

CONSERVATION COMMISSION MEETING MINUTES

Meeting Date: Oct. 26, 2023
Time: 6:00 – 7:44 pm
Location: Town Hall Veterans Hall

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, Goodwin-present, Stueber-present, Bishop-present, Winglass-absent; quorum is achieved the meeting opened at 6:00 PM

PUBLIC HEARINGS

1. 72 Paradise Lane – Notice of Intent-Cantilevered dock-DEP File #300-XXXX

- Applicant/Owner: Robert Muscaro
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide.
- Presentation and Discussion:
 - Hearing was postponed to November 16, 2023, no discussion
- Vote: No votes taken.

2. 94 Hall Road -Notice of Intent- Culvert Replacement-DEP File #300-XXXX

- Owner: J. Albert, Sturbridge DHC, LLC Applicant: same Representative: McClure Engineering
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone, Bank, Land Under Water
- Project Summary: Project includes the relocation of an intermittent stream which is currently in a culvert which is failing and the abandonment of the existing pipe.
- Presentation and Discussion:
 - A written continuation received to November 16, 2023
 - DEP File # still not issued.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 94 Hall Road to Nov. 16, 2023. AIF 4-0

3. 324 The Trail – Notice of Intent-Cantilevered docks and stone wall-DEP File #300-XXXX

- Applicant/Owner: Matthew Kibbe
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
- Presentation and Discussion:
 - Hearing was postponed to November 16, 2023 no discussion.
- Vote: No votes taken

4. National Grid ROW 301 Line - Notice of Intent-Subsurface Geotechnical Borings-DEP File #300-1173

- Applicant: National Grid Representative: E. Piskura, Powers Engineers



Conservation Agent

Rebecca Gendreau

Assistant Agent

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

A-Ted Winglass

Karsten Stueber

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

www.sturbridge.gov

- 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:
 - Peer review report distributed at the meeting, Art Allen from Ecotec have no concerns with beaver management of the project.
 - Agent recommends issuing an Order of Conditions.
- Vote: On a motion of E. Gapsar, 2nd by K. Stueber the Commission vote to close the Hearing for DEP File #300-1173. AIF 4-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project for National Grid's ROW Line 301, DEP File #300-1173 with the following conditions:
 - Pre and post construction standard conditions.
 - Beaver solutions shall remain on-site during all work involving beaver dam or hut impacts. AIF 4-0

5. 328 The Trail – Notice of Intent-Cantilevered docks and repair shoreline wall-DEP File #300-XXXX

- Applicant/Owner: Rocco Falcone
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a two cantilevered docks and replacing an existing stone and mortar wall with a more natural bolder wall with planting pockets to enhance the natural look.
- Presentation and Discussion:
 - Hearing was postponed to November 16, 2023, no discussion.
- Vote: No votes taken.

6. 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:
 - A written request received for continuation to November 16, 2023.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for DEP File #300-1175 to November 16, 2023. AIF 4-0

7. 62 Mt Dan Road – Notice of Intent-Cantilevered dock-DEP File #300-XXXX

- Applicant/Owner: Dan St. Onge
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a cantilevered dock and removal of a small section of stone wall.
- Presentation and Discussion:
 - Hearing was postponed to November 16, 2023, no discussion.
- Vote: No votes taken

8. 59 Whittemore Road- SWB Notice of Intent-Construction of a barn, pool, fence and grading

- Owner/Applicant: Kiernan & Sarah Wyllie Representative: Property Owner
- Request: Issue an Order of Conditions under the SWB
- Documents Presented: plan
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the removal of pavement associated with a previous driveway, construction of an in ground pool and barn and fenced in yard in a successional field.

- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project is not subject to MA WPA. Wetlands are deemed ILSF that do not meet criteria to be protected under the state act.
 - Site visit performed.
 - Property is currently being developed as a SFH residence. All work shown with the house construction was cited outside of the SWB 200-foot buffer zone and was not subject to review under the bylaw. Now proposing additional work.
 - Perimeter drain noted as continual flow. Contractor is going to install outlet protections to assist with scour at outlet.
- Public Comment: Abutter from 66 Old Farm Rd asked the Commission where the limit of clearing would be and what the use of the barn would be.-Applicant wants additional storage and clarified the limit of work.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the Public Hearing for 59 Whittemore Road. AIF 4-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project at 59 Whittemore Road with the following conditions:
 - Standard OOC conditions.
 - Sedimentation controls shall be staked and shown installed as mentioned above and maintained during work.
 - Install outlet protection for perimeter drain.
 - Pool water is prohibited from being drained in wetland resource areas. AIF 4-0

9. 168 Lane Seven- Notice of Intent-Raze and Rebuild of a lakefront single-family house with associated appurtenances – DEP File #300-1177

- Owner/Applicant: Stephen Quink Representative: Rob Lusnier, CMG Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone, SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
- Project Summary:
 - Project includes the removal of the existing house and rebuilding of a new house and associated site work.
- Presentation and Discussion:
 - DEP File # and comments received. Comments include:

“The applicant should verify that no impact to BVW resource will occur in association with the replacement of the stone stairs. Similarly, while noting that direct replacement of the stair case is proposed, proposed work will occur within BLSF resource. Accordingly, the applicant should quantify impacts to resource areas if any, and if so, provide a revised WPA Form 3 and demonstrate compliance with the performance standards found at 310 CMR 10.55(4) and 10.57(4).”
 - Proof of abutter notification & proof of legal ad received.
 - Site visit conducted.
 - Site is within Priority Habitat but not Estimated Habitat. Project requires separate review under MESA with NHESP.
 - Previous OOC issued on property for the removal of trees and the removal and replacement of walkways to the lake. Tree removal conducted. Request for CoC received to close permit. Walkway work proposed under this NOI.
 - House is located within the 50 foot no new structure setback. Original intent was to remodel existing structure. Owner concerned with current cinder block foundation. New foundation to be poured. Additions will be located outside of the 50-foot setback. However, existing structure to be built in same footprint.
 - Review of alternatives should be demonstrated to show that it couldn't be located further from the resource area. Some constraints exist and discussed on site.
 - One pine tree noted for removal within the yard. No impacts noted to the steep embankment to the lake which is currently vegetated. LOW discussed to be revised to be in line with the erosion controls at the top of the slope so it is clear that area is not part of work area.
 - Project will require waiver from board. Mitigation typically required.
 - Applicant will adjust the plan to address BOH comments and other staff comments
 - Lot is non-conforming and will require review by ZBA. Town Planner has indicated that she does not anticipate any ZBA concerns with the project.
- Public Comment: Abutter at 170 Lane 7-questions about impacts to his well from the new construction.

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 168 Lane 7, DEP File #300-1177 to November 16, 2023. AIF 4-0
- 10. 35 Wells Park Road- Request for Determination of Applicability-Construction of paver patio**
 - Owner/Applicant: William McGee Representative: Property Owner
 - Request: Issue a DOA
 - Jurisdiction: Buffer Zone
 - Project Summary:
 - Project includes the replacement of a patio and addition of a roof over the grilling area.
 - Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - All work is within developed areas over 50 feet from resource areas.
 - Work had already begun, Owner was not aware of filing requirements.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to lose the hearing for 35 Wells Park Road. AIF 4-0
 - On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a DOA for 35 Wells Park Road:
 - Negative #3 with conditions:
 1. Standard pre-work and sign off conditions.
 2. Excavated material (not to be reused) to be removed from the site. Any earthen stockpiling must be protected until used (ECs, tarps).
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above. AIF 4-0
- 11. 74 Paradise Lane- Notice of Intent-Construction of a permeable paver driveway – DEP File #300-XXXX**
 - Owner/Applicant: Scott & Lisa Sanderson Representative: Mark Farrell, Green Hill Engineering
 - Request: Issue a DOA
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Summary:
 - Project includes the conversion of a gravel driveway to a permeable paver driveway.
 - Presentation and Discussion:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - No driveway expansion proposed. Work is within the limits of the existing driveway. No trees or shrubs will be removed to install the driveway.
 - All excavated material will need to be directly removed off site.
 - Detail on blocks and maintenance schedule provided with NOI.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Public Hearing for 74 Paradise Lane to November 16, 2023. AIF 4-0
- 12. 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:
 - Project was continued to allow for soliciting peer review proposals. Two proposals received. Agent would recommend either proposal.
 - Commission discussed waiting for a site visit until peer review is complete.
 - Engineering/stormwater review underway. A report has not been received yet.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to contract with EcoSystem Solutions for the review of the project at 200 Haynes Street. AIF 4-0

- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 200 Haynes Street to December 7, 2023. AIF 4-0
- 13. 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
- 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:
 - Project was continued to allow for submission of additional information. A written request for continuation was received to the next meeting of November 16, 2023
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 263 New Boston Rd., DEP File #300-1166 to November 16, 2023. AIF 4-0
- 14. 212, 216, & 226 Charlton Rd – NOI –Development of a Commercial site-DEP File#300-1172**
- Owners: Katherine Thompson-212, Christine Lena-216, & Steven J & Theresa Saletnik-226
- 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 December 7, 2023 meeting received.
- Vote: none taken, hearing is postponed to December 7, 2023.

II. WETLAND DECISIONS

15. 74 Paradise Lane-Request for Certificate of Compliance –DEP File #300-475

- Requester: Scott & Lisa Sanderson Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 10-18-23. Historic OOC for house raze and rebuild. Had included tight tank install but sewer was installed and connected. As-built plan received. No concerns.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to Issue a complete Certificate of Compliance for DEP File #300-475, 74 Paradise Lane. AIF 4-0

16. 76 South Shore Drive-Request for Permit Extension –DEP File #300-1077

- Requester: Peter Mimeault Request: Issue a 1-year extension
- Presentation and Discussion: The work has been completed for shoreline protection including plantings. However, with elevated water levels and time of year for planting verification, the applicant is requesting an extension for one year. Project should be ready for review in Spring.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a one-year extension for DEP File #300-1077, 76 South Shore Drive as requested. AIF 4-0

i. ADMINISTRATIVE DECISIONS

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes-no updates

VI. CORRESPONDENCE

VII. NEW BUSINESS

17. 2024 Meeting Schedule-Commission supports the proposed schedule

18. Agent's Report

- An Emergency Authorization was issued to Beaver Solutions on McKinstry Brook due to access road flooding.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to ratify the Authorization of beaver dam breaching at McKinstry Brook. AIF 4-0
- 23 Old Hamilton Road-Staff visited the site and all plantings are in, Commission will wait until Spring to sign-off on the plantings.
- 110 Brookfield Road-Property Owner is working with the surveyor to get a recordable plan, which should be available to review at the next meeting.

- Mt. Dan Road – Staff were made aware of work accruing on Mt. Dan Road, The staff along with the Chair visited the site and took photos for the other members. The work is clearly beyond routine maintenance. The agent asked for the other members to take a look and decide what the next steps should be.

19. Next Meeting-November 16, 2023 and Site Visit Schedule-Nov. 8, 2023

On a motion of K. Stueber, 2nd by E. Gaspar the Commission vote to adjourn at 7:44 PM. AIF 4-0