

CONSERVATION COMMISSION MEETING MINUTES

Date: May 11, 2023
Location: Center Office Building, 2nd Floor
Time: 6:00 – 8:08 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>



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

A-Roy Bishop

A-Ted Winglass

Karsten Stueber

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Quorum-With E. Gaspar, K. Stueber and Chairman E. Goodwin present; quorum is achieved the meeting opened at 6:00 PM.

Barnicle WALK-IN-

Joe Kowalski went over a proposal to update and implement a forestry plan for the Leadmine property under the care and custody of the Conservation Commission. The staff will look into a program through DCR for funding and report back to the Commission.

DECISIONS

I. WETLANDS DECISIONS

1. 55 Caron Road– RDA- Landscape Improvements

- Owner/Applicant: Denise Janci Representative: M. Thibeault, Landscape Evolution
- Request: Issue a DOA
- Documents Presented: n/a
- Project Summary: Project includes the removal of a concrete paver patio and installation of permeable patio.
- Presentation and Discussion:
 - Project was continued to make revisions to better meet permitting standards.
 - Revised plan received. Project revised to include reduction in new pervious patio and increase plantings. Existing concrete patio also to be converted to pervious pavers. 220 sq ft of vegetation added to previous lawn area.
 - Revised project provides an additional 102 sq ft of pavers for a walkway to the dock.
 - The Commission discussed adding a condition for perpetual maintenance of the pavers and monitored by the staff.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the hearing for 55 Caron Road. AIF 3-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project at 55 Caron Road and issue a DOA with the following conditions:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stockpiling.
 - EC install.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.
 - O & M plan for the pavers with follow up every three years. AIF 3-0

2. Quacumquasit Pond– NOI- Alum Treatment of South Pond-DEP File #300-1158

- Owner/Applicant: Town of Sturbridge Representative: C. Nielsen. TRC Companies
- Request: Issue an Order of Conditions
- Documents Presented: Draft OOC conditions
- Jurisdiction:
 - Land Under Water
 - Limited Project Ecological Restoration

- Project Summary: Project includes the treatment of the Pond with aluminum sulfate to address the build-up of phosphorus in the sediment.
- Presentation and Discussion:
 - Project was continued to allow for comments from Natural Heritage.
 - A draft of the conditions was provided for the Commission to review prior to the meeting.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the Hearing for DEP File #300-1158, Quacumquasit Pond. AIF 3-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project and issue an Order of Conditions for DEP File #300-1158 with the conditions outlined by the Agent. AIF 3-0

3. 159 Walker Pond Road (Wells State Park) – NOI-Trail maintenance and accessibility upgrades-DEP File# 300-1160

- Owner: Commonwealth of Mass Applicant: E. Huffman, DCR Representative: Christen McDonough, SWCA Environmental
- Request: Issue an Order of Conditions
- Documents Presented: NHESP Permit Letter
- Jurisdiction: Buffer Zone
- Project Description: Project includes a trail maintenance within Buffer Zone and Riverfront Area.
- Presentation and Discussion:
 - Project was continued to await DEP & NHESP Comments.
 - NHESP Comments received. The applicant will address all comments and work on a staging area outside the Commission’s jurisdiction.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the Public Hearing for 159 Walker Pond, DEP File#300-1160. AIF 3-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project for 159 Walker Pond Road, DEP File# 300-1160 pursuant to the WPA and the SWB with the following conditions:
 - Standard OOC conditions.
 - Include NHESP conditions noted in attached letter.
 - Approval for trail maintenance activities outlined in the O & M activities. AIF 3-0

4. 374 Main Street– RDA- Commercial Site Improvements

- Owner/Applicant: Steve Vann Representative: Steven Riberdy, Goddard Consulting
- Request: Issue DOA
- Documents Presented: n/a
- Project Summary: Modification to the existing drive-thru and replacing landscaping to the existing Burger King.
- Presentation and Discussion:
 - Postponed due to failure to notify abutters.

5. 113 Brookfield Road –Notice of Intent –Site improvements including tree removal, drainage, and driveway expansion- DEP File #300-1159

- Owner/Applicant: Matthew & Abigail Hurton Representatives: G. Krevosky, EBT Environmental
- Request: Issue an OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
 - Installation of a French drain system around the garage, expansion of the driveway and the removal of 4 trees.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - DEP File # issued w/ no comments.
 - Project is not within Priority or Estimated Habitat.
 - All work is located within a developed yard.
 - Site visit conducted.
 - Driveway expansion to widen and create turnaround for vehicles. Driveway repair is needed outside the 50 ft buffer zone.
 - Removal of 4 trees. Arborist report was included in the application.

