

CONSERVATION COMMISSION MINUTES

Date: November 16, 2021
Time: 6:00 -8:25 pm
Place: Hybrid Meeting Veterans Hall
<https://sturbridge.vod.castus.tv/vod>

With a quorum present, the meeting opened at 6:00 pm, Ed Goodwin presiding as Chair.
All Members present.

DECISIONS

I. PUBLIC HEARINGS

1. 81 Paradise Lane- RDA-Proposed Barn

- Owner/Applicant: A. Brauns Representatives: P. Engle, McClure Engineering
- Request: Issue Determination
- Documents Presented: site plan
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes the construction of a barn within previously developed areas.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - The 22' x 26' barn is proposed within an area previously designated for overflow parking which is located outside of the 50' no new structure setback.
 - Project includes a cultec unit for roof runoff and the applicant proposes extending the exiting boulder demarcated limit of disturbance line.
- Public Comment:
 - none
- Vote: On a motion by E. Gaspar, 2nd by D. Barnicle the Commission vote to close the hearing for 81 Paradise Lane. AIF 5-0.
- On a motion of D. Barnicle, 2nd by E. Gaspar the commission vote to issue a Determination of Applicability with the following:
 - Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
 - Standard pre-construction conditions.
 - Sedimentation controls shall be installed as shown on the plan and maintained during work.
 - Install cultec unit. Provide proper documentation of install to be verified by P.E.
 - Install boulders as shown on the plan.
 - Final inspection of completed work.
 - Positive #5 (subject to local bylaw) with the condition noted above.
AIF 5-0

2. 118 Mashapaug Road- RDA- Proposed Addition

- Owner/Applicant: Joe & Emilie Gray Representatives: none
- Request: Issue Determination
- Documents Presented: site plans
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes the construction of a 20' x 30' house addition within the developed yard.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - All work is within the existing lawn and is located outside of the 50' no new structure setback.
 - The rear portion of the property has a Conservation Restriction held by the SCC.
 - Agent recommends approval of the project, all material will be removed off site.



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin
Steven Chidester
David Barnicle
Erik Gaspar
Roy Bishop

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- Public Comment:
 - none
- Vote: On a motion of D. Barnicle, 2nd by E. Gaspar the Commission vote to issue a Determination of Applicability with the following:
- Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
 - Standard conditions prior to work, during work and final inspection.
 - Excavated material to be removed off-site as proposed.
 Sedimentation controls shall be installed as shown on the plan and maintained during work.

3. 286 Big Alum Road- NOI- Construction of a Permanent Dock-DEP File #300-XXXX

- Owner/Applicant: Geoffrey and Jennifer Hunt Representatives: P. Engle, McClure Engineering
- Request: Issue an OOC
- Documents Presented: site plans
- Jurisdiction: Buffer Zone, Bank
- Project Summary
 - The applicant is proposing a 32' x 12' cantilever dock partially over an existing dock and patio area along the shoreline. Dock will extend 20' over the water.
- Presentation and Discussion:
 - Abutter notification and proof of Legal Ad verified.
 - This permanent dock will require filing with the Chapter 91 program.
 - No tree removal is proposed with the installation of this dock.
 - Commission would like clarification on how the property owner will access the lake since the current stairs will be removed.
 - The contractor for the project clarified that the property owner would be willing to reduce the size of the dock if the overall disturbance was too great.
 - DEP has not issued a File # or comments to date.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to continue the hearing for 286 Big Alum Road to December 7, 2021; AIF 5-0.

4. 64 Shattuck Road – NOI-Proposed Garage –DEP File #300-XXXX

- Owner/Applicant: D. Mercurio Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: site plans
- Jurisdiction: Riverfront
- Project Status Summary
 - Project includes the construction of a 32' x 26' garage
- Presentation and Discussion:
 - Proof of legal advertisement and abutter notification received.
 - DEP has not issued a file number for this project therefor a continuation is required.
 - The site had been altered prior to filing this application, once the applicant was made aware all work was stopped.
 - Engineer provided additional required fees for Riverfront Area to Con Com and DEP.
 - Since it is unclear how many trees were removed for this project the commission will visit the site after construction to evaluate where additional plantings would be necessary.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle; the Commission vote to continue the Public Hearing for 64 Shattuck Road to December 7, 2021. AIF 5-0

