

# CONSERVATION COMMISSION MINUTES

Date: June 15, 2021  
Time: 6:00 -8:49 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. Sturbridge Conservation-Regulation Changes

- Project Summary
  - The Town recently undertook a project to merge all bylaws and regulations into one cohesive document which was approved at Annual Town Meeting on 6-7-21
- Presentation and Discussion:
  - Regulation changes can be found at:  
[https://www.sturbridge.gov/sites/g/files/vyhlf3881/f/uploads/codification\\_-\\_wetland\\_regulations.pdf](https://www.sturbridge.gov/sites/g/files/vyhlf3881/f/uploads/codification_-_wetland_regulations.pdf)
- Public Comment:
  - None
- Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission close the hearing, AIF 5-0.
  - On a motion of E. Gaspar, 2<sup>nd</sup> by S. Halterman, the Commission vote to approve the regulation changes made through the town of Sturbridge codification project. AIF 5-0

#### 2. 360A Brookfield Road-RDA-Parking Lot Improvements

- Owner/Applicant: Tantasqua Regional-Rick Wetherbee      Representatives: none
- Request: Determination
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone and Riverfront Area
- Project Summary
  - Full asphalt reclamation and repaving of the existing parking lot and driveway to the Junior High School.
- Presentation and Discussion:
  - Agent recommend approval of the RDA
  - All work will be contained within the existing footprint. No expansion of impervious surfaces proposed.
  - Stockpiling is not proposed on site.
- Public Comments:
  - None
- Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the Public Hearing for 360A Brookfield Road. AIF 5-0
  - On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission vote to issue a negative #3 and positive #5 with the Agent's conditions for 360A Brookfield Road. AIF 5-0

#### 3. 134-148 Lake Road-Request to Amend an OOC, DEP #300-1067-Addition of pavement to Lake Road

- Owner/Applicant: Big Alum Lake Association      Representatives: T. Clark
- Request: Seeking amendment to current OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone



**Conservation Agent**

Rebecca Gendreau

**Administrative Assistant**

Erin Carson

**Conservation Commission Members**

Ed Goodwin  
Steven Chidester  
David Barnicle  
Steve Halterman  
Erik Gaspar

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- Project Status Summary
    - Original OOC issued to improve storm-water along unpaved portion of Lake Rd. Project was constructed and now they would like to pave 450 feet of the roadway.
  - Presentation and Discussion:
    - The applicant has provided a written request to continue the Hearing to July 20, 2021.
  - Public Comment:
    - none
  - Vote: By consensus vote, the Commission continue the Public Hearing for 134-148 Lake Road to July 20, 2021. AIF 5-0
- 4. 59 Bennetts Road – *continued* NOI-Raze and rebuild of a SFH, septic system, well and associated site work- DEP File #300-1103**
- Owner/Applicant: Dale Perry    Representative: L. Jalbert, Jalbert Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - The Hearing was continued to allow the applicant time to address the comments of the SCC and to allow time for submission to the BOH for a variance request.
  - Presentation and Discussion:
    - The applicant provided a written request for continuation of the Hearing until next meeting.
  - Public Comments
    - None
  - Vote: By consensus vote, the Commission vote to continue the public hearing for 59 Bennetts Rd to July 20, 2021. AIF 5-0
- 5. 28 Camp Road – *continued* NOI-Construction of a new SFH and associated site work- DEP File #300-1101**
- Owner/Applicant: Virgil Van Gerven    Representative: M. Farrell, Green Hill Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - The Hearing as continued to allow the applicant time to address the comments of the first Hearing. A revised plan has not been received. Project started without permitting and was issued a cease and desist. BMPs were installed on site to manage storm-water. An NOI submitted and was continued to allow for additional documents and revisions to the project to be included.
  - Presentation and Discussion:
    - The representative provided the commission with updates and revisions to the project. The applicant has removed the 2<sup>nd</sup> driveway to 704 Main Street and added a Barn about 40 feet to the buffer zone.
    - The driveway to 704 Main St. will be a future filing.
    - The Commission requests moving the barn outside the 100 ft BZ
    - Restoration work includes restoring BZ impacts created during land clearing activities and restoration of the hydrologic channel connecting the BVWs. In addition, boulders are proposed to restrict ATV use of the former forestry roads on the site in the vicinity of the BVW and hydrologic channel.
  - Public Comments
    - None
  - Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the public hearing for 28 Camp Road. AIF 5-0
    - On a motion of E. Gaspar, 2<sup>nd</sup> by S. Halterman the Commission vote to issue the Order of Conditions for 28 Camp Road pending the applicant moving the barn outside the 100 foot buffer zone with the following conditions:
      - i. Standard OOC conditions.
      - ii. Landscape plantings must be installed in compliance with the approved plans and have a survival rate of 75% of after 2 growing seasons.
      - iii. Condition for perpetual maintenance of stormwater BMP structures.
      - iv. Professional oversight for channel restoration work; work in the dry and no rip rap. AIF 5-0

