

CONSERVATION COMMISSION MINUTES

Date: April 20, 2023

Location: Veterans Hall, 308 Main Street

Time: 6:30 -9:54 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>

Quorum-With E. Gaspar, K. Stueber and Chairman E. Goodwin present and members R. Bishop and T. Winglass attending virtually; quorum is achieved the meeting opened at 6:00 PM.

DECISIONS

I. WETLANDS DECISIONS

1. 72 Farquhar Road– Request for Determination of Applicability- Removal of diseased red pines

- Owner/Applicant: Nicholas Iozzo Representative: Owner
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Project Summary: Removal of dead red pine trees
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - Selective tree removal for hazardous trees that have died from red pine scale. Stumps and roots are not proposed to be removed. Trees are within falling distance of structures.
 - The applicant is also requesting removal of additional dead trees within the buffer zone as they continue to die w/in the 3 year permit timeframe.
 - Agent recommends leaving some tree trucks as habitat if possible and no conversion of the area in the future.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the hearing for 72 Farquhar Road. AIF 5-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - For trees beyond the current scope, contact office for sign off of dead trees.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above. AIF 5-0

2. 221 Fiske Hill Road – Request for Determination of Applicability-House addition

- Owner/Applicant: Jerry & Suzanne Farinella Representatives: Owner
- Request: Issue DOA
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
 - House additions within a developed yard.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - All work is located within a developed yard.
 - Wetlands are located south of the property and east of the property on the other side of Fiske Hill.
 - Excavated material to be used for grading yard on northern boundary away from wetlands.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the hearing for 221 Fiske Hill Road. AIF 5-0



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

V-Roy Bishop

V-Ted Winglass

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- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve 221 Fiske Hill and issue a DOA:
 - Positive #5 (subject to bylaw) with conditions:
 - Standard pre-work and sign off conditions.
 - EC install throughout work – wattle.
 - Positive #2b: no resource area approval
 - Negative #5: The area described in the Request is subject to protection under the Act...the work ... meets the requirements for the following exemption 321 CMR 10.02(b)2.(e.) AIF 5-0

3. 73 Paradise Lane –SWB Notice of Intent – Raze and rebuild of a single-family home

- Owner/Applicant: Paul Johnson Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue a OOC
- Documents Presented: colored site plan
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes the raze and rebuild of a single family house and associated site work.
- Presentation and Discussion:
 - Proof of abutter notifications and proof of legal ad received.
 - All work is within the 100 - 200-foot local buffer zone. No work shown within the 100 buffer zone.
 - Project includes new house with foundation, new driveway and other site work.
 - Three trees noted in narrative to be removed. Four flagged on site. 1 is dead others are within the work footprint at extent of 200' BZ. Trees will be replaced w/ native trees. Trees will be marked on the final plan.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the public hearing for 73 Paradise Lane. AIF 5-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project pursuant to the SWB with the following conditions:
 - Standard OOC conditions.
 - Spoil/debris piles to be directly moved off site.
 - Perpetual conditions for stormwater BMPs.
 - Tree replacement as proposed.
 - Require a surety bond or deposit during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a complete Certificate of Compliance. \$5,000 for SFH projects has been previously required. AIF 5-0

4. 159 Walker Pond Road (Wells State Park) – NOI-Trail maintenance and accessibility upgrades-DEP File# 300-XXXX

- Owner: Commonwealth of Mass Applicant: E. Huffman, DCR Representative: Christen McDonough, SWCA Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Description: Project includes a trail maintenance within Buffer Zone and Riverfront Area.
- Presentation and Discussion:
 - Proof of legal ad received to open hearing.
 - DEP File # has not been issued.
 - Project is within Priority and Estimated Habitat.
 - No NHESP comments received to date.
 - Existing handicap accessible trail improvements for drainage and wheelchair rest area.
 - 55 sq. ft. of permanent RA impact. This trail widening will remain pervious. 6,010 sq. ft. of temporary impacts with trail improvements.
 - 2 new elevated boardwalk proposed over existing wetland crossing. No wetland impacts proposed. These will go over the existing ground surface.
 - O & M activities proposed for the existing trail to improve the trail including new crushed stone in areas in eroded areas. Plan included.
 - Overall project will improve existing conditions.

