

# CONSERVATION COMMISSION Minutes

January 5, 2021 @6:00 pm  
Virtual Meeting

All Commissioners are in attendance, quorum attained.

Chairman Ed Goodwin read the virtual meeting statement as follows:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation can be found on the Town's website at

<https://www.sturbridge.gov/town-administrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

## DECISIONS

### I. Public Hearings

#### 1. 30 Main Street/20 Fiske Hill Road – NOI – Development of residential and commercial cul-de-sac subdivision – DEP File #300-1086

- Owner/Applicant: Mathew Sosik      Representatives: Peter Engle, McClure Engineering
- Request: Issue Order of Conditions.
- Documents Presented: NOI, Drainage Analysis, Plans & RFP and PE proposal for stormwater
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland (BVW)
- Presentation & Discussion:
  - The representative provided a summary on the project, the construction of the cul-de-sac roadway. The construction will disturb approximately 3.0 acres of existing woodland. The proposed asphalt roadway is 24' wide with bituminous concrete curbs, and 4' wide concrete sidewalks on both sides of the road for the majority of the roadway on two previously undeveloped lots of approx. 134 acres within Sturbridge.
  - The development is proposed to connect to municipal water and sewer systems, as well as have an underground electrical system. Project plans may slightly change as the sewer connection may change.
  - Project does not include the commercial or residential development plans for the 5 lots. The development and permitting will be separate for those future projects. The lot lines have change slightly as the drainage structure cannot be located on a private lot for the town was to accept the road, etc.
  - Project, as proposed, does not include direct impacts to wetland resource areas. Work will occur within 50 feet of wetlands and some work is shown within the 25 Ft. No Disturb Zone. Most disturbance is located outside of the 50 Ft. No New Structure Setback.
  - The stormwater management system consists of catch basins, manholes, a subsurface pipe network, and a single stormwater basin. The basin is proposed as an infiltration basin. Stormwater from the lower portion of the road will be directed within 25 feet of a wetland. This discharge does provide pre-treatment however no recharge is proposed.
  - Applicant has proposed restoration planting areas within the 25' and 50' of the buffer zones including shrubs consisting of a mix of chokeberry, viburnum, blueberry, winterberry and elderberry. Restoration plantings are also proposed within previously disturbed areas from past FCP activities.



#### Conservation Agent

Rebecca Gendreau

#### Administrative Assistant

Erin Carson

#### Conservation Commission Members

Ed Goodwin

*Chairperson*

Steven Chidester

*Vice Chair*

David Barnicle

*Member*

Steve Halterman

*Member*

Erik Gaspar

*Member*

308 Main Street.  
Sturbridge, MA  
01566  
T 508/347-2506

[www.sturbridge.gov](http://www.sturbridge.gov)

- Project is subject to the Town of Sturbridge Stormwater Bylaw, MA DEP Stormwater Standards.
- Project will require approval and a variance w/ the Planning Board for the length and width of the cul-de-sac road an application for a Definitive Subdivision has already been filed with the Planning Department.
- Staff recommend that DEP's question is answered. Any potential MEPA permitting would appear to be required before the start of work; vote to require a peer review for compliance w/ local and state stormwater regulations from a PE; vote to require a peer review for the wetland delineation from a PWS. Wetland delineation review should include evaluation of on-site wetlands for vernal pool habitat and be inclusive of all areas within 200 feet of proposed work. Additional wetlands on site have not been surveyed at this time as outside of the LOW. The limited wetland review should be noted on any future OOCs. Future potential applicants will be required to survey for wetlands on remaining areas of the lots; recommend soliciting a quote from EcoTec as they are familiar with the site for efficiency. Art Allen, EcoTec, performed prior review of site for DEP File #300-776. Conquer with applicant if acceptable. I think that if the applicant is okay w/ this then you can do this. Proposal will be presented to applicant; recommend review and approval of Pare proposal and select them to perform a joint peer review with the Planning Board for stormwater compliance as they have already been contracted by the Planning Dept.
- The Commission has concerns about work proposed within 50 feet of wetlands and the of the phasing of the project. They would like the applicant to provide conceptual plans for the use of the future lots for their review. Requested peer review for wetland delineation as outlined by the agent by EcoTec, Inc. for such review.
- **Public Comments**-none
- **Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar the Commission Vote to Continue the Public Hearing for 30 Main Street/20 Fiske Hill Road to January 19, 2021 at 6:15 pm; AIF 5-0**