5. 24 Hamilton Road- *continued* RDA-Removal of 40 trees

- Owner/Applicant: Hamilton Rod and Gun Club Representative: none
- Request: Issue an OOC
- Documents Presented: sketch plan
- Project Summary:
 - Project includes the removal of 40 dead or declining red pines.
- Presentation and Discussion:
 - Proof of abutter notifications received. Proof of Legal Ad verified.
 - Applicant provided a letter from a forester, trees appear dead or in decline due to a fungus, Mr. DiMaio does not recommend replanting in the area.
 - The Commission generally requires a two to one replacement for tree removals. The Agent comments that this might be excessive for this project but something is needed to create a canopy for the pond and protect the health of the waterways downstream.
 - The Commission would like to see if they trees could be treated for the fungus as at least some of them saved. The Agent will work with the applicant to help develop a plan for replanting.
 - The Commission also commented with concerns to the 25 foot no touch buffer to the pond- perhaps there could be a different mowing schedule for that area.
- Public Comment:
 - None
- Vote: By a motion of E. Gaspar, 2nd by D. Barnicle; the commission continue the Public Hearing for 24 Hamilton Road to January 7, 2021. AIF 5-0

6. 91 Clarke Road- *continued* NOI- New Single Family Home with associated site work- DEP File #300-1112

- Owner/Applicant: S. Noyes Representative: Scott Morrison, EcoTec
- Request: Issue OOC
- Documents Presented:
- Project Summary:
 - Project includes the construction of a single family house, barn, driveway and associated site work to include a well and septic system. Project was continued to provide time to make plan revisions and to allow for the submission of additional information in form of soil analysis for the A series wetland in vicinity of Flag # A11 to A3.
- Presentation and Discussion:
 - Written request for an extension to December 7, 2021 received. Additional time needed to make plan revisions and provide materials.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle, the Commission vote to continue the Public Hearing for 91 Clarke Road to December 7, 2021. AIF 5-0

7. Lot 3 - 30 Main Street – ANRAD (Abbreviated Notice of Resource Area Delineation)-DEP File #300-1113

- Owner/Applicant: J. Stelmock Representative: P. Engle, McClure Engineering
- Request: Issue an ORAD
- Documents Presented: n/a
- Project Status Summary:
 - SCC requested additional information in form of a peer review. Project was continued to allow time for contract arrangements to be made and for review.
- Presentation and Discussion:
 - A continuation request was received for this project by the applicant.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle; the Commission vote continue the Public Hearing for Lot 3, 30 Main Street to December 7, 2021. AIF 5-0

8. 650 and 680 Route 15 – cont'd NOI – Proposed development of a Nursery and Tree Farm to include a perennial stream crossing-DEP File #300-1092

- Owner/Applicant: Mark Kubricky, Landing Rock LLC Representative: P. Engle, McClure Engineering

- Request: Issue an OOC
- Documents Presented: n/a
- Project Status Summary:
 - Project has been continued since the 6-1-2021 meeting to allow the proponent to work to address the peer review comments, staff comments and the board's comments
- Presentation and Discussion:
 - Approx. 5 ½ months have passed since the peer review was complete for the application.
 - The applicant is asking for again for more time even though no new information was provided, the commission will entertain this request provided all information is received for the January 27, 2022 meeting.
 - Applicant would like staff to research an old ANRAD on this property and even though it is expired and most likely require new delineations; staff will check archived files for this information.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by S. Chidester; the Commission vote continue the Public Hearing for 650 and 680 Route 15 to January 27, 2022. AIF 3-1(Barnicle)-1(Abstain Bishop)

9. 180 Breakneck Road and 16 Cross Street – ANRAD – Proposed Equine Center– DEP File #300-XXXX

- Owner: 16 Cross Street-Breakneck Ridge Inc, 180 Breakneck Road-Leon, Doris, Edward, Roger, George, Madeline, and Paul Pontbriand
- Applicant: Sturbridge Equine and Agricultural Property, LLC Representative: Chris Wagner, VHB
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary:
 - Resource area approval for 2 parcels of land totaling 298.50 acres. Project has been continued from the last hearing as the project team requested time before the SCC voted on the project.
- Presentation and Discussion:
 - DEP has not issued a file number or comments for this ANRAD.
 - A continuation request was received for this project by the applicant.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to continue the Public Hearing for 180 Breakneck Road and 16 Cross Street to December 7, 2021. AIF 5-0