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the hearing for 159 Walker Pond Road to next meeting (May 11th). AIF 5-0

5. 6 Birch Street –RDA – Removal of three trees

- Owner/Applicant: Joseph Murphy Representatives: Owner
- Request: Issue DOA
- Documents Presented: n/a
- 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:
 - Proof of abutter notifications and proof of legal ad received.
 - Removal includes 3 large oak trees within 75-100 feet of the lake.
 - Replacements proposed along property line to include: shrubs and cedar trees.
 - Site visit performed.
 - Property includes ample canopy cover from mature trees. Loss of 2 trees canopy wouldn't appear to have a significant impact on lake.
 - Applicant noted future work to address runoff from roadway. Runoff issues were noted at site visit. Additional work will require permitting.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the hearing for 6 Birch Street. AIF 5-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project and issue a DOA for 6 Birch Street:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stump removal (grinding okay if needed for that one tree).
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above. AIF 5-0

6. 55 Caron Road– RDA- Landscape Improvements

- Owner/Applicant: Denise Janci Representative: M. Thibeault, Landscape Evolution
- Request: Issue a DOA
- Documents Presented: sketch plan
- Project Summary: Project includes the removal of a concrete paver patio and installation of permeable patio.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - All work is within an existing developed yard. There is an existing concrete shoreline wall. No alteration to the wall or resource areas proposed.
 - Project will include removal of the existing patio and some lawn which will be replaced with a permeable patio and 120 sq. ft. of lawn will be planted with shrubs and herbaceous perennials. Patio will be expanded within lawn to the edge of the concrete shoreline.
 - The representative provided an updated site plan along with maintenance protocols for the patio.
 - The proposed patio was adjusted due to the site visit comments.
 - 64 Square feet of patio was added along with 64 square feet of plantings.
 - The commission had some concerns with the amount of disturbance in the 25 ft. Representative will work to address the concerns and come back to the next meeting.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the hearing for 55 Carron Road to the next meeting 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: sketch 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 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.
- Staff Notes:
 - Project was continued to allow engineer assistance with establishing BLSF(Bordering Land Subject to Flooding).
 - Site visit previously conducted.
 - Area is a steep slope along South Pond at a developed SFH residence. Project is to replace existing steps along the slope, landscape plantings, invasive removal and to add a pervious patio set back from the lake for a use area which currently does not exist.
 - No take issued by NHESP.
 - No DEP Comments.
 - No flood storage impacts to BLSF. New steps will be within the footprint of the existing steps. Patio is set back from BLSF and MAHWL.
 - Bank impact associated with step replacement and negligible per Bank standards (6 linear ft within previous disturbed/developed bank footprint).
 - Project will assist with current erosion issues and define use areas.
 - Property has an open OOC for previous work which needs to be closed.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the public hearing for 130 Lane nine. AIF 5-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the project pursuant to the WPA and the SWB for DEP File #300-1153 with the following conditions:
 - Standard OOC conditions.
 - EC install.
 - Any spoils to be directly removed or immediately stabilized if used on site.
 - No cutting of vegetation. Any additional tree, shrub or vegetation removal for vistas, etc. requires additional review.
 - Remove any steps currently in the lake.

8. Quacumquasit Pond– NOI- Alum treatment of South Pond-DEP File #300-1158

- 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 & Discussion:
 - Project was continued.
 - NHESP comments received.
 - The goals of the project are to reduce the available phosphorous within the surficial sediments to improve water quality conditions for fish and wildlife, ensure adequate water quality, prevent algae blooms and to improve recreational opportunities of the lake.
 - Project noted as being designed in compliance with the 2004 Eutrophication and Aquatic Plant Management ... Final Generic Environmental Impact Report.
 - NHESP noted concerns with treatment proposal. Notes large treatment in short duration.
 - Applicant should demonstrate that this application is safe for wildlife habitat and provide examples of where similar treatments have bene permitted. Provide response to NHESP.
 - The Agent will need to work with the other Towns of Brookfield and East Brookfield to prepare the Order of Conditions for the project.
 - C. Nielsen went over the answers to many of NHESP questions.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue to next meeting (May 11th) for Quacumquasit Pond. 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. Project was continued.
- Presentation and Discussion:
 - Written continuance to the May 11, 2023 meeting received. Site visit requested to be postponed.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue hearing to May 11, 2023 as requested for DEP File #300-1154. AIF 5-0

10. 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: n/a
- 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 solicit peer review proposals. SCC voted for peer review. Staff solicited proposals and only 1 received to date. Provided to board. After only receiving 1 proposal per deadline, staff solicited additional proposals.
 - Property Owner read a statement-questioning the need for peer review. He requested his representative be able to articulate his review of the site.
 - The Commission granted him 5 minutes, which he presented information on his review of the site.
 - The Commission feel strongly that they do not have enough information to vote on the project as presented. An independent review of the site will clarify many of the challenging areas on the property.
 - The Hearing should be continued to allow time for more firms to provide bids for this review and allow the current bid to clarify some of the line items questioned by the applicant and the Commission.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 68 Paradise Lane to May 11, 2023. AIF 5-0