**2. 53 Wells Park Road –continued NOI – Trail improvement project – DEP File #300-1085**

- **Owner/Applicant:** Tom Barthe, Walker Pond Association      **Representatives:** N/A
- **Request:** Issue Order of Conditions.
- **Documents Presented:** Draft OOC
- **Jurisdiction:** Buffer Zone, Riverfront, Bank, LUW
- **Project Summary:**
  - Project was discussed at the last meeting. Project was continued as there was no DEP File #. Commission requested that the bog bridge decking be 7.5 inches versus 6 inches and that No Motorized Vehicle signs are posted along the trail.
- **Discussion:**
  - DEP has provided a file number for this project. No DEP comments. Draft OOC provided with conditions requested. Staff recommends issuance of an OOC with the special conditions.
- **Public Comment:** none
- **Vote : On a motion by D. Barnicle, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the hearing and issue an Order of Conditions with the typical special conditions and the following special conditions: AIF 5-0**
  - The bog bridge shall be constructed to provide a minimum of 7.5 inches of clearance between the structure and the ground.
  - No motorized vehicle signage. Signage shall be posted at the entrances to the trail system noting no motorized vehicle use. The signs shall be erected and maintained by the property owner. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

**II. Wetlands Decisions**

**3. 116 Brookfield Road-Request for Certificate of Compliance- DEP #300-729**

- **Owner/Applicant:** Gary Galonek (current owner)
- **Former owner/Permit Holder:** Conrad Allen, Cambridge Properties, LLC
- **Request:** Issue Certificate of Compliance
- **Jurisdiction:** Buffer Zone
- **Project Summary:** Approved work included the subdivision of one lot into two. A SFH and associated appurtenances existing on the primary lot, which is now 116 Brookfield Rd., and the subject property of this request. The only work on 116 Brookfield Rd included the removal and relocation of the garage. This lot is only partially located within the 200 ft BZ. The new lot, 120, is within jurisdiction and a new SFH was built. Site visit conducted.
- **Staff Recommendations:** Vote to issue a Partial Certificate of Compliance for 116 Brookfield Rd. OOC #300-729.
- **Vote: By a consensus vote, the Commission approves the issuance of a partial Certificate of Compliance for 116 Brookfield Rd. DEP file #300-729. AIF 5-0**

**4. 24 Cedar Lake Drive – Request for Certificate of Compliance- DEP File #300-285**

- Request: Issue a COC.
- Jurisdiction: Buffer Zone
- Project Summary: Approved work included the expansion of a lawn on a developed non-conforming single-family house lot on Cedar Lake. Permit was issued in 1995. Site visit conducted.
- Staff Recommendations: Vote to issue a Certificate of Compliance for OOC #300-285.
- **Vote: On a motion by S. Halterman, 2<sup>nd</sup> by D. Barnicle, the Commission approves the Certificate of Compliance for 24 Cedar Lake Drive. DEP file # 300-285. AIF 5-0**

**5. 501 Main Street – Orders of Conditions – DEP File #300-1084**

- Documents: Draft OOCs for review (in one drive)
- Staff Recommendations: Vote to issue Orders of Conditions for #300-1084.
- **Vote: On a motion of S. Halterman, 2<sup>nd</sup> by D. Barnicle, the Commission approves the Orders of Conditions for 501 Main St. DEP file #300-1084. AIF 5-0**

**II. ADMINISTRATIVE DECISIONS**

**9. Minutes of 12/15/20 to be approved**

- **Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar, the Commission approve the minutes of December 15, 2020 as modified. AIF 5-0**

**UPDATES**

**III. OLD BUSINESS**

**2021 Meeting Schedule**

- Documents: Draft Meeting Schedule.
- Discussion: The Commission reviewed 2021 meeting date options. Meetings will continue on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month, canceling February 16, April 20, July 6, and September 7

**IV. ADMINISTRATIVE UPDATES**

**Committee Updates: CPA-meeting to be held next week, Trail Committee-meeting to be held next week, Open Space Committee-none, and Lakes Advisory Committee-none**

**V. NEW BUSINESS**

**CPA Funds – FY2021**

- Email received from Chair of CPC: asking if any requests for ATM for FY22. Items would need to be added to Jan. or Feb. CPC meeting. Agent has no planned projects to request funding at this time, the Commission will consider projects for the next fiscal year.

**Fines Discussion**

- Staff recommendations: Fining someone for a violation should be looked at on a case by case basis for violations to the SWB. Agent suggests starting with a letter of violation and written warning as first step in any actions. Letter will provide action steps for entity to undertake. Dependent on how actions proceed/response will dictate next step as and/or further actions. An enforcement order is an effective tool to get a violation in compliance.
- Commission discussed “cleaning up” language in the fines process to help encourage applicants and residents get in compliance with wetland bylaw violations. There needs to be a balance in the time and cost spent in the fine process and the deterrence factor. The Commission will continue to discuss options and work on processes.

**Agent’s Report**

- The Agent gave an update on the status of some projects and discussed administrative items for the commission to discuss this year to include a review of fees, the Administrative Approval process and conservation land projects.

**Correspondence – DEP File #300-1007, 1 Hare Rd. Monitoring Report**

- Documents Discussed: Monitoring report.
  - Discussion: Final reporting submitted for compliance for this project. Monitoring was required for restoration plantings and the replacement crossing structures.
  - Decision: No action at this time. They will submit a Request for COC.
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7:54 pm Motion to adjourn by S. Chidester, 2<sup>nd</sup> by E. Gaspar. AIF 5-0