

# CONSERVATION COMMISSION MINUTES

Date: March 30, 2023  
Location: Veterans Hall, 308 Main St  
Time: 6:30-10:15 pm

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

Roy Bishop

Ted Winglass

Karsten Stueber

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## DECISIONS

### I. WETLANDS DECISIONS

#### 1. Quacumquasit Pond– NOI- Alum treatment of South Pond-DEP File #300-XXXX

- Owner/Applicant: Town of Sturbridge      Representative: C. Nielsen. TRC Companies
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Jurisdiction:
  - **Land Under Water**
  - **Limited project Ecological Restoration**
- Project Summary: Project includes the treatment of the Pond with aluminum sulfate to address the build-up of phosphorus in the sediment.
- Presentation and Discussion:
  - Proof of abutter notifications and legal ad received.
  - DEP File # not received yet.
  - Project is not within Estimated Habitat so no WPA review required. Project is within Priority Habitat. Separate MESA filing will occur.
  - Project is proposed within Sturbridge, E. Brookfield & Brookfield. Separate NOIs filed within each town. Impact calculations separated by town.
  - Project filed as ecological restoration limited project as it will exceed allowable impact thresholds.
  - Work is funded through a 319 Grant program, work is scheduled for late spring.
  - All treatment will stay 50 ft from the shoreline.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Hearing for Quacumquasit Pond to April 20, 2023. AIF 5-0

#### 2. 6 Birch Street –RDA – Removal of three trees

- Owner/Applicant: Joseph Murphy      Representatives: Owner
- Request: Issue DOA
- Documents Presented: sketch
- Jurisdiction: Buffer Zone
- Project Summary:
  - Project includes the removal of 3 trees within 100 ft of Cedar Lake, one tree is dead, one is causing damage to the foundation of the house and the other needs to be removed in order to remove one tree.
- Presentation and Discussion:
  - Hearing was postponed to April 20, 2023 for failure to provide legal advertisement.

#### 3. 44 Camp Road– RDA – Replacement of a cesspool with a compliant Title V septic system

- Owner/Applicant: B. & P. Brunell      Representatives: M. Farrell, Green Hill Engineering
- Request: Issue a DOA
- Documents Presented: colored site plan & photos
- Jurisdiction: Buffer Zone
- Project Summary

- Project includes replacing a cesspool with a compliant Title V septic system and removal of two trees.
- Presentation and Discussion:
  - Proof of abutter notifications and proof of legal ad received.
  - Project is not within Priority or Estimated Habitat.
  - Limit of work shown at extent of 100-foot state buffer zone.
  - Site is actively being work on under permitting received from Conservation (DOA). Project included addition to house and the removal of 2 large pine trees in the yard.
  - Two trees noted in narrative might be compromised for the installation of the septic, it was discussed that replacements would be needed if the trees are cut down.
  - Alternative locations noted. The engineer is confident that this location is the best to avoid water run-off from the hillside.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to close the hearing for 44 Camp Road. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue a DOA or 44 Camp Road:
  - Positive #5 (subject to bylaw) with conditions:
    - Standard pre-work and sign off conditions.
    - EC install throughout work – add silt fence w/ wattle.
    - Tree replacement if the tree is removed.
  - Positive #2b: no resource area approval
  - Negative #4: The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act. AIF 5-0

**4. 53 Bennetts Road – NOI-New holding tank and well-DEP File# 300-1157**

- Owner/Applicant: Mark Acton & Rebecca Melvoin     Representative: M. Farrell, Green Hill Engineering
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Description: Project includes replacement of a cesspool with a holding tank and installation a new drilled well.
- Presentation and Discussion:
  - Proof of abutter notifications and proof of legal ad received.
  - DEP File # issued w/ no comments.
  - Project is not within Priority or Estimated Habitat.
  - Project is within 100 t BZ to Bank associated with Leadmine Pond and within BZ to a BVW on east side of the property.
  - All work is within developed yard.
  - One multi-stem oak will need to be removed for install. Doesn't appear any location available currently for replacements.
  - Project will require variances from the Board of Health.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to close the public hearing for 53 Bennetts Road, DEP File #300-1157. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue an Order of Conditions for DEP File #300-1157 and approve the project pursuant to the WPA and the SWB with the following conditions:
  - Standard OOC conditions.
  - Spoil piles to be directly moved off site.
  - Existing line and well pump (used for pumping lake water) to be removed.
  - Include 1 tree for removal. AIF 5-0

