

CONSERVATION COMMISSION MEETING MINUTES

Date: December 5, 2022
Time: 6:00 -7:59 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>



Conservation Agent
Rebecca Gendreau

Administrative Assistant
Erin Carson

Conservation Commission Members
Ed Goodwin
Roy Bishop
Erik Gaspar

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Quorum Present

DECISIONS

I. WETLANDS DECISIONS

1. 126 Lake Road – NOI – Raze and rebuild of a lakefront lot– DEP File #300-1149

- Owner: N. Dublin & T. Mascuck Applicant: D. Howard, Pioneer Builders
- Representatives: R. Levesque, Levesque Associates
- 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."
 - SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Project Summary:
 - Applicant is proposing to raze and rebuild of a lakefront cottage with a single family home and associated site improvements.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received.
 - Project is not within Priority or Estimated Habitat.
 - Site visit performed. Applicant revised plans based on comments, revisions include:
 - Added a proposed patio at rear of house
 - Added proposed roof leader drywells to infiltrate roof runoff
 - Trim multiflora rose along west side of driveway
 - Two dead hemlock trees on west side of house to be removed (cut flush to grade)
 - Tie in sewer line from new house to existing pump chamber
 - Show connection to existing well
 - Shifted silt fence around east side of house to preserve existing vegetation
 - Small clump of birches near the shed are to be cut which are in conflict with overhead electric wires
 - Added a buffer zone impervious calculation table
 - Added construction sequence notes

- Site contains Bank associated with Big Alum Pond and 2 isolated wetlands bisected by an existing driveway. Entire site is located within the 50' no build setback. No BLSF on site.
- New structure is within 50' no build setback but applicant worked to move the house outside the 25' no touch.

- Mitigation provided on revised plan. 1 Maple tree and 3 winterberry bushes will be planted in the area where a shed will be removed.
 - Commission would like two trees added to the plan within the 25 ft' buffer to the lake.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 126 Lake Road. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission for 126 Lake Road, DEP File #300-1149:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA including standard conditions:
 - A landscaping plan successful for one growing season.
 - Expand the silt fence to include BVW near driveway.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond release upon issuance of a Certificate of Compliance. \$5,000 for a new single family house development has been previously required. To be released upon the issuance of a Certificate of Compliance. AIF 3-0
2. **Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 68 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
 - Jurisdiction: Buffer Zone & Vernal Pool Habitat (SWB only 365-1.4 & 365 5.6)
 - Project Summary: Project under DEP File #300-1132 was withdrawn without prejudice and re-filed.
 - Presentation and Discussion:
 - DEP File # and comments not received to date.
 - Application package includes responses to SCC, peer review and staff comments to date.
 - Pare Corp. peer review received. Mr. Shevlin will present at the 1-5-23 meeting. He's not available to attend this meeting.
 - New proposal received from Oxbow Associates for wetlands/wildlife review. Peer review was conducted for past project. No changes to scope of proposal to continue the review.
 - Brian Madden and Justin Stelmok appeared virtually and Pete Engle of McClure Engineering was in person.
 - Agent recommends that the applicant send forms in regards to the vernal pools to Natural Heritage to be certified.
 - Revised project includes limiting salt use, a wildlife crossing structure and reduced development in the 200-foot vernal pool buffer. Work proposed within the 100-200' VP buffer zone. Crossing structure noted in application package to be same as used by NHESP for rare species. However, that was a 3-sided box culvert. This is a 4 sided. Is there any current documentation which can be provided to support the use of this structure for amphibian use? Applicant should demonstrate why a bridge or 3-sided structure cannot be used. They are proposing to add a natural surface inside the structure, however, that will require continual maintenance to function. Imperative that the crossing structure work to keep populations viable as development bisects and fragments the habitat.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the peer review proposal from Oxbow Associates. AIF 3-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Hearing for Lot 3, 20 Fiske Hill Road and 30 Main Street. AIF 3-0
3. **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: n/a
 - Jurisdiction: Buffer Zone
 - Project Summary: Project includes the construction of a 7,000 sq. ft. commercial building with associated parking areas and utilities.
 - Presentation and Discussion:
 - Hearing was continued to allow project revisions to address peer review comments. Minor revisions to plans required.
 - Written request for continuation received prior to the Hearing.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 698 Main Street to Jan. 5, 2022 to allow for peer review. AIF 3-0