II. WETLANDS DECISIONS

10. 2 Ladd Road–Request for Certificate of Compliance-DEP File #300-1049

- Owner/Applicant: Karl and Joanne Nye Representative: n/a
- Request: Issue a letter permit
- Documents Presented: N/A
- Presentation and Discussion:
 - Agent visited the site, applicant is requesting the removal of two oak trees.
 - Homeowners have had a tree fall on the house previously and one is leaning over the house and the other is dead.
 - Agent doesn't recommend replacements in this case.
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the commission vote to approve the tree removal at 4 Birch Street. AIF 5-0

11. 16 Hunter Lane–Request for Certificate of Compliance-DEP File #300-1022

- Original Permit Holder: J. Weaver Requester: same
- Request: Issue a COC
- Documents Presented: N/A
- Presentation and Discussion:
 - Site visit performed. Site is in compliance with permit and as-built drawing provided by the engineer.
- Vote: On a motion of E. Gaspar, 2nd by D. Barnicle the commission vote to issue a Certificate of Compliance for DEP #300-1022, 16 Hunter Lane with ongoing conditions 45-49. AIF 5-0

III. ADMINISTRATIVE DECISIONS

UPDATES

IV. OLD BUSINESS

12. 30 Woodlawn Drive–Notice of Intent DEP File #300-1110

- Public Hearing was closed without completing a formal denial of the project. A motion to approve the project was made and failed at the previous meeting.
- Vote: On a motion of D. Barnicle, 2nd by E. Gaspar the commission vote to deny the Order of Conditions for 30 Woodlawn Drive, DEP File #300-1110 for lack of information. AIF 5-0
- On a motion of D. Barnicle, 2nd by E. Gaspar the commission vote to send the property owner a letter stating that: in order to move forward with the project a new delineation would need to be completed and new NOI filed. Additionally the SCC is still concerned with the work which has occurred on the property without permitting. A restoration plan to address these infractions including the access road and use of rubberized pellets must be developed by a qualified individual and submitted to the SCC for review. AIF 5-0

13. 69 Paradise Lane SCC File #20-92–70 Paradise Lane-DEP File #300-929

- Project Status Summary:
 - SCC#20-92: The SCC approved the removal of 8 trees in 2020. As part of the approval, the SCC informed the applicant that replacement trees may be required and that the board would like to review the area after removal to make that determination. The applicant was instructed to inform the SCC after removal. Staff were in the area recently and noted that the trees had been removed and informed the property owner that we would be adding this to our site visit schedule and agenda.
 - DEP File #300-929: Permit expired in 2018. A request for a CoC was requested back in 2020 when the tree removal permit was issued. A reminder was recently given and not received. From a quick review of the plan and site, it appears that the site has been significantly raised beyond the proposed grading shown on the plan. The plan included a leach pit system for roof stormwater collection. It does not appear that the roof downspouts are connected to any system. It is required that a CoC is requested when the project is completed. This should be completed with a review by a P.E. for substantial compliance as required
 - The commission is content with keeping the area of 69 Paradise Lane as is and allowing things to grow in naturally.
 - Staff will send a letter to the applicant reminding them that a COC was never requested for the project at 70 Paradise Lane.

V. ADMINISTRATIVE UPDATES

14. Committee Updates

- CPA: Town received matching funds of \$390,000 from state grants.
- Trail Committee: No report
- Open Space Committee: N/A
- Lakes Advisory Committee: No meetings or report until April 2022.

VI. NEW BUSINESS

15. Agent's Report

- The Agent updated the commission on all the new projects for the next meeting.
 - A report was received for the Interstate 84 restoration project. The reports looks good and the state will continue to provide 2-5 years of monitoring.
 - There are still a few concerns with the DOT/Cedar Lake project and lack of completion or progress.
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Next Meeting Date: 12-7-21 Site Visits: 11-30-21 9-12 pm

ADJOURN at 8:25 pm Motion by S. Chidester, 2nd R. Bishop AIF 5-0