lake Road, DEP File #300-1146 the Commission vote:
 - to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Excavated materials to be removed off site.
 - Manufacturer specs for maintenance to be provided prior to start of work.
 - Perpetual conditions for maintenance activities.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the special conditions noted above. AIF 3-0
9. **50 Whittemore Road – NOI – Landscape Improvements including a patio and fire pit – DEP File #300-1047**
- Owner/Applicant: Joseph and Kristen Dalton Representatives: L. Jalbert, Jalbert Engineering
 - Request: Issue Order of Conditions.
 - Documents Presented: colored plans & site photos
 - Jurisdiction: Buffer Zone
 - Performance Standards
 - **10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - Project Summary: Project includes the addition of a patio, fire pit and landscape improvements.
 - Presentation and Discussion:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - DEP has not provided a file number for this project.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed. Yard is sloped. Some grading required. Steep drop off to wetland at the tree line.

- Most of the work is occurring outside of the 50-foot buffer zone w/ in a developed yard.
- Limit of work will be at the tree line.
- Will require grading and installation of retaining walls as currently sloped. Riprap drainage swale shown at edge of yard as long-term stormwater BMP.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 50 Whittemore Rd., DEP File #300-1047. AIF 3-0
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop for 50 Whittemore Road, DEP File #300-1047 the Commission:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Excess excavated materials to be removed off site (if any).
 - Maintenance activities for drainage swale to be provided prior to start of work.
 - Perpetual conditions for swale maintenance activities.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the special conditions noted above. AIF 3-0

10. 63 Beach Ave – NOI – Raising the existing house, addition and associated site work– DEP File #300-1145

- Owner/Applicant: Sean and Johanna Doyle Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue Order of Conditions.
- Documents Presented: colored plans & site photos
- Jurisdiction: Buffer Zone
- Performance Standards
 - **10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Project Summary:
 - Project includes raising the existing house to provide a full basement. It also includes an addition, pervious paver walkway, a drip strip, landscaped areas, retaining walls and other landscape improvements.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - DEP has provided a file number for this project w/ no comments.
 - Project site is not located within Priority & Estimated Habitat.
 - Past OOC issued for a deck which resulted in an EO as the deck became the sunroom and a concrete patio was poured without approval. The concrete patio was removed and replaced with a paver patio and included restoration plantings. This was done by a previous property owner.
 - Site visit performed.
 - Work will occur within the 25 foot no disturb but all is within a previous developed area. This work includes excavation to install a new foundation, new posts for the sunroom and removal and replacement of the existing pavers as needed. The house addition is proposed outside of the 50-foot buffer zone. Project has not been filed with the ZBA yet. Lot coverage may be a concern here. Work within the 25 foot no disturb requires a waiver. No waiver request received.
 - It is unclear to the extent of work involved to either repair add to the existing foundation. This needs to be clarified. Currently not clear on the plan. Has been stated. Project will result in extensive temporary alteration to install the new foundation for full basement.
 - Construction sequence plan and details needed in regards to excavation.
 - Site is fairly impervious and can benefit from stormwater management. A drip strip is shown on one side of the structure. Additional roof runoff and driveway runoff would be beneficial due to lot coverage.
 - Straw wattle proposed for ECs.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 63 Beach Ave., DEP File #300-1145 to December 5, 2022. AIF 3-0

11. 72 & 72A Paradise Lane- continued NOI- Raze and Rebuild on a lakefront lot-DEP File #300-XXXX

- Applicant: Robert & Lisa Muscaro Representative: L. Jalbert, Jalbert Engineering

