

CONSERVATION COMMISSION MINUTES

Meeting Date: Sept. 14, 2023
Location: Veteran's Hall, Town Hall 2nd Floor
Time: 6:04-8:14 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>

Full video transcripts of the meeting can be found here: <https://www.sturbridge.gov/cable-advisory-committee-public-access-television/pages/sturbridge-meetings-demand>.

Quorum-Roll Call; Gaspar-present, Winglass-present, Goodwin-present, Stueber-present, Bishop-present; quorum is achieved the meeting opened at 6:04 PM

DECISIONS

I. WETLANDS DECISIONS

1. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI- Construction of a manufactured housing community-DEP File# 300-1156

- Owner: M. Sosik Applicant: Justin Stelmok
- Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: draft conditions
- Jurisdiction: Buffer Zone (WPA & SWB) & Vernal Pool Habitat (Sturbridge Wetland Bylaw)
- Project Description: Construction of a manufactured home community with associated appurtenances.
- Presentation and Discussion:
 - Project was continued to work out details for permitting.
 - CR language Lot 3 and Lot 4B and additional revised documents provided which include:
 - New plan set to include updated sheets
 - Revised Open Space Plan w/ labels and sizes
 - CR language for Lot 3 and Lot 4B Open Space
 - Overall requested language is consistent no significant changes noted to legal terms. Some permitted uses should include "with prior review and approval of grantee". CRs do limit public access w/ ability to change that in the future w/ grantor and grantee approval. These are just for the Lot 3 open space and lot4B open space (see plan online). Lot 4B may be deeded to DFW in future so would then need to allow public access. Lot 4A open space parcel should not restrict public access as will be deeded to DFW. That parcel was designated for open space. Other 2 for vernal pool protections.
 - CR and DR language can be continued to be worked out after permit issuance. Restriction approvals will require formal vote at a public meeting.
 - Staff are waiting on final language from Town Counsel.
- Vote: On a motion of E. Gapsar, 2nd by T. Winglass the Commission vote to close the Hearing for #300-1156, Lot 3 20 Fiske Hill Road and 30 Main Street. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project for DEP #300-1156, Lot 3 20 Fiske Hill Road and 30 Main Street under the WPA with the conditions outlined in the packet. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project for DEP #300-1156, Lot 3, 20 Fiske Hill Road and 30 Main Street under the Sturbridge Wetland Bylaw with the conditions outlined in the packet. AIF 5-0



Conservation Agent
Rebecca Gendreau

Assistant Agent
Erin Carson

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

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2. 63 Beach Ave. – Removal of concrete shoreline wall to be replaced with naturalized shoreline of plantings, coir logs and boulders DEP File# 300-1174

- Applicant: Johnna Doyle Owner: same
- Representative: M. Thibeault, Landscape Evolution
- Request: Issue OOC
- Documents Presented: Sketch plans
- Performance Standards: Bank
- Project Summary:
 - Project includes the removal of a failing concrete block shoreline retaining wall. The wall will be replaced with a dry laid boulder wall with plantings and two sections will be naturalized with plantings and coir logs.
- Presentation and Discussion:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - DEP file number issued with no comments.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Staff site visit performed.
 - Site has open OOC for house addition and lifting.
 - Previous engineered plan for property shows MAHW line at the shoreline wall. No BLSF past the wall or BVW. Resource area impacts include Bank only. No work shown or requested on Land Under water (LUW).
 - All equipment is proposed to be located within the upland portions of the property.
 - Proposing additional shrub plantings on site.
 - Boulder portion of the wall may require a Chapter 91 license as work on a Great Pond. Applicant responsible to check on requirements.
 - Profile plan demonstrates no LUW impacts and that height of proposed wall is not higher than the existing wall. Total linear feet of Bank impacts disclosed on NOI as 60 feet.
 - As Bank is currently a concrete wall, staff have no concerns with an adverse impact on wildlife habitat and meeting performance standards. Wall will be an improvement over existing conditions providing more wildlife habitat and BLSF capacity.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 63 Beach Avenue, DEP #300-1174. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project and issue an Order of Conditions for DEP #300-1174, 63 Beach Avenue with the following:
 - Standard OOC conditions.
 - All work shall follow the submitted and approved sketch. The replacement wall shall not exceed the footprint of the existing retaining wall.
 - A drop cloth or similar material shall be placed on the Land Under Water during work. All fallen materials shall be removed at the end of each work day.
 - 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.
 - Toe of boulders and stairs must end at existing extent of wall. Wall will have to conform to existing conditions (height).
 - Prior to the Pre-Activity Meeting, the limits of the existing shoreline shall be staked and photographed. The photographs shall be provided at the pre-activity meeting. Toe of boulders must end at wall. Stakes shall remain in place to guide as a visual locator of the limits of the shoreline. Post-construction photographs shall also be provided.
 - Applicant is required to receive all other permitting including a Chapter 91 license if required.
 - Require plantings as proposed. Landscape plantings must be installed in compliance with the approved plans. Applicant to ensure plantings survive. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve and issue an Order of Conditions pursuant to the SWB with the above noted special conditions for DEP #300-1174, 63 Beach Avenue. AIF 5-0