- 5 Sweet Pepper Bushes and 3 Speckled Alders proposed along the wetland.
 - Drainage shown to exit at edge of wetlands. Drainage project is needed to address house drainage issues. Outlet discharge location limited by elevations. Outlet was shifted over to provide a better setback to the wetland.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the Public Hearing for DEP File #300-1159, 113 Brookfield Road. AIF 3-0
 - On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project at 113 Brookfield Rd, DEP File #300-1159 pursuant to the WPA and the SWB with the following conditions:
 - Standard OOC conditions.
 - Spoil piles, not to be reused, to be directly moved off site.
 - EC install: 9" wattle and protect any stockpiling if needed.
 - Stump of white ash adjacent to wetland not to be removed but the stump near the driveway may be removed.
 - Replacement plantings to be installed at same time of project (before end of growing season of same year work is completed). Required to survive for one year. No pruning/landscape maintenance of shrubs. AIF 3-0

6. 660 Main Street– RDA- Vernal Pool Study

- Owner/Applicant: Old Road Realty Representative: G. Krevosky, EBT Environmental
- Request: Issue a DOA
- Documents Presented: n/a
- Jurisdiction:
 - Sturbridge Wetland Bylaw Regs.: 365-5.6 Vernal Pools
- Project Summary: Project includes the study of two wetlands to demonstrate if the wetlands meet criteria as vernal pools.
- Presentation and Discussion: The applicant requests a continuation to June 1, 2023. Representative to file with NHESP. Await filing with NHESP then issue determination.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue to next meeting, June 1, 2023. AIF 3-0

7. 215 Charlton Road –RDA – Shed within the existing parking lot

- Owner: Anthony Fantaroni, Colonial Motel Applicant: K. Doyle, Drake Petroleum
- Request: Issue a DOA
- Documents Presented: colored site plan
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes placing a shed 10' x 20' storage shed in parking lot.
- Presentation and Discussion:
 - Proof of abutter notifications and proof of legal ad received.
 - Project is not within Priority or Estimated Habitat.
 - All work is within 50 feet of the wetland & within the developed parking lot.
 - Local bylaw regulations prohibit new structures within 50 feet of wetlands unless they can meet waiver requirements. As shed will be within pavement, no vegetation removal is required, no earth disturbance is required, is not immediate adjacent to wetland and is in a parking lot that has stormwater control structures.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the hearing for 215 Charlton Road. AIF 3-0
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project at 215 Charlton Road and issue a DOA:
 - Negative #3 with no conditions.
 - Positive #2b: no resource area approval.
 - Positive #5 w/ no conditions.

8. 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: n/a
- Jurisdiction: Buffer Zone & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
- 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:
 - Project continued to solicit additional and revised peer review proposals.
 - 3 proposals were received for the Commission to review.
 - Applicant would be agreeable the lowest cost proposal from Ecosystems.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to hire Ecosystems to review the project at 68 Paradise Lane. AIF 3-0
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for DEP File #300-1155, 68 Paradise Lane to June 1, 2023. AIF 3-0

9. 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# 300-1156

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- 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:
 - Applicant requests to postpone until June 1, 2023

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

- Owner: MassDot District 3 & Town of Sturbridge Applicant: MA Electric Company Representatives: H. Graf BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes exploratory geotechnical soil borings to plan for road maintenance and stormwater design along the unpaved section of Podunk Road. Project was continued.
- Presentation and Discussion:
 - Written continuance to the June 1, 2023 meeting received. Site visit requested to be postponed.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to re-schedule the site visit as requested (next date is May 24th) and continue hearing to June 1, 2023 as requested. AIF 3-0

II. WETLAND DECISIONS

11. Senior Center SWB Application

- Applicant: Town of Sturbridge Representative: ICON Architecture
- Request: Issue approval under SWB
- Documents Presented: n/a
- Jurisdiction: SWB Buffer Zone
- Project Description: Improvements to senior center property. Work within jurisdiction is limited.
- Presentation and Discussion: Work within the buffer zone projected from wetlands located across Main Street. A stream is located across Arnold Rd., however, the majority of the work is outside of the buffer zone.
 - Work within jurisdiction includes plantings (trees, shrubs & herbaceous perennials), a new utility pole and improvements to an existing sitting area.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve project w/ the following conditions: No soil stockpiling outside of limit of work, maintain erosion controls throughout work to prevent any turbid site runoff from entering the roadway drainage system which ultimately exits to wetlands. AIF 3-0

12. 11 Putnam Road -Request for Certificate of Compliance –SCC File #21-14

- Owner/ Applicant: G. Lussier Builders
- Request: Issue a COC under the SWB
- Presentation and Discussion: Site visit conducted, as-built received. In Substantial compliance.

