

# CONSERVATION COMMISSION MINUTES

Date: March 9, 2023  
Location: Center Office Building  
Time: 6:30 – 9:25 PM

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-0>

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**Quorum-With all members present, quorum is achieved; meeting is called to order at 6:30 pm.**

**On a motion of R. Bishop, 2<sup>nd</sup> by T. Winglass the Commission vote to appoint Erik Gaspar as Vice-Chair. AIF 5-0**

## DECISIONS

### I. WETLANDS DECISIONS

1. **130 Lane Nine– NOI- Site improvements to an existing lakefront property -DEP File# 300-1153**
  - Owner/Applicant: J. Tasse                      Representative: M. Thibeault, Landscape Evolution
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction:
    - **Buffer Zone** 10.53(1): General Provisions
    - Sturbridge Wetland Bylaw Regs.: 365-1.1E - H.; 365-1.2, 365-1.3 see: <https://ecode360.com/35319582>
  - Project Summary: Project includes the removal and replacement of existing timber steps with stone steps. Project also includes terracing the hillside to construct a pervious patio with rock wall. Native plantings will be transplanted and invasive species removed.
  - Presentation and Discussion:
    - Applicant requested a continuation to the next meeting, March 30, 2023.
  - Vote: Continue to next meeting as requested. Next meeting is March 30<sup>th</sup>. AIF 5-0
2. **68 Paradise Lane –NOI – Raze and rebuild of a lakefront home – DEP File #300-1155**
  - Owner/Applicant: Jeffery Buchanan    Representatives: S. Morrison, EcoTec
  - Request: Issue OOC.
  - Documents Presented: colored site plans
  - Jurisdiction: Buffer Zone & SWB Regs 365-1.1E - H.; 365-1.2, 365-1.3
    - **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 raze and rebuild of the existing house. A permeable driveway, grading, stormwater improvements and corrective grading w/ wetland impacts are also included.
  - Presentation and Discussion:
    - Proof of abutter notifications and legal ad confirmed to open Hearing.
    - DEP File # issued w/ no comments.
    - Site visit was postponed due to weather conditions and needs to be rescheduled.
    - Project is not within Priority or Estimated Habitat.



**Conservation Agent**  
Rebecca Gendreau

**Administrative Assistant**  
Erin Carson

**Conservation Commission Members**  
Ed Goodwin  
Erik Gaspar  
Roy Bishop  
Ted Winglass  
Karsten Stueber

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- Site contains Bank associated with Big Alum Pond and 2 Bordering Vegetated Wetlands along the eastern and western sides of the property. Bank is an existing concrete wall with stairs.
  - Majority of property is within the 25' no disturb setback and all of site within the 50' no build setback.
  - BVW lines require verification. Unless the BVW line is clearly distinguishable, wetland verification is not possible or recommended at this time of year.
  - S. Morrison, EcoTec proposes that the wetland area near the current lake-stairs be replicated and help redirect the water away from the stairs.
  - New structure is within the 25' no disturb and 50' no build setback. Structure has been moved out of the 50' no build associated with the lake, which is an improvement, but does increase in footprint within 25' of the BVWs.
  - Improvements proposed to stormwater here to include providing a deep sump catch basin for road runoff treatment and a vegetated bioretention area. These will be beneficial but could be improved by expanding retention areas. The ~50 ft drain pipe could be reduced to provide for a larger retention area.
  - Staff have been to this site w/ previous owners on various occasions. They had many concerns with saturation throughout most of the site. Site was saturated on various occasions that staff visited.
  - Staff recommend that helical pilings be looked at to minimize disturbance and to eliminate these concerns. Staff are aware that a partial basement is preferred but this is a challenging site. The project team does not recommend putting the house on piers because they are not warrantied for the lifetime of the home.
  - Alternative analysis should be provided demonstrating no alternatives to the proposal per bylaw regs.
  - A waiver would be required. Mitigation provided on revised plan. All options to meet the SWB standards must be explored and documented in able to be eligible for a waiver.
  - The board may want to consider a vegetated buffer along the BVW lines to create a no disturb buffer and want to consider concrete bounds or other markers clearly identifying the wetlands or that no disturb buffer as outlined in SWB Regs 365-1.1 which states: "At the discretion of the Commission, concrete bounds or other appropriate permanent markers clearly delineating the twenty-five-foot "no disturb" buffer, or any alternative approved-width "no disturb" buffer the Commission imposes for each property, are to be installed prior to the start of any work on-site."
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for DEP File #300-1155, 68 Paradise Lane to March 30, 2023. AIF 5-0