4. 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: revised plans (dated 11-29-22) & Architectural Insights Memo (dated 11-23-22)
- Jurisdiction: Buffer Zone
- Performance Standards
- 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:
 - Project was continued to address comments.
 - Plan revisions and narrative received.
 - Narrative includes a construction sequence plan, waiver request and demonstrates alternatives. Effort will be made to save the adjacent trees. If not, they will be mitigated 2 to 1 if necessary. Locations of replacements shown on plan.
 - Plan changes include removal of a portion of the patio as additional mitigation to what was previously proposed.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 63 Beach Ave, DEP File #300-1145. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop for 63 Beach Ave, #300-1145 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 plan/requirements for drainage structures (drip strip) and pervious patio and walkways prior to the start of work.
 - Documentation of proper patio and drip strip installation, per the plan & manufacturer specifications, must be provided to the SCC.
 - Any trees required to be removed shall be replaced 2 to 1 w/ a red maple as noted in application. Trees shall be at least 1.5" caliper. Required to demonstrate that trees succeed for at least one growing season after installation. Deceased plants shall be replaced.
 - 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 SFH projects has been previously required. To be released upon issuance of a Certificate of Compliance. AIF 3-0

5. 72 & 72A Paradise Lane- continued NOI- Raze and Rebuild on a lakefront lot-DEP File #300-1148

- Applicant: Robert & Lisa Muscaro Representative: L. Jalbert, Jalbert Engineering
- Request: Issue a Determination
- Documents Presented: Jalbert Engineering Memo & Bob Muscaro Letter
- Jurisdiction: Buffer Zone & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
- Project Summary:
 - Project includes the removal of the existing house and rebuilding a new house.
- Presentation and Discussion:
 - Project was continued as DEP File # had not been received.
 - DEP File received. No comments issued.
 - Updated arborist report received. Includes trimming some additional oaks of dead wood.
 - An alternative analysis has now been provided for the waiver. Stormwater BMPs proposed for roof runoff and driveway runoff.
 - Applicant worked with Commission and plan on replacing a dying ash tree with a maple near the shoreline.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for 72 Paradise Lane, #300-1148. AIF 3-0
- On a motion of E. Gaspar, 2nd by R. Bishop for 72 Paradise Lane, #300-1148 the Commission:
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.

- Submit arborist report demonstrating that the landscape plantings have been installed in compliance with the approved plans & confirming that tree trimming and improvements have been made. Also to include a review of health of landscape plantings post installation for success at least two growing season after installation. Deceased plants shall be replaced.
- Documentation of proper patio and drip strip installation, per the plan & manufacturer specifications, must be provided to the SCC.
- 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 SFH projects has been previously required. To be released upon issuance of a Certificate of Compliance. AIF 2-1(Goodwin Apposed)

6. 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:
 - No new information has been received. Applicant requests a continuation to January 5, 2023.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Public Hearing for 16 Mt. Dan Road, #300-1135 to January 5, 2023. AIF 3-0

II. WETLAND DECISIONS

7. 77 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-0913

- Applicant: Jalbert Engineering Permit Holder: Mark & Jodie Gosselin
- Request: Issue COC
- Documents Presented: colored plan & site photos
- Presentation and Discussion: Staff site visit performed. Letter of substantial compliance and as-built received. Project was not executed in full compliance with the plan. Restoration work required was completed though. Cultec not installed however downspouts directed to crushed stone areas. No erosion noted. Additional area along stream appears to have been created for a use area. This is partially within the 25 ft no disturb and outside of the approved LOW. New owners at property. Recommend area is either left to naturalize or is re-planted. Area and portion of the fence is also on adjacent property. Commission discussed with the previous owner that trees need to be planted in the area of the stream, outside the original limit of work. Will need to work with new owners to get site in compliance before a COC will be issued.

8. 77 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-0477

- Applicant: Jalbert Engineering Permit Holder: Kimberly Drury
- Request: Issue COC
- Presentation and Discussion: Site visit performed and letter of substantial compliance. This was an older OOC from before the new the Gosselin’s owned the property. Project included site work to increase the back yard. LOW was revised to stay out of the 25’ BZ. This OOC can be closed.
- Vote: On a motion of E. Gaspar 2nd by R. Bishop the Commission vote to issue complete Certificated of Compliance for 77 Westwood Drive, #300-0477. No perpetual conditions noted. AIF 3-0

III. ADMINISTRATIVE DECISIONS

9. Minutes of 11/17/22 to be approved

- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to accept the 11/17/22 minutes as written. AIF 3-0

IV. OLD BUSINESS UPDATES

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA-Meeting January 9th, Trails-none, Open Space-none, and Lakes-none

VI. CORRESPONDENCE

VII. NEW BUSINESS

10. Agent's Report

- DOT notified the Conservation Department of a bridge repair on Champeaux Road.
- Commission would like the Agent to follow up on the forestry project on Ladd Road.
- Litigation with 30 River Road was postponed.

11. Next Meeting-Thursday January 5, 2023 and Site Visit Schedule-Tentative-December 27, 2022, 9 AM

On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to adjourn at 7:59 PM. AIF 3-0