

CONSERVATION COMMISSION MEETING MINUTES

Date: February 16, 2023
Time: 5:00 -6:40 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>

Quorum Check- Meeting opened at 5:00 PM, Erik Gaspar, Roy Bishop, and Ed Goodwin in attendance. Quorum achieved. Ted Winglass is absent and Karsten Stueber will join virtually at 5:45 PM. Erik Gaspar will need to leave at 6:00 PM

DECISIONS

I. WETLANDS DECISIONS

1. **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
 - Documents Presented: n/a
 - 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:
 - No changes in the plan or new details provided at the Hearing.
 - Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the Public Hearing for DEP File #300-1144 for 698 Main Street. AIF 3-0 (Gaspar, Bishop, & Goodwin)
 - 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 #300-1144, 698 Main Street with the following special conditions:
 - Standard OOC conditions.
 - Prior to the start of work, Environmental Monitor designated to monitoring all activity within buffer zones to ensure compliance with this Order of Conditions. The Environmental Monitor shall perform site inspections bi-weekly throughout construction and submit regular progress/monitoring reports.
 - Prior to the start of work, a copy of the authorized EPA Notice of Intent and completed Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Conservation Commission.
 - Prior to the start of work, annual O & M budget and signed illicit discharge statement to be submitted.
 - Perpetual conditions for stormwater structures and fence.
 - Evidence of maintenance of the stormwater management system shall be provided to the Commission on annual basis. AIF 3-0 (Gaspar, Bishop, & Goodwin)
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve and issue an Order of Conditions pursuant to the SWB for DEP File #300-1144 for 698 Main Street 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. \$10,000 for commercial



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

A-Ted Winglass

V-Karsten Stueber

308 Main Street.

Sturbridge, MA

01566

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development of this nature required. To be released upon issuance of a Certificate of Compliance. AIF 3-0 (Gaspar, Bishop, & Goodwin)

2. 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:
 - No changes were made to the plan or new details provided at the Hearing.
- Vote: On a motion of E. Gaspar 2nd by R. Bishop the Commission vote to close the Public Hearing for DEP File #300-1135, 16 MT Dan Road. AIF 3-0. (Gaspar, Bishop, & Goodwin)
 - 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 #300-1135, 16 MT Dan Road with the following special conditions:
 - Standard OOC conditions.
 - Submit arborist report demonstrating that the landscape plantings have been installed in compliance with the approved plans. Also, to include a review of health of landscape plantings post installation for success for two growing season after installation. Deceased plants shall be replaced.
 - Bank Work:
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions (during lake drawdown).
 - Toe of stairs must end at existing toe of Bank.
 - Applicant is required to receive all other permitting including a Chapter 91 license if required. Application to DEP required prior to the start of work or negative determination.
 - A phased erosion control plan shall be developed for the various phases of construction.
 - All trees within the work area that are to remain must be protected during work to include root zone protection. Snow fencing or another similar material shall be used. Root zone protection requirements shall be established by a certified arborist.
 - Documentation of proper patio and stormwater structures, per the plan & manufacturer specifications, must be provided to the SCC. Buried structures must be photographed before backfilling.
 - Perpetual conditions for stormwater structures. AIF 3-0(Gaspar, Bishop, & Goodwin)
 - On a motion of E. Gaspar 2nd by R. Bishop the Commission vote to approve and issue an Order of Conditions pursuant to the SWB for DEP File #300-1135, 16 MT Dan 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. . AIF 3-0. (Gaspar, Bishop, & Goodwin)

3. 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-xxxx

- 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 Description: Project includes construction of a private roadway network, 68 manufactured house lots, a clubhouse, parking, and associated stormwater management measures.
- Presentation and Discussion: Project was previously being reviewed under DEP File #300-1132 and was withdrawn without prejudice then re-filed and was being reviewed under DEP File #300-1150. Project was again withdrawn and re-filed.
 - Applicant requested postponing the Hearing until March 9, 2023. There was no discussion.
 - DEP File # and comments not received.
- Vote: None