- 6. 238 Walker Road – *continued* NOI-Construction of a new SFH and associated site work- DEP File #300-1100**
- Owner/Applicant: John Cloutier    Representative: M. Farrell, Green Hill Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - The Hearing was continued to allow the applicant time to address the comments of the first Hearing. A revised plan has been received and comments from NHESP.
  - Presentation and Discussion:
    - All required documentation was received and reviewed, the Agent recommends approval.
  - Public Comments
    - None
  - Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the public hearing for 238 Walker Road. AIF 5-0
    - On a motion of E. Gaspar, 2<sup>nd</sup> by S. Halterman the commission vote to issue the Order of Conditions for DEP file #300-1100 for 238 Walker Road. AIF 5-0
- 7. 122 Main Street – *continued* NOI – Proposed redevelopment of a Gas Station/Convenience store -- DEP File #300-1093**
- Owner/Applicant: Swaminarayan Realty    Representative: S. Gioiosa, SITEC
  - Request: Issue an Order of Conditions.
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - Project was continued to provide the representative time to reply to the peer reviewer’s comments on the storm-water management system.
  - Presentation and Discussion:
    - The Representative was not present at the meeting and requested a continuation prior to this meeting.
  - Public Comment:
    - none
  - Vote: By consensus vote, the Commission vote to continue the hearing for 122 Main Street to July 20, 2021. AIF 5-0
- 8. 30 Main Street/20 Fiske Hill Road – *continued* NOI – Development of a residential and commercial cul-de-sac subdivision -- DEP File #300-1086**
- Owner/Applicant: Matt Sosik    Representative: P. Engle, McClure Engineering
  - Request: Issue an Order of Conditions.
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - Revised project materials received for review.
    - New materials for review include:
      - Revised plans last revised 5-28-21
      - LEC Report 6-3-21
      - McClure Letter dated 5-27-21
      - Revised Storm-water Management Report Revision 2 dated 5-27-21
      - EcoTec Letter dated 6-7-21
  - Presentation and Discussion:
    - The applicant joined in person while the engineer was available remote. The applicant is looking for feedback so the Planning Board can continue with the review of this project this coming Tuesday.
    - Revised materials have been submitted for peer review. Peer review reports received from EcoTec, for WPA and SWB compliance. Changes still under review by Pare for storm-water compliance.
    - The Commission will need concept plans for the property as part of this review.

- The applicant and representative went over each item of the staff comments provided in the detailed agenda.
- The applicant had a lengthy discussion over a small possible wetland identified by the peer reviewer. The applicant wants clarification about including it on the plans.
- The applicants agrees to a continuation to allow time for all the alternative analysis to be completed and concept plans for the property.
- Public Comment:
  - Robert Barnes-42 Fiske Hill Road comments that he has concerns with traffic and safety, no environmental concerns.
- Vote: By consensus vote, the Commission continue the hearing for 30 Main Street/20 Fiske Hill Road to July 20, 2021. AIF 5-0

#### **118 Leadmine Lane, Enforcement Order, DEP File #300-684**

**After a discussion at length during the last meeting, the Commission requested the discussion on the Enforcement Order be place prior to the Public Hearings on this property.**

- The restoration report and plan was receiving in time for this meeting.
- G. Krevosky went over the plan presented and would like to move forward with the restoration before the water table lowers.
- The commission is disappointed that plan does not show removal of the pavement. This Commission would never permit more than a 12 ft driveway and after multiple meetings and site visits, the plan is still showing most of the pavement to remain.
- The Commission discussed implementing fines to the Property Owner on the removal of the asphalt driveway.
- On a motion of E. Gaspar, 2<sup>nd</sup> by D. Barnicle the Commission vote to require the applicant to provide a complete plan including removing all but 12 feet of asphalt in the driveway by July 13, 2021, and a timeline to complete the project. AIF 5-0

