

CONSERVATION COMMISSION MEETING MINUTES

Date: January 26, 2023
Time: 6:00-8:04 PM
Center Office Building, 2nd Floor
301 Main 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-0>



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

A-Roy Bishop

Ted Winglass

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

www.sturbridge.gov

Quorum present, Member Roy Bishop was absent.

DECISIONS

I. WETLANDS DECISIONS

1. 14 Cedar Lake Drive – NOI – Construction of a Garage – DEP File #300-1151

- Owner/Applicant: Taylor Stedman Representatives: D. Sadowski, DJ Associates
- Request: Issue OOC.
- Documents Presented: colored plan
- Jurisdiction:
 - **Buffer Zone** 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.”
 - 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 addition of a two bay garage attached single family home on Cedar Lake.
- Presentation and Discussion:
 - Proof of legal ad and abutter notification received.
 - DEP file number issued for this project. No comments.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - Project is within the buffer zone (BZ) to Bank. Property contains Bordering Land Subject to Flooding (BLSF) shown as Zone AE on FEMA Maps. MAHWL noted on plan as 575.2'. This elevation needs to be shown on the plan to ensure structure is not within BLSF and flood zone for building department.
 - The proposed garage is outside the 25-ft buffer but within the 50-ft.
 - They will be removing a shed located closer to the lake and note restoring that area.
 - They are providing rain barrels for roof runoff collection.
 - Application includes review of alternate locations. Zoning setbacks and the locations of the well & sewer line limits locations. Does not appear that the structure could be cited to be located outside of the setback, however, it may be able to shift further from the resource areas.
 - Excavation is required for the footing and frost protection. Excavation would appear to impact tree roots of 42" oak near house. Tree would need to be removed. It is a large oak that has signs of decline. Commission discussed a two to one replacement with the property owner.
 - Applicant should explore if structure could be moved further out of the 50' BZ as discussed on site.

- Waiver request needed to include mitigation. Applicant should explore shifting over part of the driveway and/or revise the project to include removal of the tree and include replacements. Appears could lose part of driveway and still park 2 cars. Will add encroachment to front setback but may be acceptable to zoning as consistent with adjacent properties.
 - Applicant will continue to look into revising the plan after the Commissions comments about moving the structure further away from the 50 ft buffer.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 14 Cedar Lake Drive, DEP File #300-1151 to February 16, 2023. AIF 3-0
- 2. 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: colored plans
 - Jurisdiction:
 - **Buffer Zone** 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.”
 - 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.
 - Presentation and Discussions:
 - There was no discussion on this project, a written continuation was received prior to the Hearing.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 505 Main Street, DEP File #300-1152 to February 16, 2023. 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
 - 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 previously continued to allow project revisions to address peer review comments.
 - New materials have been received which include:
 - Site Plans: “Proposed Interstate Towing Facility” Revision #2 prepared by CMG last revised 12-5-22
 - Interstate Towing Building Plans, prepared by Roy S. Brown Architects dated 9-10-22
 - Stormwater Report revised 11-30-22
 - CMG Memo, dated 12-6-22
 - Pare Corp Review Memos: dated 12-4-22 and 12-6-22
 - Project has been revised twice since the last meeting to address peer review comments.
 - Peer review was conducted for both stormwater management and traffic, Joh Shevlin from Pare appeared virtually to answer any questions of the Commission.
 - Pare’s memos have been provided. Pare is satisfied with the modifications.
 - Project has been approved by the Planning Board.
 - Project meets stormwater standards and local wetland bylaw setbacks.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 698 Main Street, DEP File #300-1144 to February 16, 2023. AIF 3-0

4. 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# 300-1150

- 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 continued. Project was previously being reviewed under DEP File #300-1132 and was withdrawn without prejudice and re-filed.
 - Applicant attended the meeting and provided prior to the Hearing a request to withdraw.
- Vote: On a motion of E. Gapsar, 2nd by T. Winglass the Commission close the Hearing for DEP File #300-1150, Lot 3, 20 Fiske Hill Road and 30 Main Street without prejudice. AIF 3-0

5. 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 has been continued to allow the Applicant to address the board's comments.
- Presentation and Discussion:
 - New materials have been received which include:
 - a. Site Plans: "Site Plan for Weber, Gross & Bennett" Revision #5 prepared by Jalbert Engineering last revised 12-29-22
 - b. Architectural Insights Memorandum dated 12-29-22
 - c. Architectural Plans: Proposed Construction for Webber Residence" prepared by Architectural Insights dated 12-28-22
 - Narrative includes request for a waiver, summary of project revisions and outlines alternatives reviewed and mitigation provided. Also, includes construction sequence.
 - Project will result in reduction of structure within the 50' buffer by 36 sq. ft. and removes structures within 25 ft. Steep slopes along roadway to be lessened.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 16 Mt. Dan Road, DEP File #300-1135 to February 16, 2023. AIF 3-0

II. WETLAND DECISIONS

6. I-84 Eastbound near Mile Maker 2– Request for a Certificate of Compliance-#300-1071

- Applicant: Kyle Varela, Roux Associates Permit Holder: David Nguyen, UPS
- Request: Issue a COC
- Presentation and Discussion: Project was for wetland restoration which was the result of an accident on I-84. Remediation work was covered under an Emergency Certification. Roux Associates has been performing inspections and submitting reports for two growing seasons. Plant coverage was at 100% for the last inspection. 75% was required. See attached report. Due to the success of the restoration, staff supports a COC is issued.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance for DEP File #300-1071, I-84 Eastbound near MM2. AIF 3-0

7. 34 Cedar St –Request for a Certificate of Compliance-DEP File#300-1104

- Applicant: Modern Technology Permit Holder: Hyde Development
- Request: Issue a COC
- Presentation and Discussion: Project is not yet complete. CoC received due to house sale. Site requires fence install, driveway drainage structure, & final stabilization. As-built plan required for site modifications. They are aware of requirements. Work is to be completed this Spring. No vote needed at this time.