**5. 1 OSV Road– RDA- Improvements to an existing orchard**

- Owner/Applicant: Brad King OSV     Representative: D. Frydryk, Sherman & Frydryk
- Request: Issue a DOA
- Documents Presented: site plan
- Jurisdiction: Buffer Zone

- Project Summary: Project consists of improvements to the existing orchard including: the removal of all existing fruit trees, planting of eighty new fruit trees, above ground irrigation system and perimeter fence. Project also includes removal of a large oak tree adjacent to the orchard.
- Presentation and Discussion:
  - Proof of legal ad received.
  - Abutter notification not required. We follow DEP's policy for sites over 50 acres in size which only requires abutter notification within the buffer zone of the project. There are no abutters within 200 feet of the project.
  - Project is not within Priority or Estimated Habitat. Project in buffer zone to Bank, BVW and may be within RA associated with the Quinebaug River. There is a backwater area (ponded area).
  - If project was for a commercial agricultural operation that produced a commodity, the project would be exempt under the WPA. However, considering the area has historically been an orchard staff see no concerns proceeding issuing approval under a DOA w/ no resource area approval.
  - Field and orchard currently to resource area edge. Proposed corner of orchard just slightly within 25' no disturb setback.
  - Site visit conducted.
  - Most work to occur by hand. Equipment to be used to remove orchard tree roots.
  - Project team will need to include a silt fence on the downslope side of the project.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to close the hearing for Old Sturbridge Village. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue a DOA:
  - Negative #3 with conditions:
    - Standard pre-work and sign off conditions.
    - No stump removal of oak.
    - EC install as shown on plan to include silt fence only along downslope side of work.
  - Positive #2b: no resource area approval
  - Positive #5 w/ conditions noted above. AIF 5-0

**6. 660 Main Street– RDA- Vernal Pool Study**

- Owner/Applicant: Old Road Realty    Representative: EBT Environmental
- Request: Issue a DOA
- Documents Presented: n/a
- Jurisdiction:
  - Sturbridge Wetland Bylaw Regs.: 365-5.6 Vernal Pools see: [Town of Sturbridge, MA Resource Areas, Values, Presumptions of Significance and General Performance Standards \(ecode360.com\)](https://www.ecode360.com/Town-of-Sturbridge-MA-Resource-Areas-Values-Presumptions-of-Significance-and-General-Performance-Standards)
- Project Summary: Project includes the study of two wetlands to demonstrate if the wetlands meet criteria as vernal pools.
- Presentation and Discussion:
  - Proof of abutter notifications and proof of legal ad received to open hearing.
  - Site contains identified potential vernal pool and additional wetlands. Property is an industrial park which is primarily developed. Future project may be proposed here so they want to see if wetlands are vernal pools as this could affect future development of remaining forested areas on the property.
  - Additional off-site wetland identified as a PVP. VP buffers project onto project site. They concede that it is a VP therefore no review is currently proposed.
  - Protocol submitted for review. Staff have reviewed and have no concerns.
  - Review to start as soon as first noted amphibian movement. Survey to continue until SCC approval to stop. Survey can stop if pools are documented to contain obligate or facultative species enough to certify pool(s).
  - Staff shall be granted permission to visit property to check in throughout survey.
  - Pool data must be submitted to NHESP for certification prior to DOA issuance if applicable.
- Public Comment: Robert Lauritsen/27 Tannery Road-asked about the proposed project and added that it was a dry winter, wants to maintain the forested buffer between the project site and his neighborhood. Agent-This RDA covers only the vernal pool study, there has only been informal discussion about development plans for this site which do not include development in that forested areas on site.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 660 Main Street to May 11, 2023. AIF 5-0

**7. 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: n/a
- 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 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:
  - No new information received. Hearing is postponed until April 20, 2023.

