



- Project includes new structure (parking lot) within 50' no disturb BZ and work in the 25' no disturb. Alternatives should be looked at to avoid work within the 25' No disturb. Drainage structure should be set back to provide a vegetated buffer to wetland. Also, instead of piping the water are there other alternatives that could be used?
- Project would require a waiver and would need to demonstrate no alternatives and provide mitigation to qualify (see regs). If the board considers the new structure staff would recommend that the drainage is revised (move away from wetland edge) and that the lawn be converted to create a natural vegetated buffer as mitigation.
- Site visit conducted. Representative provided an updated site plan for review.
- Vote: Motion by E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue project to allow applicant to complete stormwater requirements to the June 22, 2023. AIF 5-0

**3. 76 Stallion Hill Road– RDA- Removal of trees in the Riverfront**

- Owner/Applicant: Erick Carmona Colmenero                      Representative: N/A
- Request: Issue DOA
- Project Summary: Removal of 4 trees in the Riverfront.
- Presentation and Discussion:
  - Proof of legal ad and proof of abutter notifications received.
  - Project is not within Priority or Estimated Habitat.
  - Site is within Riverfront Area (RA).
  - Certified Arborist evaluation included.
  - 2 trees are dead – 1 is on Bank.
  - 2 trees noted as healthy but a safety hazard and removal is requested due to safety concerns.
  - Areas along the bank and across the stream are being altered. These activities require review. No additional alterations without permits.
  - No replacements proposed. Site is challenging for replacements.
- Vote: On a motion E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission of Close the hearing for 76 Stallion Hill Road. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by K. Stueber the Commission vote to approve the project at 76 Stallion Hill Rd and issue a DOA:
  - Negative #3 with conditions:
    - Standard pre-work and sign off conditions.
    - Leave all stumps.
  - Positive #2b: no resource area approval
  - Positive #5 w/ conditions noted above. AIF 5-0

**4. 1 Old Sturbridge Village Road – NOI-Tree removal and vista pruning-DEP File# 300-1162**

- Owner/Applicant: Old Sturbridge Village                      Representative: D. Frydryk, Sherman and Frydryk
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone
- Project Description: Project includes removal of 17 trees.
- Project Description:
  - Proof of legal ad and proof of abutter notifications received.
  - Project is not within Priority or Estimated Habitat.
  - Site is within Riverfront Area (RA).
  - Removal requested to increase light to the museum gardens that are part of the village and to improve vistas.
  - Request includes 4 large oaks, 1 pitch pine and 12 smaller pines.
  - Work would not appear to have a significant impact to RA. OSV owns a significant portion of the RA along the river and it is heavily vegetated.
  - The site walk revealed that as few trees could remain along the riverfront, applicant will consider that change.
  - The goal of the tree removal is to increase sun on the historical garden from 40% shade to 70% sun.
  - ECs don't appear necessary as no stump removal or other earth work.
- Vote: On a motion of T. Winglass, 2<sup>nd</sup> by K. Stueber the Commission vote to continue the hearing for DEP File #300-1162 to June 22, 2023. AIF 5-0

**5. 26 South Road– SWB NOI- Single Family Home with associated site work**

- Owner/Applicant: Derek Bender                                      Representative: N/A
- Request: Issue DOA

- Project Summary: The project includes construction of a single-family house, septic system and well within the SWB 200-foot buffer zone.
- Presentation and Discussion:
  - Proof of legal ad and proof of abutter notifications received.
  - Site visit conducted.
  - The limit of work was cited outside of the 100 ft buffer zone. Therefore, no state review required pursuant to the WPA.
  - Project is not within Priority and Estimated Habitat. MESA determination letter provided. No take issued provided all work stays within the LOW as shown on the plan. Revised plan needs to be sent to NHESP as LOW was slightly modified.
  - Plan was modified to increase the LOW for grading.
  - The Applicant needs to keep in mind that the LOW represents all projects/activities that alter the area. Any additional alteration (including conversion of the of old field to lawn/landscaped areas would need to be part of board and NHESP review.
  - The staff recommend permanent visual bounds should be set at the LOW in the buffer zone especially since the presence of the data sensitive rare vertebrate. Bounds to be shown on plan. Staff recommend 25' intervals & at corners starting at stonewall and ending by the barn to property line. Board should consider what bounds they would prefer if so. In past, boulders or bollards with/without signs have been used. Signage doesn't seem necessary.
  - The driveway has been built. A driveway permit was issued in early 2017 (pre-NHESP mapping of the property) and work started under a previous ownership. Driveway was not finished and was causing significant impacts to the roadway and an adjacent property.
  - Driveway leads to road drainage which discharges to wetlands across the street. BMPs will be needed at the top of the driveway while site work for the house is being completed. This can be bales which can be moved during work hours and reset at the end of the work day.
- Public Comment:
  - A letter was received by an abutter which was read by the Agent.
  - 22 South Road-Scott McCarthy-concerned with run-off getting in his pond with the development of this site.
- Vote: On a motion of R. Bishop, 2<sup>nd</sup> by K. Stueber the Commission vote to close the Hearing for 26 South Road. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by K. Stueber the Commission vote to approve the project and issue an Order of Conditions under the Sturbridge Wetland Bylaw including a Surety in the form of a Bond or deposit in the amount of \$5000.00 which will be released on the issuance of the Certificate of Compliance for the project at 26 South Road with conditions outlined by the Agent. AIF 5-0