3. 82 Paradise Lane– Notice of Intent-Raze and rebuild of a lakefront cottage-DEP File #300-1170

- Owner/Applicant: Glenn Ellis Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions

- Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - **Buffer Zone** 10.53(1): General Provisions & 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:
 - Written request for continuation received.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the hearing for DEP #300-1170, 82 Paradise Lane to next meeting, Oct. 5, 2023. AIF 5-0
- 4. 595 Main Street & Rt. 20 ROW -Notice of Intent- MA DOT Rt. 20 Drainage Project-DEP File #300-1175**
- Owner: Blackstone Building LLC Applicant: MA DOT Representative: LE. Olson, VHB
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Project Summary: Project includes the repair and replacement of failed drainage structures.
 - Presentation and Discussion:
 - Written request for continuation received. Waiting on Property Owner signature.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for DEP #300-1175, 595 Main Street and Rt 20 ROW to October 5, 2023. AIF 5-0
- 5. National Grid ROW 301 Line - Notice of Intent-Subsurface Geotechnical Borings-DEP File #300-1173**
- Owner: L. Ernst, National Grid Applicant: MA DOT Representative: LE. Olson, VHB
 - Request: Issue an Order of Conditions
 - Jurisdiction: BVW, Bank, BLSF, Buffer Zone, Riverfront Area
 - Documents Presented: n/a
 - Project Summary: Project includes subsurface geotechnical borings.
 - Presentation and Discussion:
 - DEP File # issued w/ no comments. NHESP comments not received.
 - Project continued. Peer review required. Applicant needed to submit revised plans with wetland flags shown for verification. Recently received. Peer review requests for proposals sent out. Awaiting responses. Staff requested board allow staff to select to keep this moving forward.
 - Beaver Solutions attended the meeting to review the plans for the beaver dams on or near McKinstry Brook.
 - He suggests breaching the dam during work to lower the water 18 inches. The work should take more than one day but less than one week.
 - Borings will need to happen in November.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue to next meeting, Oct. 5, 2023 for DEP #300-1173, for the National Grid ROW. AIF 5-0
- 6. 263 New Boston Road– *continued* NOI- Construction of a Single Family House and associated site work-DEP File #300-1166**
- Owner/Applicant: Five Star Realty Trust Representative: G. Krevosky, EBT Environmental
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone & SWB 365-1.1 – 1.3, 3.11, 5.6
 - Project Summary: Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development.
 - Documents Presented: n/a
 - Presentation and Discussion:
 - Written request for received for continuation.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Public Hearing for DEP File #300-1166, 263 New Boston Road to next meeting, Oct. 5, 2023. AIF 5-0
- 7. 200 Haynes Street -Notice of Intent- Commercial solar array**
- Applicant: Sturbridge PV LLC Owner: 30 Swift LLC Representative: BSC Group, Inc.
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
 - Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.

- Applicant and property owner signature required.
- Project is within the Sturbridge Wetland Bylaw 200-foot buffer zone and within the Sturbridge Zoning Bylaw Chapter 300-4.1E.
- Project is not within Priority and Estimated Habitat.
- Stormwater Checklist included. Engineering/stormwater peer review initiated through the Planning Dept. w/ CMG Environmental.
- Due to size of project site to review and need to review off site areas, staff recommend peer review for resource area jurisdiction.
- Most of site will be cleared for solar array. A detailed phased plan will be required. Property contains steep slopes and clearing and grubbing needs to be phased to avoid having large amounts of land open on steep slopes. A SWPPP will be required. Staff recommend that it is laid out in advance for contractors. Staff recommend areas are divided with contour lines w/ 100 foot or so swaths that are cleared at a time and this is done going downhill. Areas grubbed after clearing and then seeded immediately. Clearing can be done on next section as last section is grubbed and so on.
- Planting plan includes habitat enhancements, nesting areas, pollinator seed mixes, etc.
- Full sized plans need to be provided.
- Applicant would have to gain access to abutting property to verify resource area impacts.
- Abutters on the South came to express concerns with stormwater entering their property and negatively affecting the septic system. They will attend the Planning Board meeting to hear more about the Stormwater plans.
- Vote: On a vote of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Public Hearing for 200 Haynes Street to next meeting, Oct. 5, 2023. AIF 5-0.