**8. 68 Paradise Lane –NOI – Raze and rebuild of a lakefront home – DEP File #300-1155**

- Owner/Applicant: Jeffery Buchanan    Representatives: S. Morrison, EcoTec
- Request: Issue OOC.
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Project Summary:
  - Project includes the raze and rebuild of the existing house. A permeable driveway, grading, stormwater improvements and corrective grading w/ wetland impacts are also included.
- Presentation and Discussion:
  - Project continued to allow project team to respond to comments and allow for board site visit.
  - A new plan was provided at the meeting for the Commission to review.
  - Site visit conducted.
  - Multiple drains observed on site near the well area. These likely had been installed to assist with draining water in this area over time. Many areas on site had high water saturation.
  - Agent recommends gathering more information during the active growing season, including independent review of replication areas and overall project review.
  - S. Morrison did provide the Commission a review of the site plan changes, mostly minor.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by K. Stueber, the Commission vote to authorize staff to solicit independent wetland professionals to conduct of review of the NOI and site. AIF 5-0
- On a Motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 68 Paradise Lane, DEP File #300-1155 to April 20, 2023. AIF 5-0

**9. SHLO SE of 248 Podunk Road– NOI – MA DOT Geotechnical Soil Borings – DEP File #300-1154**

- Owner: MassDot District 3 & Town of Sturbridge    Applicant: MA Electric Company    Representatives: H. Graf BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary
  - Project includes exploratory geotechnical soil borings to plan for road maintenance and stormwater design along the unpaved section of Podunk Road.
- Presentation and Discussion:
  - Written continuance to the April 20, 2023 meeting received. Site visit requested to be postponed.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for DEP File #300-1154 to April 20, 2023. AIF 4-0-1(Stueber Abstain)

**10. 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# 300-1156**

- Owner: M. Sosik                      Applicant: Justin Stelmok    Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
  - Jurisdiction: Buffer Zone & Vernal Pool Habitat (Sturbridge Wetland Bylaw see <https://ecode360.com/35320117> & <https://ecode360.com/35319610> ).
- Project Description: Construction of a 68 lot manufactured home community with associated appurtenances.

- Staff Notes:
  - Project continued to allow for site visit, response to board and staff comments and for peer review presentations of findings.
  - New information received includes:
    - LEC Response Letter dated 3-22-2023
    - Copy of Stormwater Report (last revision date 11-9-2022)
  - Ron Stroitsahl from Oxbow Associates provided the Commission an overview of his independent review of the wetlands. He explained the value of vernal pools and the vernal pool habitat for many species. He recommended the use of a 3-sided structure as a habitat corridor between the vernal pools on site. Also a reduced salt protocol on site answered questions of the Commission and members of the public.
  - John Shevlin, Pare Corp. provided an overview of the Stormwater review of the project. He confirmed that with the 8 discharge sites, there will be no increase in stormwater to other sites or neighborhoods post construction.
  - DEP previously commented that, "Soil testing confirming the depth to seasonal high groundwater and bedrock should be provided in all areas where infiltration is proposed." Staff reviewed the plans for test pit locations and it does not appear that there are test pits in each location for stormwater structures which provide infiltration. Per DEP's comment it would appear that each specific location of a rain garden that provides infiltration would have its own test pit.
  - Project team notes that stormwater design took into consideration the vernal pools and designed the project to meet the MA Stormwater Standards for vernal pools. Peer review confirmed this. The pools haven't been certified to date.
  - Chairmen E. Goodwin asked for examples of rain gardens used in similar projects and if they can work on hillsides? The project team sited studies from UNH which the applicant provided to the Planning Board.
  - The applicant wanted to poll the Commission to see if they were favorable to the project but the Chairmen would not allow it.
- Public Comment:
  - Paul Murphy-12 Fiske Hill Road-Question is regards to movement of the species using the vernal pool habitat
  - Carol Goodwin-19 Orchard Road-Concerns over sheeting of water of water run-off to other properties.
  - Lynne Peterson-47 Farquhar Road-Also concerns over sheeting of water and run-off.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for DEP File #300-1156, Lot 3 20 Fiske Hill Road/30 Main St. AIF 5-0