### 3. SHLO SE of 248 Podunk Road– NOI – MA DOT Geotechnical Soil Borings – DEP File #300-1154

- Owner: MassDot District 3      Applicant: MA Electric Company      Representatives: H. Graf BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction:
  - Buffer Zone 10.53(1): General Provisions
- Project Summary
  - Project includes exploratory geotechnical soil borings to plan for road maintenance and stormwater design along the unpaved section of Podunk Road.
- Presentation and Discussion:
  - Proof of abutter notifications and legal ad confirmed to open Hearing.
  - DEP File # issued w/ comments: "Although a file # is being issued, please note the following: While the proposed project appears to have been designed in conjunction with MassDOT and is noted as having received DOT approval in submitted materials, MassDEP maintains that a signature from MassDOT should be submitted for a completed application."
  - Site visit was postponed due to weather conditions and needs to be rescheduled.
  - Project is not within Priority or Estimated Habitat.
  - Project includes tree removal required for soil borings.
  - Appears work is within both the state layout for Rt. 49 but also on town land. Staff have verbally been made aware that the town has an agreement in place for allowing work. NOI needs to be revised to reflect this and include approvals for work on town land.
  - Property owner permissions required as noted by DEP.

- Most exploratory work is exempt (under the WPA) but tree removal is not. NOI filed for tree removal under WPA and for soil borings and tree removal under the bylaw. Tree and brush removal is needed to create a 20' wide cleared path to access the area. 59 trees need to be removed ranging from 2' to 9' diameter at breast height.
  - Future project will include improvements to the abandoned roadway, stormwater management and an extension of a feeder line for a future solar connection in Charlton which will be filed separately.
  - Wetland lines require verification. Unless the BVW line is clearly distinguishable, wetland verification is not possible or recommended at this time of year. BVW data sheets not included for review. Must be provided.
  - **Public Comment**-Claudia Norton/abutter: has concerns with increased noise and dust from highway, she would like to know what other alternatives have been explored.
  - The project team will get more information on the questions raised by the public and the Commission for the next hearing. BSC response-These soil borings are the most feasible option for a solar project in Charlton. Underground lines were explored but were not feasible due to cost.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for DEP File #300-1154 for Podunk Road to March 30, 2023. AIF 5-0
- 4. 505 Main Street – NOI – Demo of a commercial building, replace with a multi-family residential building with associated parking – DEP File #300-1152**
- Owner: J. Bounphasaysonh      Applicant: STL Group      Representatives: R. Mendez, Graves Engineering
  - Request: Issue OOC.
  - Documents Presented: n/a
  - Jurisdiction:
    - **Buffer Zone** 10.53(1): General Provisions
      - Sturbridge Wetland Bylaw Regs.: 365-1.1E - H.; 365-1.2, 365-1.3 see: <https://ecode360.com/35319582>)
  - Project Status Summary
    - Project includes the demolition of a commercial building and replacement with residential multi-family with increased impervious surface. Project was continued from 1-26-23 meeting w/ no discussion per applicant.
  - Presentation and Discussion:
    - The applicant has a written request for withdrawal.
  - Vote:
    - On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the public Hearing for 505 Main Street, DEP File #300-1152. AIF 5-0
    - On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to accept the withdrawal of the NOI without prejudice. AIF 5-0
- 5. 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: colored plans
    - Jurisdiction: Buffer Zone & Vernal Pool Habitat (Sturbridge Wetland Bylaw see <https://ecode360.com/35320117> & <https://ecode360.com/35319610> ).
  - Project Description: Construction of a 68 lot manufactured home community with associated appurtenances.
  - Presentation and Discussion:
    - Project was previously being reviewed under DEP File #300-1132 and was withdrawn without prejudice then re-filed and was being reviewed under DEP File #300-1150. Project was again withdrawn and re-filed. Project hearing postponed at the 2-16-23 meeting.
    - Proof of abutter notifications & proof of legal ad received.
    - DEP File # and comments have not been received.
    - Site visit was postponed due to the weather and ground conditions.
    - The Applicant, Justin Stelmok provided a complete overview of the project which included 68 land leased manufactured homes with a clubhouse. His proposal includes 18% of lot coverage with pervious surfaces.
    - A detailed written response to the meeting packet will be provided by the project team before the next meeting on March 30, 2023.
    - Applicant has requested that the board waive the local filing fee.