8. 77 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-0913

- Applicant: Jalbert Engineering Permit Holder: Mark and Jodie Gosselin
- Request: Issue a COC

- Presentation and Discussion: Request discussed at Dec. 5th meeting. Weather allowed for 3 trees to be planted. Revised as-built plan received and staff verified trees. 3 maples planted in upper cleared area.
Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to accept as-built plan w/ project changes and issue complete CoC w/ perpetual conditions: SC#18 & 19. For DEP File #300-913, 77 Westwood Drive. AIF 3-0

9. 11 McGilpin Road –Request for a Certificate of Compliance-DEP File#300-1033

- Applicant: Randy Bercume Permit Holder: same
- Request: Issue a COC
- Presentation & Discussion: Project has been completed for a few years. Site stabilized. Letter of substantial compliance received.
Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete CoC. w/ perpetual conditions SC #49-52 for 11 McGilpin Road, DEP File #300-1033. AIF 3-0

10. 59 Steeple View FKA 335 Main Street –Request for a Certificate of Compliance for Phase IV-DEP File#300-108

- Applicant: Lauren P. Smith Permit Holder: James H. MacConnell
- Request: Issue a COC
- Presentation & Discussion: Request for Phase 4. Phase’s 1-3 had been issued. Phase 4 was just for one building. Staff could not locate the file but found the site plan w/ Planning. Staff reviewed aerial photographs and location of building is consistent w/ the plan based on location of existing roads.
Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete CoC w/ perpetual conditions: SC#22 for Phase IV of 59 Steeple View FKA 335 Main Street, DEP File #300-108. AIF 3-0

III. ADMINISTRATIVE DECISIONS

11. Minutes of 12/5/22 & 1/5/23 to be approved

- Continued to the next meeting.

IV. OLD BUSINESS

12. 71 Mashapaug Road

- Staff Notes: Staff were made aware of activities occurring on this property which would have required review. Agent reached out to CMG and along with the property owner they worked to set up erosion controls before a storm and stabilize the area. A follow up letter was sent to the Owner and he and his representative from CMG came to the meeting to discuss what next.
- In addition, board had concerns about site when Town received an application for a transfer of license. Memo sent to BOS which was provided to the applicant and then to the property owner. Staff had discussed these concerns w/ CMG at the time as they called on behalf of the property owner. That application was eventually denied.
- Appears activities resuming at this property. The board raised concerns with the property as the site was primarily cleared of cars in areas of jurisdiction including the buffer zone and Riverfront Areas in 2008. These areas revegetated and then were cleared in 2013 and since then have been used to store disabled vehicles.
- Those activities required review with Conservation and are in violation of the MA Wetland Protection Act and the Sturbridge Wetland Bylaw. Site is also mapped as Priority Habitat for state listed species. This facility is a Land Use with a High Potential Pollutant Load. This property had past spill releases, reported when previously owned, which are being addressed by the current owner. These releases resulted in impacts to neighboring drinking water supplies. When the new owner took over the facility, permitting from Conservation was required. No permits applied for. The property is required to be brought up to current standards and be in compliance with stormwater standards to ensure no impact to the environment and public health. BOH had raised concerns also. No state permitting/overview requirements of this type of facility.
- Impacts within Conservation jurisdiction are of significant concern and current use does not appear to be in compliance with standards.
- CMG would like to separate the work that just occurred near the house and the whole 45 acre parcel review. After consulting with DEP the Agent recommends the addressing the whole parcel with one permit.
- The Commission could issue an Enforcement Order for the work done without permits but will give the Property Owner time until the next meeting to come up with a plan to provide to the Commission to address all the concerns.

13. Special Land Use Application: Leadmine Mt. Conservation Area

- Staff Notes: The Last Green Valley is proposing a Vernal Equinox Hike on March 20th. Staff will lead the hike at 10:00. Commission was AIF 3-0 of this request.

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA-met Monday 1/23/23, multiple funding requests presented, Trails-no update, Open Space-next meeting is Wednesday January 25, 2023, and Lakes-no update

VI. CORRESPONDENCE

VII. NEW BUSINESS

14. Agent's Report

- 110 Brookfield Road-A local engineer has been contacted to possibly start work on this project. Staff will ask for a written update for the next meeting.
- Commission needs to reissue an extension for 22 Roy Road, so the owner can complete the required work.
- 446 Main Street-EBT Environmental is working on the site, a long-term plan for Beaver management is being developed.

15. Next Meeting-Thursday Feb. 16, 2023 and Site Visit Schedule-Tentative-Feb.7th, 2023, 9 AM

On a motion of T. Winglass, 2nd by E. Gaspar the Commission vote to adjourn at 8:04 PM. AIF 3-0