8. 212, 216, & 226 Charlton Rd – NOI –Development of a Commercial site-DEP File#300-1172

- Owner: Various (see NOI) Applicant: Sturbridge Retail Management
- Representatives: J. Kline, Stonefield Engineering
- Request: Issue an OOC
- Jurisdiction: Buffer Zone & Riverfront Area
- Project Summary: Project includes the demolition of 3 residential homes to accommodate the construction of a 2,402 SF restaurant with drive-thru and 5079 SF medical building with associated parking and stormwater structures.
- Presentation and Discussion:
 - Written request for hearing postponement to the October 26, 2023 meeting received.
- Vote: none taken

II. WETLAND DECISIONS

9. 115 McGilpin Road-Request for Certificate of Compliance –DEP File #300-1122

- Requester: 13 Gables Inc., D. Gemme Request: Issue a COC
- Presentation and Discussion: Site visit conducted, site is stabilized. A letter of compliance was included in this request.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance for DEP File#300-1122 with perpetual conditions: Special Conditions: 55-61. AIF 5-0

10. 70 Paradise Road-Request for Certificate of Compliance –DEP File #300-929

- Requester: Donna Reardon Request: Issue a COC
- Presentation and Discussion: Site visit conducted 7-11-23. Stormwater structures and plantings are complete.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance for DEP File #300-929 with perpetual conditions: Special Conditions: 16 & 17. AIF 5-0

11. 33 Breakneck Road-Request for Certificate of Compliance –DEP File #300-1142

- Requester: David Monroe Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 9-11-23 a small walkway was added from the new driveway to the house.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance for DEP File #300-1142 with perpetual conditions: Special Conditions: 41-44. AIF 5-0

12. 94 South Shore Drive -Request for Certificate of Compliance –DEP File #300-1141

- Requester: William Tetrault Request: Issue a COC
- Presentation and Discussion: Continuation required, planting are required. Commission will revisit in the spring.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to wait on issuance of this Certificate of Compliance for DEP File #300-1141 for a growing season. AIF 5-0

13. 22 Birch Street-Request for Certificate of Compliance –DEP File #300-1114

- Requester: Jeff Burdick Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 9-11-23, all conditions are met.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance for DEP File #300-1114 with perpetual conditions: Special Conditions: 38-40. AIF 5-0

14. 6 Cormack Road-Request for Certificate of Compliance –DEP File #300-1060

- Requester: Trust of Betty Rae Poppo Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 9-11-23, there are no concerns with the site.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: 46 & 47 for DEP File #300-1060. AIF 5-0

III. ADMINISTRATIVE DECISIONS

15. Minutes of 8/24/23 for approval

Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the minutes of August 24, 2023. AIF 4-0-1(Bishop Abstain)

IV. OLD BUSINESS

16. 23 Old Hamilton Rd. Enforcement Order

- Presentation and Discussion: Restoration Plan received. Reviewed at last meeting. They requested to reduce the # of trees by nine due to new basal growth coming up since cuttings. Staff recommend approval of plan. Allow flexibility based on stock available. 2 year monitoring of plantings w/ replacement of deceased. Qualified landscape professional to monitor for 2 years. At least one site visit during the growing season required. Removal debris piles. After 2 growing seasons and planting success release of the Enforcement Order.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the restoration plan for the Enforcement Order for 23 Old Hamilton Road. AIF 5-0

17. 392 Main Street

- Presentation and Discussion: Existing condition plan provided with notes. Glen Krevosky outlined the restoration work. The work would be completed under an Enforcement Order not a NOI. The site will need an inspection to verify the plantings proposed will be enough. Commission will visit the site on September 27, 2023. The final plan will be reviewed before the site inspection.

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA-meeting scheduled at the end of the month, Trails-attending the next Conservation meeting, Open Space, and Lakes

VI. CORRESPONDENCE

VII. NEW BUSINESS

18. Board Restructure

Vote: On a motion of K. Stueber, 2nd by E. Gaspar the Commission vote for Ed Goodwin as the Chair of the Sturbridge Conservation Commission. AIF 5-0

Vote: On a motion of K Stueber, 2nd by T. Winglass the Commission vote for Erik Gaspar as Vice Chair of the Sturbridge Conservation Commission. AIF 5-0

19. Agent's Report

20. Next Meeting-October 5, 2023 and Site Visit Schedule-Sept. 27, 2023

On a motion of E. Goodwin, 2nd by K. Stueber the Commission vote to adjourn the meeting at 8:14 PM. AIF 5-0