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC w/ perpetual conditions: 46-49 for 11 Putnam Road, SCC File #21-14. AIF 3-0

13. 13 Putnam Road -Request for Certificate of Compliance –SCC File #21-13

- Owner/ Applicant: G. Lussier Builders
- Request: Issue a COC under the SWB
- Presentation & Discussion: Site visit conducted, as-built received. In Substantial compliance.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC w/ perpetual conditions: 46-49 for 13 Putnam Road, SCC File #21-13. AIF 3-0

14. 15 Putnam Road -Request for Certificate of Compliance –SCC File #21-15

- Owner/ Applicant: G. Lussier Builders
- Request: Issue a COC under the SWB
- Presentation & Discussion: Site visit conducted, as-built received. In Substantial compliance.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC w/ perpetual conditions: 46-49 for 15 Putnam Road, SCC File #21-15 AIF 3-0

15. 61 New Boston Road -Request for Certificate of Compliance –SCC File #22-66

- Owner/ Applicant: Christina LaFortune
- Request: Issue a COC under the SWB
- Presentation & Discussion: Site visit conducted, as-built received. In Substantial compliance.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC for 61 New Boston Road, SCC File #22-66. AIF 3-0

16. 1 Old Sturbridge Village Road-DEP File #300-780

- Owner/ Applicant: Town of Sturbridge-Trails
- Request: Issue a COC.
- Presentation and Discussion: This is a historic permit which was never closed and has expired. Permit was for trail maintenance and bridge construction.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC for 1 Old Sturbridge Village Road, DEP File #300-780. AIF 3-0

17. 46 Holland Road-DEP File #300-840

- Owner/ Applicant: Town of Sturbridge-Trails
- Request: Issue a COC.
- Presentation and Discussion: This is a historic trail construction permit which was never closed and has expired.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC for 46 Holland Road, DEP File #300-840. AIF 3-0

18. 55 & 75 Farquhar & 61 River Road-Request for Certificate of Compliance –DEP File #300-1111

- Owner/ Applicant: Town of Sturbridge-Trails
- Request: Issue a COC
- Presentation and Discussion: Grand Trunk Trail construction on 3 properties. Project was completed in 2022. Work completed and letter of substantial compliance received.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC w/ perpetual conditions: 49-51 for DEP File #300-1111. AIF 3-0

19. 52 Stallion Hill Road-Riverlands Grand Trunk Trail - Extension Request – DEP File #300-1061

- Owner/ Applicant: Town of Sturbridge-Trails
- Request: Issue a 3-year extension
- Presentation and Discussion: This request is being made as all work has not been completed. An easement is required on the OSV land and due to COVID delays and staffing changes this hasn't happened yet.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a 3 year extension for the OOC for DEP File #300-1061. AIF 3-0

III. ADMINISTRATIVE DECISIONS

20. Minutes of the 4/20/2023 Meeting

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to accept the minutes of April 20, 2023 as presented. AIF 3-0

IV. OLD BUSINESS

21. Ongoing Violation Resolution Discussions

- **71 Paradise Lane DEP File #300-929**
 - Presentation and Discussion: Owners presented a new plan for the drainage on the property. The other design could not work with the water line to the house. Photos have been provided of shrub plantings. The amount and

location will have to be field verified. The Commission gave a 60 day deadline to complete the work for the drainage, at that time a COC request must be submitted.

○ **71 Mashapaug Road**

● Presentation and Discussion:

- Some of the permits requested by the Commission were provided, the Owners representative asked for more time to gather the remaining permits. The Commission will wait until the next meeting before proceeding with any decisions to allow 3 weeks to gather the additional paperwork.

○ **110 Brookfield Road**

● Presentation and Discussion:

- It was agreed upon that a NOI would be provided for the May 11, 2023 meeting for work which occurred on the property and any additional work proposed. This has not been provided and no other information has been provided for this meeting.
- Property Owner did attend the meeting and informed the Commission he is not filing a Notice of Intent.
- Commission will discuss next steps at the June 1, 2023 when the full Board is present. Staff will provide a draft of the Enforcement for review at the next meeting.

○ **23 Old Hamilton Road**

- It was agreed upon that restoration plan would be filed for discussion and a NOI would be provided for the May 11, 2023 meeting for work which occurred on the property and any additional work proposed. This has not been provided and no other information has been provided. Staff first made aware of the violation in December and have been contacting the owner since then. Owner did come to one meeting and agreed to timeline. No action has been taken or additional information provided expressing need for more time.
- Commission discussed an issuance of an Enforcement Order.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue an Enforcement Order to the Owner of 23 Hamilton Road. AIF 3-0

○ **71 Brookfield Road**

- Presentation and Discussion: Work observed at property in early spring. Staff issued cease and desist and made visit w/ Chair and 1 member. Plan/commitment to remove deposited tree stumps/debris from site to be completed by July. Commission will revisit at the July meeting, if work is not complete than enforcement action will begin.

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes-CPA met and the ADA compliance project at 60 Cedar St will not move forward at this time.

VI. CORRESPONDENCE

VII. NEW BUSINESS

22. Agent's Report

23. Next Meeting-June 1, 2023 and Site Visit Schedule-May 24, 2023

On a motion of K. Stueber, 2nd by E. Gaspar the Commission vote to adjourn at 8:08 PM. AIF 3-0