

CONSERVATION COMMISSION MEETING MINUTES

Meeting Date: Oct. 5, 2023
Time: 6:00 -8:20 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, Winglass-present, Goodwin-present, Stueber-present, Bishop-present; quorum is achieved the meeting opened at 6:00 PM

DECISIONS

I. WETLANDS DECISIONS

1. 200 Charlton Road– Request for Determination of Applicability-Modifications to existing commercial site

- Applicant: Cornerstone Bank Owner: Southbridge Savings Bank
- Representative: J. Bernardino, CMG Environmental
- Request: Issue DOA
- Project Summary:
 - Project includes demolishing the existing ATM's and associated concrete islands and canopy. The existing paved drive-thru lanes will be modified to accommodate a satellite canopy with ITM's.
- 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.
 - The majority of work has been proposed outside of the jurisdictional buffer zones and RA. The only work within RA would be to remove pavement which will be replaced with a landscape island (only within the 200 ft BZ).
 - Project will result in decrease of impervious surfaces and increase pervious areas and landscaping (inducing trees) on site.
 - Lawn cuttings, dead plants and other debris should not be dumped near resource areas behind the parking lot. Commission notes that current debris be removed.
 - Project includes BMPs to protect parking lot catch basins during work. Catch basins lead to wetlands.
 - Project includes stormwater standards evaluation. Entire project is being reviewed by Planning Board and a review with compliance with the standards should be done by that board.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the hearing for 200 Charlton Road. AIF 5-0
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a DOA for 200 Charlton Road with the following:
 - Negative # 4 (not subject to WPA unless work impacts an area subject to protection under the WPA).
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions:
 - Install catch basin protections during work.
 - Excavated material (not to be reused) to be removed from the site.



Conservation Agent

Rebecca Gendreau

Assistant Agent

Erin Carson

Conservation Commission Members

Ed Goodwin
Erik Gaspar
Roy Bishop
Ted Winglass
Karsten Stueber

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

www.sturbridge.gov

- Protect any earthen materials from rain water that may be stockpiled during work or don't stockpile (all catch basins lead to wetlands).
- Remove debris near wetland and cease dumping there. AIF 5-0

2. 3 Glenridge Road–Notice of Intent-Septic System Replacement-DEP File #300-1176

- Owner/Applicant: Joseph Guerra
- Representative: J. Vortuba, New England Environmental
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone & Riverfront Area
- Project Summary:
 - Project includes the repair of an existing septic system for a single family residence.
- Presentation and Discussion:
 - DEP File # issued with no comments.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - Project site is a developed yard. Work is within the buffer zone and within a Riverfront Area. RA Standards do not apply to this project as exempt under the 321 CMR 10.58(6)(c) as is a repair of septic system prior to 8/7/1996.
 - Stream bank being maintained as lawn. Commission request mowing to stop 5ft off wetland flagging.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 3 Glenridge Rd. DEP File #300-1176. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project for 3 Glenridge Rd. with the Order of Conditions for #300-1176 with standard conditions and cease mowing within 5 ft of the wetland flagging. AIF 5-0

3. 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 that abandonment of the existing pipe
- Presentation and Discussion:
 - DEP File # not issued.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - Emergency Certificate issued for pipe failure in 2021. Different section of the culvert failed at that time and was replaced. This section of pipe was reviewed and noted to be failing. Pipe also goes under one structure. Culvert proposed to be replaced with larger pipe and relocated around the building. The relocation will increase the length of the culvert. Project is needed as current condition is a concern.
 - Plans include BMPs during work including bypass pumping of stream. Work will need to occur during low flow conditions.
 - Project is a redevelopment and subject to the MA Stormwater Standards to make improvements to the greatest extent practical. They are proposing to make improvements to on site stormwater. Currently, the stormwater enters the stream directly and is untreated. They are proposing to take 2 offline and add sumps for increased water quality.
 - The applicant stated that it is not feasible to daylight part of the stream. It is a heavily developed site and alternatives may not be feasible but a review of all alternatives must be shown.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the hearing for 94 Hall Rd. to next meeting, Oct. 26, 2023. AIF 5-0

4. 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, Riverfront Area, 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:
 - Project was continued to address DEP and board comments.
 - RA has been shown on the plan and a restoration area included within the 25' no disturb zone to include shrub and tree plantings. An area to access the shoreline is provided.
 - The new house was moved outside the 50 ft buffer RA impact calcs have been provided and compliance with RA standards demonstrated. Work is within outer RA. Area was developed as part of SFH residence. Area is developed so no loss of wildlife habitat.
- Vote:
 - On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 82 Paradise Lane, DEP #300-1170. AIF 5-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve and issue an Order of Conditions pursuant to the WPA for DEP File #300-1170 with the following special conditions:
 - Standard OOC conditions.
 - Submit maintenance requirements for drainage structures and pervious patio and driveway prior to the start of work.
 - Documentation of proper pervious paver installation and drainage structures, per the plan & manufacturer specifications, must be provided to the SCC.
 - Proposed trees and shrub plantings shall be planted as part of the approval for this project as noted in application. Trees shall be at least 1.5" caliper. Required to demonstrate that trees succeed for at least one growing season after installation. Deceased plants shall be replaced.
 - Perpetual conditions for stormwater structures.
 - The Buffer Zone Restoration Area shall not be altered.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 for SFH projects has been previously required. To be released upon issuance of a Certificate of Compliance. AIF 5-0