- Applicant is requesting to waive requirements for soliciting proposals for peer review as it has been conducted by Oxbow Associates under the past filings.
  - Board does need to vote to continue w/ Oxbow Associates and Pare Corp. peer reviews. Pare Corp. review is being conducted jointly through the Planning Board.
  - The applicant waives the requirement for three proposals for the peer review process.
  - Past peer review reports have been included in the application packet.
  - New materials included:
    - Vernal Pool Monitoring Plan
    - Reduced Salt Application Plan
    - Response to DEP Comments
  - Brian Madden/LEC Environmental went over the wetland areas on site including vernal pools and the topography of the areas.
  - There have been revisions to the original plan, reducing three lots to provide a habitat corridor for passage between two of the vernal pools. The crossing structure proposed is a 4-sided box culvert.
  - In addition, the applicant proposes a reduced salt application to roadways and rain gardens to reduce stormwater basins.
  - Through previous filings, the project has been revised as a result of peer review comments specifically to address impacts to vernal pool habitat. As outlined in SWB Regs and noted above, vernal pool habitat extends beyond the wetland perimeter of the pool and includes upland areas. The project proposes substantial loss of habitat surrounding the vernal pools and bisects the habitat. This was noted of concern by Oxbow Associates. Oxbow noted a review of studies which stated that mole salamander populations exist and depend upon habitat over 540 feet from wetlands. Oxbow recommended that the board require that the 200-foot vernal pool habitat be protected for these reasons as outlined in the regulations. There does appear to be substantial impacts within 540 feet to the vernal pools on this lot.
  - The applicant is proposing land protection as shown on Sheet CR2 of the site plans. Some of the land protection extends upon Lot 4 which is to the west of 2 of the vernal pools. The land protections here are within 50-100 feet of the wetlands and includes some of the 100 ft. vernal pool buffer on this lot. Future development on this lot is of concern. An additional future open space parcel is shown on Lot 4, however, no permanent protections are solidified.
  - Correspondence received from an abutter and the Open Space Committee. Both raise concerns with the proposed project. These have been provided in advance to the board.
- Public Comment:
- Barnes/41 Fiske Hill Road-Would like confirmation on sewer connection and location  
**They are located off Berry Farm Road-the new subdivision road off Main St**
  - Jon Zwirblia/70 Crestwood Dr-Have questions for the applicant in regards to the clubhouse and amenities and size of the homes vs affordability. Commented on the Commissions ability to uphold the bylaws of Sturbridge.  
**Applicant clarified that each home could be up to 1500 sq ft with a garage but could be smaller also.**
  - Tara Balunis/Ridge Hill Road read her letter provided to the Commission ahead of the meeting. She had concerns with the flooding on neighboring properties and lack of open space.  
**Applicant explained that post construction would reduce peak flows and Pete Engle/ project engineer explained briefly how the stormwater management is designed.**
  - Carol Goodwin/Open Space Committee has concerns that once all the site is cleared the run off to neighboring properties will increase. She suggests moving the development further from the wetlands and keeping more natural areas.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue with both Oxbow and Pare for the peer review of this site. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to waive the fee under the Sturbridge Wetland Bylaw of \$750. AIF 4-1(Goodwin apposed)
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Hearing for Lot 3, 20 Fiske Hill Road and 30 Main Street to March 30, 2023. AIF 5-0

## II. WETLAND DECISIONS

### III. ADMINISTRATIVE DECISIONS

#### 6. Minutes o 1/5/23 & 2/16/23 to be approved

- On a motion of R. Bishop, 2<sup>nd</sup> by T. Winglass the Commission vote to accept the 1/5/23 minutes as presented. AIF Gaspar-Y, Bishop-Y, Winglass-Y, Goodwin-Abstain, Stueber-Abstain

- On a motion of R. Bishop, 2<sup>nd</sup> by T. Winglass the Commission vote to accept the 2/16/23 minutes as presented. AIF Gaspar-Y, Bishop-Y, Goodwin-Y, Winglass-Abstain, Stueber-Abstain

#### IV. OLD BUSINESS

##### 7. 226 Roy Road DEP File #300-964

- Discussion: A landscaper has been hired by the Property Owner, the anticipated completion date in the first week of April. Owner will apply for a COC when complete.

##### 8. 110 Brookfield Road

- Discussion: Green Hill Engineering provided staff a site plan with the wetlands marked for review. The Commission would like to visit the site to check the conditions but need the No Trespass Order lifted for that to happen. Property Owner will lift the Trespass Order and file it with the Police Department and provide copy to the Conservation staff. Discussion should be continued to the next meeting after the site visit has occurred.

##### 9. 71 Paradise Lane DEP File #300-929

- Discussion: Due to lengthy meeting this topic will be discussed at future meeting date and time.

#### V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes-not discussed

#### VI. CORRESPONDENCE

#### VII. NEW BUSINESS

##### 10. Special Land Use Application

- **Location: Plimpton      Organization: Hamilton Rod and Gun Club**
  - The Club is asking for use of the Plimpton property for the yearly event on June 9-11, 2023.
  - Attendance is expected around 300-500 people.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to approve the use of Plimpton for an archery event including typical conditions and the Agents special conditions. AIF 5-0

##### 11. Agent's Report

- The state has extended the use remote meetings until March 2024.
- MACC will hold field workshops this spring.
- 23 Old Hamilton Road Ext.-some tree clearing occurred without permits, site need to be added to the Commission's site visit schedule and the Property Owner should come to the next meeting to discuss all plans for the property.

The next meeting will have a large agenda and abutter interest, the Agent recommends moving the meeting to Veterans Hall to better accommodate the larger group

##### 12. Next Meeting-Thursday March 30, 2023 (Veterans Hall) and Site Visit Schedule-Tentative-TBD

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Motion to adjourn by T. Winglass, 2<sup>nd</sup> by R. Bishop at 9:25 PM AIF 5-0