11. 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.
- Presentation and Discussion:
 - Project continued. Additional stormwater peer review required and plan modifications needed based on stormwater.
 - New Information:
 - LEC Letter dated 4-12-2023
 - New information includes potential project revisions, draft declaration of restriction and DFW email.
 - Some project revisions made including elimination of 1 lot, additional one tree per lot and reduction of disturbance in the 200-ft vernal pool buffer.
 - DFW email: DFW would accept a donation of the 2 parcels for Open Space.
 - Draft declaration will be sent to town counsel for review.
 - No revisions to the proposed salt use mentioned.

- Brian Madden went over all plan revisions, new test pits were explored for stormwater management and the final reviews will be completed before the May 11th meeting.
- B. Madden all provided an example of a past project in Sturbridge where work occurred in the 200 ft vernal pool buffer.
- Chairmen E. Goodwin would like more plan revisions to pull work out of the 200-ft buffer.
- Public Comment: Jon Zwiabla-Read a portion of the Sturbridge Wetland Bylaw and asked the Commission to uphold it.
- Vote: On a motion of E. Goodwin, 2nd by K. Stueber the Commission vote to continue the Hearing to May 11, 2023 for DEP File #300-1156. AIF 5-0

II. WETLAND DECISIONS

12. 24 Hamilton Road-OOO Extension request-DEP File #300-739

- Presentation and Discussion: Three-year extension requested for treatment of private ponds. This is a historic permit which has been extended many times, treatment has been modified over time. This will be the last extension, the applicant is aware that they must work to a new Order of Conditions.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to Issue a three-year extension as requested for DEP File #300-739, 24 Hamilton Road. AIF 5-0

13. 108 Westwood Drive-Request for Certificate of Compliance-DEP File #300-1128

- Presentation and Discussion: Landscape project along Cedar Lake. Work has been completed and inspection conducted. Staff have no concerns with the completed project.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC with the following perpetual special conditions: 32-34 for DEP File #300-1128. AIF 5-0

14. 300 Clarke Road Ext.-Request for Certificate of Compliance-DEP File #300-1008

- Presentation and Discussion: Small house addition project. Site inspection completed, letter of substantial compliance and as-built plan provided.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to issue a complete CoC with the following perpetual special conditions: 15-18, 25 & 26 for DEP File #300-1008. AIF 5-0

15. 300 Clarke Road Ext.-Request for Certificate of Compliance-DEP File #300-136

- Presentation and Discussion: Project was never completed.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to Issue an invalid CoC for DEP File #300-136. Work never commenced. AIF 5-0

III. ADMINISTRATIVE DECISIONS

16. Minutes of 3/9/23 & 3/30/23 for review

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to accept the minutes as presented for March 9, 2023. AIF 4-0-1(Goodwin abstain)
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to accept the minutes as presented for March 30, 2023. AIF 4-0-1(Goodwin abstain)

IV. OLD BUSINESS

17. 71 Paradise Lane DEP File #300-929

- Presentation and Discussion: Plan had been established to bring project into compliance which was to be executed last summer. Property owner had been requested to attend a meeting but are not available today. Staff have been informed that they are working with the engineer to redesign the drainage plan as there is a concern with a water line. Photos have been provided of shrub plantings. The amount and location will have to be field verified. A deadline must be implemented to finish this project and a CoC request filed. This matter will be added to the May 11, 2023 meeting.

18. 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 and is continuing to use those areas. Those activities required permitting. No permit applications were 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 had been continued to allow time for a wetland delineation to see extent of jurisdiction as that was unknown and to schedule a site visit. Materials submitted day of last meeting.
- A letter was submitted on behalf of the Property Owner a few days prior to the meeting, it was provided to Town Counsel for review.
- The Commission would like the Owner to provide proof of continuance permits to operate.
- Discussion will continue at the next meeting of May 11, 2023.

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA-no update, Trails-coming to the next meeting to go over next year's plans, Open Space-no update, and Lakes-meeting was scheduled for today, April 20th but was canceled.

VI. CORRESPONDENCE

VII. NEW BUSINESS

19. Agent's Report

- With spring here, many sites have started work without permitting, during an already busy time in the Conservation office.

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

On a motion of K. Stueber, 2nd by E. Gaspar the Commission vote to adjourn at 9:54 PM AIF 5-0