5. 200 Haynes Street –*continued* SWB 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
- Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
- Presentation and Discussion:
 - Project was continued.
 - Stormwater/engineering peer review is starting through planning department.
 - Commission discussed a peer review for the project.
- Vote: On a motion of T. Winglass, 2nd by E. Gaspar the Commission vote to have the Agent solicit a peer review for 200 Haynes Street. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the hearing for 200 Haynes Street to next meeting, Oct. 26, 2023. 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
- 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: EBT Report
- Presentation and Discussion:
 - Site visit on 9-27-23 occurred. EBT report provided to staff at the site visit. Review of areas conducted. G. Krevosky went over the report for members not able to attend the site visit.
 - One area to be modified for isolated wetland discussed near Flags 16A-18A. Area to be revised and include on plan. D series flag revisions to be changed. Area at toe of slope not agreed upon.

- Ecosystems, B. Faneuf joined the meeting virtually and went over all his findings.
- He recommends making the area of the driveway crossing a wetland.
- If it is deemed wetland, the board can consider allowing some impact if performance standards are met. Staff recommend that the project team review options to minimize disturbance.
- Options to access site for title V perk are being explored. If upland access isn't possible then a separate NOI for temporary impacts to wetlands will be needed per DEP.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the hearing for 263 New Boston Road to October 26, 2023. AIF 5-0

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

- Owner: 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:
 - Project continued for peer review. Art Allen of EcoTec approved. Funds received 9/29/23. Continuation request received.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the hearing for DEP File #300-1173 to next meeting, Oct. 26, 2023. AIF 5-0

8. 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:
 - Project was continued to allow the project team to address DEP's comments and to obtain final property owner signature.
 - Project team is working on materials and has requested a continuation to the next meeting.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue DEP File #300-1175 to next meeting, Oct. 26, 2023 as requested. AIF 5-0

II. WETLAND DECISIONS

9. 446 Main Street-Request for Certificate of Compliance –DEP File #300-0480

- Requester: Dong Ying Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 9-27-23. New OOC issued to complete work as this OOC expired. Concrete pad removed and previous beaver flow devices failed. Area was reviewed and flow devices are not suitable. Area will require monitoring for beaver activity and breaching when necessary. Currently no flooding issues.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: Special Condition: 34. OOC to note that beaver culverts not there. Perpetual conditions only relate to stormwater O & M activities. AIF 5-0

10. 446 Main Street-Request for Certificate of Compliance –DEP File #300-1161

- Requester: Dong Ying Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 9-27-23. New OOC for removal of concrete pad and beaver management/monitoring plan.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: Special Conditions: 36-40. AIF 5-0

11. 168 Lane Seven-Request for Certificate of Compliance –DEP File #300-1004

- Requester: Steven Quink Request: Issue a COC
- Presentation and Discussion: Site visit conducted prior to meeting. Portions of project have not been completed and will be conducted under a new NOI with additional work. Only tree removal occurred. NOI will be on next meeting agenda.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a Certificate of Compliance w/ no perpetual conditions. Note work not completed. AIF 5-0

III. ADMINISTRATIVE DECISIONS

12. Minutes of 9/14/23 for approval

- Vote: On motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the minutes of the September 14, 2023. AIF 5-0

IV. OLD BUSINESS

13. 110 Brookfield Road

- Discussion: Property Owner reports that the majority of work has been completed. He will need some additional time to get the surveyor to complete the plan.
- Vote: On a motion of T. Winglass, 2nd by E. Gaspar the Commission vote to extend the Enforcement Order for 110 Brookfield Road to November 16, 2023. AIF 5-0

14. 392 Main Street

- Discussion: Existing condition plan provided with notes. Revised sketch restoration plan received based on site visit. Final plan will need to be submitted with notes included and some type of bounds added. However, they will be asking for an easement area from the town. Easement needs to be defined so it is clear what uses. Discussed for walking easement. Easement will require Town approval beyond conservation and likely will take some time. Some type of visual markers should be required to prevent any possible future encroachment. Dumpsters, etc. need to be relocated onto the subject parcel. It would be advisable to start the planting as soon as possible. EO will need to be issued requiring the planting, submit final plan and discuss and come up with an agreement for visual bounds to be added to plan. Plan should be ready for the next meeting.

15. 30 River Road Enforcement Order Update

Discussion: DEP issued a superseding Order of Conditions with a deadline of April 15th. The applicant has asked for a formal extension. The Commission is looking for more detail of the work off-site on the stream and pond. The agent will contact Town Counsel for guidance.

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

16. Agent's Report

- Staff are arranging a site visit with Town Counsel at 70 Mashapaug. Property Owner offered 10/24 but the Agent will ask for some other options.
- South Pond Alum treatment is complete and the residents of South Pond are grateful to the Town of Sturbridge for all their efforts with this project.

17. Next Meeting-October 26, 2023 and Site Visit Schedule-Oct. 18, 2023

On a motion of R. Bishop, 2nd by K. Stueber, the Commission vote to adjourn at 8:20 PM. AIF 5--0