- Request: Issue an Order of Conditions
- 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 the removal of the existing house and rebuilding a new house.
- Staff Notes:
 - DEP File # has not been received.
 - Site visit performed.
 - A NOI was filed for this project and denied earlier this year.
 - The revised project includes the same house footprint as shown on the previous filing. The new project now includes: the removal of 23 trees, a proposed stone parking area (this appears to already be in existence on areas currently used by the abutter), paving of a portion of the existing stone driveway and to keep an additional parking area. Project also includes a pervious paver driveway and retaining wall, stormwater BMPs and a planting plan for removed vegetation. Project plans show a naturalized area to not be disturbed.
 - Waiver is requested. SWB Regs 365-1.1 H(2) state: “A waiver (as stated above) to the fifty-foot “no structure” buffer and the twenty-five-foot “no disturb” buffer may also be granted to applicants under the following circumstances: the area is already previously disturbed and the proposed project will improve the protection to the resource area; or the applicant can prove with documented evidence that there are no other substantially equivalent alternatives available. Said applicant must show that measures will be incorporated into the project to ensure that there will be no significant adverse impact to the resource area and must provide additional protection at a ratio of 2:1 to the value of the resource buffer being altered.”
 - Filing includes additional information on stormwater management including maintenance activities. BMPs shown to assist with managing roof and driveway runoff.
 - Impervious area on site noted as the same however appears to increase with paved driveway, increase in impervious portions of the house (excluding stairs and deck). Existing house shown as 904.5 sq. ft. new house is 1,441 sq. ft. As shed will be removed. Structures within the 25-50 ft. BZ: existing house (excluding stairs and deck) 505 sq. ft. new house at 525 sq. ft.
 - Arborist report received. Some trees noted as dead or declining. Most trees required to be removed for new house. 8 in this area not noted as dead or stressed on the plan.
 - Planting plan includes shrubs and trees. States 13 trees: eastern red cedar and service berry included with river birch and maple. Sizes of shrubs and trees should be noted. Area should not be lawn between plantings and noted maintained as landscaped in the future. SCC typically requires a 2:1 for proposed tree removal but exceptions can be made to include shrubs. Application states that the project includes restoration areas of approx. 1,300 sq. ft. but most of this area currently includes vegetation required to be removed. This could be considered compensation for trees to be removed.
 - Would seem beneficial to include additional plantings that can provide canopy near the shoreline to replace the 2 removed there and along the other property line as is currently lawn. Regs require plantings to be located closest to resource area. Additional plantings closer to the resource area would be beneficial and may assist w/ demonstrating an improvement over the existing conditions.
 - Alternative analysis has not been provided demonstrating that there is no practical alternative. Applicant required to demonstrate that they have met all requirements for a waiver.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 72 Paradise Lane to December 5, 2022. AIF 3-0

12. 16 Mt. Dan Road –*continued* NOI – Raze and rebuild of a lakefront home – DEP File #300-1135

- Owner/Applicant: Deborah Weber Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue 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:
 - Applicant requested a continuation to the next meeting.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 16 Mt. Dan, DEP File #300-1135 to December 5, 2022 AIF 3-0

13. 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 and Marcy Reed Representative: L. Jalbert, Jalbert Engineering
- Request: Issue OOC.
- Documents Presented: revised plan & first floor rendering
- Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
- Project Status Summary:
 - Project was continued for further revisions.
- Presentation and Discussion:
 - Revised plan and narrative received from applicant.
 - Project has been revised to leave the original structure which will be renovated. A house addition is proposed which will be outside of the 50 foot no new structure. Driveway surface stated to be gravel not paved.
 - 3 trees to be removed. 3 deciduous trees proposed as replacements.
 - Tree protection required during work as trees are located within the ECs. ECs could be shifted to exclude these areas.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 86 & 88 South Shore Drive, DEP File #300-1134. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop for 86 & 88 South Shore Drive, DEP File #300-1127 the Commission:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Submit maintenance requirements for drainage structures prior to the start of work.
 - Submit tree protection plan prior to the start of work.
 - Landscape plantings must be installed in compliance with the approved plans.
 - Perpetual conditions for stormwater structures.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - 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 single family house development has been previously required. To be released upon issuance of a Certificate of Compliance. AIF 3-0

II. WETLAND DECISIONS

14. 289 Clarke Road Extension –Request for a Certificate of Compliance-DEP File#300-667

- Applicant: Lisa Bachand Permit Holder: same
- Request: Issue COC
- Presentation and Discussion: NOI was result of erosion issues at a property in which a NOI had not been previously required. The plan included a drainage remedy to include soil stabilization, plantings and drainage swales in 2005. Site visit performed, letter of substantial compliance received: drainage project implemented properly. Project has been completed for some time. In addition, slope in backyard has also naturally relegated and grown in with successional vegetation (not lawn).
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete CoC (no perpetual conditions noted in OOC) for DEP File #300-667. AIF 3-0

15. 8 Birch Street –Request for an Extension of Order of Conditions-DEP File#300-1055

- Applicant: R. Nichols, Otis Land Management Permit Holder: same

- Request: Issue extension
- Presentation and Discussion: This project is requesting an extension because the custom trailer for the last lot has not been built yet.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a 3-year extension for DEP File #300-1055. AIF 3-0

16. 7 Cove Drive –Request for a Certificate of Compliance-DEP File#300-1074

- Applicant: Kyle and Laura Tasse Permit Holder: same
- Request: Issue COC
- Presentation and Discussion: Site visit performed, and letter of substantial compliance and as-built plan received. Project varied slightly from approval. House was shifted to the south and driveway expanded within the previous house footprint. That did not result in a change to the approved LOW or encroach closer to resource areas. Additional plantings on site. Agent had no concerns.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete CoC with perpetual special conditions: 50-53 for DEP File #300-1074. AIF 3-0