**6. 11 Carey Road –SWB NOI –Addition of an accessory dwelling unit and expansion of leach field**

- Owner: Stephen & Jamie Rudent Applicant: Terry Paquin Representatives: M. Farrell, Green Hill Engineering
- Request: Issue an OOC
- Jurisdiction: Buffer Zone
- Project Summary: Project includes the construction of an accessory structure to an existing single-family home, modification of a septic system and associated site work. All work to remain outside the 100 ft buffer zone.
- Presentation and Discussion:
  - Proof of legal ad and proof of abutter notifications received.
  - Project is not within Priority or Estimated Habitat.
  - No work within the 100 ft buffer zone. Therefore, no state review required pursuant to the WPA.
  - Town now allows accessory units on SFH lots. Approval given by BOH and Planning for use.
  - As shown, most of house is outside of the 200 ft BZ. Portion of the site is forested.
  - Wetlands are located across Carey Road and had been recently flagged by that property owner.
  - Existing septic to be modified to incorporate existing bedroom form accessory unit. Water line will come from existing house (existing well).
  - ECs to be installed to prevent site runoff from entering the road and heading towards lake. Additional ECs on driveway side of lot and to block driveway after workday until site is stabilized.
  - Drainage work shown along the road. Same concern here. Steep road work should be done only in dry conditions and if it takes more than 1 day needs ECs.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Hearing for 11 Carey Road. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to approve the project pursuant to the SWB for 11 Carey Road with the following conditions:
  - Standard OOC conditions.

- Spoil piles, not to be reused, to be directly moved off site.
- EC install on downslope side and block driveway at end of workday.
- Require a surety bond or deposit during work of \$5,000 to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a complete Certificate of Compliance. AIF 5-0

**7. 446 Main Street – NOI – Work to satisfy an expired OOC-DEP#300-1161**

- Owner/Applicant: Dong & Chin Lien Chen    Representatives: G. Krevosky, EBT Environmental
- Request: Issue an OOC
- Jurisdiction: Buffer Zone
- Project Summary: Project includes the removal of a concrete pad and a beaver maintenance plan.
- Presentation and Discussion:
  - Proof of legal ad and proof of abutter notifications received.
  - DEP File # issued w/ no comments.
  - Project is not within Priority or Estimated Habitat.
  - NOI filed in response to open OOC (DEP File #300-480) on property. Property transaction found open historic OOC.
  - OOC was for redevelopment of the property which included a stormwater water quality swale and beaver management. Flow devices had been installed but weren't maintained non-existent now. Extensive beaver activity on the site and in the area. Expert recently looked at area and due to the water depths, water flow devices won't work here. He recommended continued trapping.
  - Stormwater swale wasn't maintained. Engineer reviewed swale elevations are correct and vegetation maintained (cut as required in O & M Plan). The swale does not require any work now and is not included in this NOI as in past OOC. Concrete pads discovered that were supposed to be removed. Applicant proposing to do so. Includes sufficient work plan.
  - Beaver maintenance plan submitted w/ inspection plan, property has new ownership and has been made aware of all requirements.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Hearing for DEP File#300-1161, 446 Main St. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop for DEP File #300-1161 the Commission vote to
  - Approve the project pursuant to the WPA with the following conditions:
    - Standard OOC conditions.
    - Perpetual condition for beaver management plan to include report submission to SCC yearly.
  - Approve the project pursuant to the SWB with the following conditions:
    - Conditions noted above. AIF 5-0

**8. 660 Main Street– RDA- Vernal Pool Study**

- Owner/Applicant: Old Road Realty    Representative: EBT Environmental
- Request: Issue a DOA
- Jurisdiction:
  - Sturbridge Wetland Bylaw Regs.: 365-5.6 Vernal Pools
- Project Summary: Project includes the study of two wetlands to demonstrate if the wetlands meet criteria as vernal pools.
- Presentation and Discussion:
  - Pools meet criteria for vernal pool certification. Representative to file with NHESP.
  - Future project plans were presented to the Commission.
- Vote: On a motion of T. Winglass, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Hearing for 660 Main St to June 22, 2023. AIF 5-0

**9. 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.
- Jurisdiction: Buffer Zone & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
- 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:
  - Written request to continue the Hearing received.
- Vote: On a motion of T. Winglass, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Hearing for 68 Paradise Lane to June 22, 2023. AIF 5-0