4. 14 Cedar Lake Drive – continued 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
 - 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. Project was continued to allow for project modifications based on SCC and staff comments.
- Presentation and Discussion:
 - A revised plan shows the garage further from the lake and two new trees in the area where the shed will be removed.
 - The Agent had no concerns with the changes to the plan.
 - Commission had no discussion or questions on the project.
- Vote: On a motion of E. Gaspar 2nd by R. Bishop, the Commission vote to close the Public Hearing for DEP File #300-1151, 14 Cedar Lake Drive. AIF 3-0. (Gaspar, Bishop, & Goodwin)
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve and issue an Order of Conditions under the WPA for DEP File #300-1151 with the standard conditions. AIF 3-0(Gaspar, Bishop, & Goodwin)
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve and issue an Order of Conditions under the SWB for DEP File #300-1151 with the standard conditions. AIF 3-0(Gaspar, Bishop, & Goodwin)

Karsten Stuber joined the meeting virtually at 5:45 PM

5. 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 & site photos
- 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. Project was continued from 1-26-23 meeting w/ no discussion per applicant.
- Staff Notes:
 - Applicant requested a continuation in writing prior to the Hearing.
 - There was no discussion.
- Vote: No vote

6. 130 Lane Nine– NOI- Site improvements to an existing lakefront property -DEP File# 300-1153

- Owner/Applicant: J. Tasse Representative: M. Thibeault, Landscape Evolution
- Request: Issue an Order of Conditions
- Documents Presented: colored plans & site photos
- 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 Summary: Project includes the removal and replacement of existing timber steps with stone steps. Project also includes terracing the hillside to construct a pervious patio with rock wall. Native plantings will be transplanted and invasive species removed.
- Presentation and Discussion:
 - A written request for a continuation was received prior to the Hearing.
 - The Hearing was not opened.
- Vote: No votes taken

7. **88 McGargle Road – RDA- Site improvements to an existing lakefront property**

- Owner/Applicant: James Yiznitsky Representative: Property Owner
- Request: Issue a Determination
- Documents Presented: colored plans & site photos
- Jurisdiction: Buffer Zone
 - **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.”
- Project Summary: Project includes the repair/replacement of footings under an existing lakefront seasonal cottage, rebuilding of existing deck in the same location, repaving and widening of an existing paved driveway, relocation of a shed, grading and removal of dead trees.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Estimated Habitat.
 - Site visit performed.
 - Eight trees are dead or severely declining and were reviewed on site. No stump/root removal is requested.
 - Tree replacement discussed on site. 2 trees would appear appropriate for replacements to be located within 25’ of lake.
 - Commission and staff have no concerns with the project.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote the close the Hearing for 88 McGargle Road. AIF 4-0(Gaspar, Bishop, Goodwin, & Stueber)
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install at LOW.
 - No stump/root removal.
 - 2 deciduous trees to be planted within 25’ of lake. Standard has been at least 1.5” diameter at breast height.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above. AIF 4-0(Gaspar, Bishop, Goodwin, & Stueber)

Erik Gaspar left the meeting

8. **120 Breakneck Road– SWB Notice of Intent-Construction of a single family home, barn and associated site work**

- Owner/Applicant: Old Green Acres, LLC Representative: N. Jackson, J & P Engineering Services
- Request: Issue an OOC (under the Bylaw)
- Documents Presented: colored plans & site photos
- Jurisdiction: Buffer Zone
- Project Summary: Construction of a SFH and associated site work to include a barn and paddock.

- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - Property includes Riverfront Area, Bank, Land Under Water and an Isolated Wetland. No work shown within areas subject to state jurisdiction. NOI only under local bylaw.
 - Property was harvested under a state issued FCP prior to new ownership. Lot recently divided off of current parcel at 100 Breakneck. Additional lots previously subdivided and developed.
 - Project initiated without wetland permitting. Work stopped and application received.
 - Staff did walk site. Bordering Vegetated Wetland and Isolated Wetland reflagged. The flagging 4-8 and 13-15 are including in the approval.
- Staff noted a stream crossing that appears to be actively used. Logging roads are remnant of past forestry activities. DCR FCP allow temporary impacts (crossings, wetland tree harvesting, landing areas, etc.) for forest management. A crossing was permitted under the FCP and noted to be poled. It may have been from forestry activities, however, it was temporary and under the forestry agreements was to be restored after use. ATVs should not be crossing the brook. The applicant may request a small bridge for crossing. The banks in this area are high and a simple structure could span the width. A bridge would require a NOI under the WPA. If not, the crossing should be abandoned and blocked. Boulders should be placed in front of the stream to prevent any use.
- The property owner must be made aware that a potential hardship could be made if further subdivision of the properties is made which would require either a future wetland crossing or Riverfront Area impacts for access.
- Manure should be stored and or composted in areas that do not runoff towards the isolated wetland.
- Vote: On a motion of R. Bishop, 2nd by K. Stueber the Commission vote to close the Public Hearing for 120 Breakneck Road. AIF 3-0(Bishop, Goodwin & Stueber)
- On a motion of R. Bishop, 2nd by K. Stueber the Commission vote to approve and issue an Order of Conditions under the SWB with the following conditions:
 - 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
 - Standard pre-construction conditions.
 - Place boulders at the stream crossing and discontinue any use unless additional permitting is received. AIF 3-0 (Bishop, Goodwin & Stueber)

II. WETLAND DECISIONS

III. ADMINISTRATIVE DECISIONS

9. Minutes of 12/5/22, 1/5/23 & 1/26/23 to be approved

- Vote:
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to accept the 12/5/22 and 1/26/23 minutes. AIF 3-0 (Gaspar, Bishop, & Goodwin)
 - Minutes of 1/5/23 were tabled until next meeting

IV. OLD BUSINESS

10. Empire Buffet, 446 Main Street

- Discussion: The plan is nearly complete, the OOC for the development of the current restaurant and parking was never closed and a new NOI will be filed to address the long term maintenance of the beaver activity along with the swale.

11. 71 Mashapaug Road

- Discussion: G.M. from CMG provided the Commission aerial photos over the span of 2005-2021. Pictures from 2013 show areas near the stream on the property have been altered and would have required review. The Commission would like to visit the site to see what impacts there are on resource areas. After discussion the Property Owner and his Representative agreed to hire a Wetland Scientist and delineate the site and bring that plan to the Commission's March 30, 2023 meeting for review.

12. 413 Main Street Enforcement Order extension request

- Discussion: Due to the type of work required the applicant is asking for a 45 day extension.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the commission vote to extend the completion date by 45 days for the enforcement order at 413 Main Street. AIF 4-0 (Gaspar, Bishop, Goodwin, & Stueber)

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes-No Updates provided

VI. CORRESPONDENCE

VII. NEW BUSINESS

13. Trail Committee 2023 Hikes

- Sunday April 16, 2023 10 AM 197 Leadmine Road
- Sunday June 11, 2023 10 AM 10 OSV Access Road
- Sunday September 10, 2023 277 New Boston Road
- Sunday December 3, 2023 52 Stallion Hill Road

14. Agent's Report

- The Commission discussed a change to the meeting start time from 6 to 6:30 which will work for the majority and moving site visits to Wednesday starting March 1, 2023.
- 110 Brookfield has hired an engineer to assist with the filing for the commercial project.
- The survey work at Long Pond has been completed.

15. Next Meeting-Thursday March 9, 2023 and Site Visit Schedule-Wednesday March 1, 2023

On a motion of R. Bishop, 2nd by K. Stueber the Commission vote to adjourn at 6:40 PM. AIF 3-0(Bishop, Goodwin, & Stueber)