17. 1 South Paradise Lane –Request for a Certificate of Compliance-DEP File#300-239

- Applicant: Rob Scoble Permit Holder: Robert & Maureen Cartelli
- Request: Issue COC
- Presentation and Discussion: This is an older OOC (1992) in which staff could not locate the file. Address f.k.a. Sunset Lane. Site plan located w/ Building Dept. files for project. Project was for a 2nd driveway and a house addition. The SCC recently reviewed and approved retaining wall repairs associated with this property. The site is consistent with what was shown on this plan.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete CoC for #300-239, no special conditions noted. AIF 3-0

18. 76 Stallion Hill Road–Request for a Certificate of Compliance-DEP File#300-1116

- Applicant: Jared Hamre Permit Holder: same
- Request: Issue COC
- Presentation & Discussion: Project included septic replacement, garage pad and driveway removal and additional site improvements to include cleanup of dumped material and removal of bridge.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue complete CoC w/ perpetual conditions: 47-50 for DEP File #300-1116. AIF 3-0

III. ADMINISTRATIVE DECISIONS

19. Minutes of 10/6/22 to be approved

- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to accept the 10/6/22 minutes as written. AIF 3-0

IV. OLD BUSINESS

20. 413 Main Street-

- Presentation and Discussion: Parking lot failure occurred. Immediate repairs occurred to stabilize slope and repair parking lot. Chris McClure for McClure Engineering to investigate cause for failure as it was unclear what caused the failure and therefore who may be responsible to address. The property Owner has hired EcoTec to assist in a plan to remove sediment from the resource area. A significant amount of fine material had been deposited within Land Under Water, on Bank and in the adjacent Bordering Vegetated Wetland associated with Cedar Meadow Brook. The area is also within Riverfront Area.
- The slope is very steep and it may be challenging to access the area.
- Both Scott Morrison and Chris McClure will work on developed a plan to present at a meeting, an Enforcement Order may be the best way forward.

21. 110 Brookfield Road-

- Presentation and Discussion: Commission has made the Property Owner aware in writing that an NOI is required for work occurring on property. A follow up letter was issued requesting an update on actions taken to file NOI and timeline on when NOI would be submitted as update for this meeting. Property Owner Josh Roy provided an update to the Commission. He has hired Babes Lawn care to file on his behalf. Commission discussed with Mr. Roy that an engineered plan would need to be included with the filing. He plans to file for the first meeting in January.

22. 30 River Road-

- Presentation and Discussion: DEP has issued a superseding Order of Conditions which makes the Court case filed against the Town of Sturbridge null. The Agent went over the Order with the Commission.

UPDATES

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA-no update, Trails: The Agent met with Trails, Town Administrator, and CR partner Opacum to discuss plans on the properties. , Open Space-No update, and Lakes-No update

VI. CORRESPONDENCE

23. **Opacum Land Trust Letter**-Letter was provided to the Commission prior to the meeting for review, they had no comments.

VII. NEW BUSINESS

24. **446 Main Street – DEP File #300-480**

- Presentation and Discussion: Staff became aware that there was an open permit for this property as lawyer called due to upcoming transfer of property. Project was for the redevelopment of the commercial property and included stormwater BMPs and management of flooding created by beavers on the property. There have been historic issues with beaver flooding in this area. Staff informed the representative that based on the current conditions of the property it did not appear that the property was in compliance with the permit. The wetlands have drastically expanded on the site due to prolonged flooding and the swale is essential nonfunctioning. Appears the maintenance for the swale and culvert and flow devices have not been kept up which has caused flooding. Recently an abutter was experiencing flooding of their parking lot. Property Owner and his Representative from EBT Environmental discussed the plan which includes filing a NOI for the first meeting in January.

25. **FY 24 Budget, Betterment and Capital Requests**

- Agent presented to the Commission her requests for FY24, they include funds from CPC to develop plans for the Conservation properties including Plimpton and Fiske Hill. Agent is working on a proposal to increase staffing for the department as the work load has increased.

26. **Agent's Report-no additional report**

27. **Next Meeting-Thursdays December 8, 2022 and Site Visit Schedule-Nov. 29th, 9 AM**

On a motion of R. Bishop, 2nd by E. Gaspar the Commission vote to adjourn the meeting at 9:23 PM. AIF 3-0

Respectfully submitted,

Erin Carson
Administrative Assistant