## II. WETLAND DECISIONS

### 11. 10 Fairgrounds Road-OOC Extension request-DEP File #300-1052

- Presentation and Discussion: One-year extension requested to finish project. Site visit performed w/ contractor. House was to be lifted and addition added. They did start that but it was realized that the house needed to be torn down. No changes to footprint of house using same foundation and the house addition foundation. Shoreline wall requires backfilling and yard cleanup/seeding which is proposed to be done this Spring. Staff discussed all of these items with the contractor.
- Vote: On a motion of E. Gapsar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue a one-year extension as requested for 10 Fairgrounds Road, DEP File #300-1052. AIF 5-0

## III. ADMINISTRATIVE DECISIONS

## IV. OLD BUSINESS

### 12. 110 Brookfield Road

- Documents Presented: colored plans & site photos

- 13. Presentation and Discussion: Discussion has been ongoing and existing conditions plan recently submitted documenting existing conditions. Discussion continued to allow for site visit. Site visit conducted by board members. Activities would have required review. Some of the activities would not meet current permitting standards within the 25 foot no disturb zone. Use is Commercial and considered a Land Use with a High Potential Pollutant Load. Stormwater improvements would have been triggered for project/activities during NOI process to the greatest extent practical. Plowing has pushed loose millings. Property Owner want to work to completing this review, he agreed to file a NOI for the May 11, 2023 meeting but still feels that Stormwater improvements are not necessary because no expansion of use had occurred since he purchased the property.

### 14. 70 Paradise Lane DEP File #300-929

- Presentation and Discussion: Property owner had been requested to attend the last meeting. They attended but left as meeting was too long. They were unable to attend this meeting so there was no discussion.

### 15. 71 Mashapaug Road

- Presentation and Discussion:
  - Board has expressed concerns with use of site. Site was a junkyard which was primarily cleared out of vehicles. Portions of site were left for many years and vegetation grew back. New owner re-established use areas within jurisdiction. Those activities required permitting. No permit applications submitted or approvals given for activities conducted within jurisdiction of the state and local wetland laws. Concerns recently made aware w/ recent activities which occurred on site without permits and potential real estate transaction.
  - Discussion was continued to allow time for a wetland delineation to see extent of jurisdiction as that was unknown and to schedule a site visit.
  - Wetland Scientist Scott Morrison flagged the wetlands on site, the site plan was not provided early enough for the Commission to review before the meeting.
  - The Applicant agrees that work along the residence would have been jurisdictional and CMG would suggest filing an RDA after the fact.
  - Staff would like more time to verify the information provided since there were only a few business hours to review before the meeting.
  - The Commission would like to verify the information provided by going on site for a visual inspection, which the representatives don't feel is necessary.
  - Agent-Cars stored in the Riverfront is a continual violation which needs review.
  - CMG will provide a written response to all the Commission and staff comments prior to the April 20<sup>th</sup> Meeting.

**V. ADMINISTRATIVE UPDATES**

- Committee Updates: CPA, Trails, Open Space, and Lakes-Not Discussed

**VI. CORRESPONDENCE**

**VII. NEW BUSINESS**

**16. 23 Old Hamilton Rd.**

- Documents Presented: colored plans & site photos
- Presentation and Discussion: Staff informed of tree cutting occurring on the property. Staff met with owner and board recently visited the site. Significant tree removal and vegetation removal occurred along Cedar Lake and an unnamed pond noted as a potential vernal pool. Additional work included a new deck which required permitting. Staff checked and the current building permit for property does not include any exterior work. Work required permitting. Much of the vegetation/tree removal likely would not have been approved. Property owner also has interest in additional work on site. He was unaware of the rules and regulations, he is willing to work with the Commission to get in compliance. Commission discussed that the Property Owner should hire a professional to assist him with a restoration plan. The plan should be submitted prior to the May 11, 2023 meeting.

**17. DFW Land Purchase Support Letter – 181 Breakneck Rd.**

- On a motion of E. Gapsar, 2<sup>nd</sup> by T. Winglass the Commission vote to support the DFW purchase of the property at 181 Breakneck Road. AIF 5-0

**18. Agent's Report**-None provided

**19. Next Meeting-Thursday May 11, 2023 and Site Visit Schedule-Tentative-TBD**

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R. Bishop-Motion to adjourn at 10:15 PM, 2<sup>nd</sup> by K. Stueber. AIF 5-0