#### **9. 118 Leadmine Lane –continued NOI - DEP File #300-1073**

- Owner: G. Kellahe Applicant: A Kellahe Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction:
- Project Status Summary:
  - There is no discussion on this NOI until the Enforcement Order is settled.
- Presentation and Discussion
  - N/A
- Public Comment:
  - none.
- Vote: By consensus, the commission vote to continue the hearing for 118 Leadmine Lane to July 20, 2021. AIF 5-0

## **II. WETLANDS DECISIONS**

#### **10. 3 Cherrybrook Circle –Request for Certificate of Compliance-DEP File #300-218**

- Original Applicant: Robert Waraika Requester: Michele Kasabula
- Request: Issue a COC
- Documents Presented: N/A
- Project Summary: N/A
- Presentation and Discussion:
  - Discovery of open OOC was part of a real estate transaction. It appears that DEP File #300-218 was not for the construction of the house but included the roadway and two additional houses on the lot prior to subdivision of the original property. Therefore, this OOC carried with the deed of this property. The Agent preformed a site visit and the site is in compliance.
- Vote: By consensus, the Commission vote to approve a partial Certificate of Compliance for 3 Cherrybrook Circle, DEP File #300-218. AIF 5-0

#### **11. 27 Valley Road –Request for Tree Removal**

- Owner/ Applicant: Nancy Jolin Requester: Nick Jolin
- Request: Issue a letter permit

- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: N/A
- Presentation and Discussion:
  - Site visit performed and arborist report received. Maple tree is in decline and oak tree has severe lean and evidence of decline at the base of the tree. There are 5 additional mature trees between the lake and the trees to be removed. Native trees are to be used for replacements.
- Vote: By consensus, the Commission vote to approve the tree removal for 27 Valley Road. AIF 5-0

**12. 70 Holland Road –Wetland Bylaw Letter Permit**

- Original Applicant: David Pettercan                      Requester: same
- Request: Issue a letter permit
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: Project includes full depth removal of the driveway and replacement of asphalt within the same footprint as the existing driveway.
- Presentation and Discussion:
  - The project would appear to meet exemption under the WPA, the Agent will work with the applicant on placement of erosion controls.
- Vote: By consensus the Commission vote to approve the letter permit for 70 Holland Road. AIF 5-0

**III. ADMINISTRATIVE DECISIONS**

**13. Minutes of 6/15/21 to be approved**

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by D. Barnicle the commission vote to accept the 6/15/21 minutes as written. AIF 5-0

**14. Wetland Protection Fund use for FY 2022**

- Documents Presented: N/A
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by S. Halterman the commission vote to approve the use of \$5544.00 of the Wetlands Protection Fund to partially fund the Administrative Assistant position for FY22. AIF 5-0

**UPDATES**

**IV. OLD BUSINESS**

**15. 150 Charlton Road-Request for Certificate of Compliance**

- Documents Presented: N/A
- Project Status Summary: This project was discussed at the last meeting and a friendly Enforcement Order was to be issued to allow the applicant to begin the restoration work.
- Discussion
  - The spoil piles discussed at the last meeting were discovered to exist prior to 1996 and the applicant is requesting more time before an EO is issued. The Commission will continue this until July 20<sup>th</sup> to allow time for the applicant to gather more information to present.
- Vote: By consensus the Commission vote to wait to issue the Enforcement Order to 150 Charlton Road and continue the discussion at the July 20, 2021 meeting. AIF 5-0

**V. ADMINISTRATIVE UPDATES**

**16. Committee Updates**

- CPA: Not met since last meeting
- Trail Committee: N/A
- Open Space Committee: N/A
- Lakes Advisory Committee: N/A

**VI. NEW BUSINESS**

**17. Agent's Report**

- The staff visited a Forest Cutting site on Arnold Rd that was not in compliance with the permit. DCR was aware of the situation and is working with the forester. The Agent recommends a stream restoration plan be developed by a wetland scientist and a formal letter be sent to DCR to bring to DEP's attention that wetland violations have occurred on site.
  - The Agent visited 30 River Rd to check where turbidity from off-site water bodies was coming from. There were several concerns on site. Many infiltrators were not functional and wetlands on site have silt and sediment. There also have been no turbidity reports provided throughout multiple rain events
  - Next Meeting Date: 7-20-21      Site Visits: 7-13-21
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**18. 508 Site Visit**

- At the last meeting there were three options discussed on possible site visits for this project. After brief discussion the Commission decided a few members would walk the site Monday June 21<sup>st</sup> at 9 am and report back at the next meeting.
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***ADJOURN at 8:49 pm Motion by S. Chidester, 2<sup>nd</sup> by E. Gaspar AIF 5-0***