**10. 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.
- 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:
  - Site visit conducted.
  - DOT will not allow mechanical soil borings, therefore, filing indicated to be withdrawn. Hand dug holes are proposed to review soils for stormwater design.
  - New filing will be submitted for complete project which is a solar project in Charlton but all impacts will be felt in Sturbridge.
  - Applicant explained that 100 poles would be replaced in Sturbridge along with other benefits to the electrical systems along with clean-up of historical dumping.
  - New proposal including hand dug holes for exploration can be approved under the SWB only.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Hearing for DEP File #300-1154. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to accept the withdrawal of the Notice of Intent for SHLO SE of 248 Podunk Rd, DEP File #300-1154. AIF 5-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to approve the revised project under the Sturbridge Wetland Bylaw only. 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
- Jurisdiction: Buffer Zone (WPA & SWB) & Vernal Pool Habitat (Sturbridge Wetland Bylaw)
- Project Description: Construction of a manufactured home community with associated appurtenances.
- Presentation and Discussion:
  - New information received to include: revised plans, revised stormwater report, McClure Engineering letter (dated 5-1-23) & LEC letter (dated 5-3-23)
  - Pare Engineering peer review memo (dated 5-2-23) received based on revised project.
  - Some revisions were made to move out of and reduce work within the 200' VP BZ; however, there still is work within this area.
  - Stormwater structure revisions made based on new soil test pits which were required at drainage locations.
  - Staff spoke to Town Counsel on land protection proposal. Board could move forward with Declaration of Restriction if they elected to, however, it would have to be decided who would have enforcement abilities. As written it would be con com. That is up to the board. If not the board, then they will have to find another group. Language and engineered plan will be required and need review by town counsel. Some modifications would be required. Will require formal vote by board at a public meeting when ready. Condition must state that the DR to be recorded prior to start of work.
  - Commission would like an updated color plan from staff to review at the next meeting.
  - Brian Madden provided a brief overview of all the changes to the revised plan including:
    - Reduction of 1 lot
    - Addition of 1 tree per lot
- Vote: On a motion of T. Winglass, 2<sup>nd</sup> by R. Bishop the Commission vote to continue to Hearing for DEP File#300-1156 to June 22, 2023 . AIF 5-0

**II. WETLAND DECISIONS**

**12. 38 Draper Woods Road-Request for Certificate of Compliance –DEP File# 300-469**

- Owner/ Applicant: Attorney Thomas Marino
- Request: Issue a partial COC
- Presentation and Discussion: Lot (#34) part of OOC for Draper Woods. Not within jurisdiction. Real estate transaction noted open OOC on lot.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a partial Certificate of Compliance for 38 Draper Woods Rd, DEP File#300-469. AIF 5-0

**III. ADMINISTRATIVE DECISIONS**

**13. Minutes of the 5/11/2023 Meeting-Tabled**

**IV. OLD BUSINESS**

**14. Ongoing Violation Resolution Discussions**

- **71 Mashapaug Road**
  - Presentation and Discussion:
    - Discussion had been continued as new information was received late. EcoTec, Inc Letter (dated 4-17-2023). Staff have reviewed the letter. Staff do not agree with the interpretation of the regulations.
    - Applicant has provided some past BOS permits for auto licenses for site.
    - Staff sought additional advisement. Work occurred within jurisdictional areas which was a violation. Ongoing use of jurisdictional areas is a violation. It has been advised that an Enforcement Order is warranted.
    - Vote: On a motion of R. Bishop, 2<sup>nd</sup> by K. Stueber the Commission vote to issue an Enforcement Order to 71 Mashapaug Rd. AIF 4-1(Gaspar)
- **110 Brookfield Road**
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue an Enforcement Order to 110 Brookfield Road with the conditions outlined by the Agent. AIF 5-0

**V. ADMINISTRATIVE UPDATES**

- Committee Updates: CPA, Trails, Open Space, and Lakes-no updates

**VI. CORRESPONDENCE**

- Anonymous complaint received by staff and Commission members about 2 properties on McGilpin Rd. Staff will send a letter to the Property Owners to investigate the complaint.
- Matt Sosik asked to change the inspections of the development of Berry Farm Rd from weekly to bi-weekly.

**VII. NEW BUSINESS**

**15. Special Land Use Application – Leadmine Rotary Club – Halloween 5k**

- This annual event expects 80 cars which will park at OSV, Commission have no concerns.

**16. FY 24 Wetland Fund Appropriation & Assistant Position Reclassification**

- Yearly vote to appropriate a portion of staff salary. Staff recommend \$12, 056.20 to cover the FY24 w/ the assistant position reclassification.
- Vote: On a motion of T. Winglass, 2<sup>nd</sup> by R. Bishop the Commission vote to allocate \$12,056.20 the FY24 staff salaries. AIF 5-0

**17. Agent's Report**

- The Alum treatment scheduled at South Pond funded by a 319 Grant has been postponed due to the delay on issuance of an Order of Conditions from the Town of East Brookfield.

**18. Next Meeting-June 22, 2023 and Site Visit Schedule-June 14, 2023**

On a motion of T. Winglass, 2<sup>nd</sup> by K. Stueber the Commission vote to adjourn at 9:27 PM. AIF 5-0