

CONSERVATION COMMISSION MEETING MINUTES

Meeting Date: July 13, 2023
Location: Center Office Building, 2nd Floor
Time: 6:00-10:00 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

Assistant
Agent
Erin Carson

Conservation
Commission
Members
Ed Goodwin
Erik Gaspar
Roy Bishop
Ted Winglass
V-Karsten Stueber

308 Main Street.
Sturbridge, MA
01566
T 508/347-2506

www.sturbridge.gov

Quorum-Roll Call; Gaspar-present, Winglass-present, Bishop-present, Goodwin-present, Stueber-virtually present; quorum is achieved the meeting opened at 6:00 PM

DECISIONS

I. WETLANDS DECISIONS

- 1. 124 & 126 Leadmine Lane – Request for Determination of Applicability- Driveway Improvements**
 - Applicant: J. Zajac & R. Cerny Owner: J. Zajac & T. Cerny
 - Request: Issue DOA
 - Documents Presented: sketch plans
 - Project Summary: Project includes driveway and drainage improvements
 - Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - Project is not within Priority or Estimated Habitat.
 - Site visit conducted.
 - Dirt driveway to be replaced with crushed stone and portion partially excavated. French drain installed to capture hillside seep and trenched/piped to discharge location. Stone swale to be installed from discharge to approx. 25 feet to lake.
 - Project will be a net improvement for the lake.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the hearing for 124 and 126 Leadmine Lane. AIF 5-0
 - On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project at 124 & 126 Leadmine Lane and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - Excavated material (not to be reused) to be removed from the site. Any stockpiling must be protected until used (ECs, tarps).
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above. AIF 5-0
- 2. 212, 216, & 226 Charlton Rd – Notice Of Intent –Development of a Commercial site-DEP File#300-XXXX**
 - Owner: Various Applicant: Sturbridge Retail Management
 - Representatives: J. Kline, Stonefield Engineering
 - Request: Issue an OOC
 - Jurisdiction: Buffer Zone & Riverfront Area
 - Documents Presented: colored plans
 - Project Summary: Project includes the demolition of 3 residential homes to accommodate the construction of a 2,402 SF restaurant with drive-thru and 5079 SF medical building with associated parking and stormwater structures.
 - Presentation and Discussion:
 - Staff received written request to postpone the Hearing
 - Vote: No votes taken
- 3. 9 Cedar Pond Road – NOI- Construction of a garage and associated site work-DEP File #300-XXXX**
 - Owner/Applicant: Doreen Grout Representative: G. Krevosky, EBT Environmental

- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone
- Documents Presented: site plans
- Project Summary: Project includes the construction of a freestanding garage, relocation of a shed, installation of a cultec unit and excavation required to install the garage.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - DEP File # has not been issued.
 - Project is not within Priority or Estimated Habitat.
 - Site visit conducted.
 - Garage is located just outside of state jurisdiction. All work within 200' BZ. Excavation of steep slope and vegetation removal required on the slope. Rip-rap slope proposed and excavated materials noted to be removed directly off site.
 - Large oak on slope may need to be removed if root damage caused by work. Ample trees in vicinity of new garage.
- Vote: On a motion E. Gaspar 2nd by T. Winglass the Commission vote to continue the Hearing for 9 Cedar Pond Road to August 24, 2023. AIF 5-0

4. 263 New Boston Road– NOI- Construction of a Single Family House and associated site work-DEP File #300-XXXX

- Owner/Applicant: Five Star Realty Trust Representative: G. Krevosky, EBT Environmental
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone & SWB 365-1.1 – 1.3, 3.11, 5.6
- Project Summary: Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - DEP File # has not been issued.
 - Site visit previously conducted when RDA filed for VP survey.
 - Project is located within Priority Habitat and Estimated Habitat. Must wait for NHESP comments for potential WPA conditions to be included.
 - No perc tests noted to have occurred in area of proposed septic system, applicant is confident in septic location because area was previously a gravel pit.
 - Project shown to be cited outside of 200'VP BZ. Driveway shown within 50 foot no build setback and grading shown within the 25' no disturb BZ.
 - Property had been subdivided (plan dated 2007) and that subdivision could have created a hardship if standards cannot be met under the bylaw.
 - Driveway location will need approval of DPW.
 - Large site with many resource areas to verify. Area between wetlands A and B (in vicinity of flags 5A – 8A & 1B – 3B) should be reviewed in detail. Staff recommend a peer review.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to have staff solicit a peer review of the 10 acre site and allow the Agent to select the firm so the review can start before the next Hearing. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote continue the Hearing for 263 New Boston Road to August 24, 2023. AIF 5-0

5. 60 Farquhar Road– NOI- Accessory building with tree removal-DEP File #300-1165

- Owner/Applicant: Craig Bernier Representative: G. Krevosky, EBT Environmental
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone and Riverfront Area
- Documents Presented: site plans, DEP comments & NHESP letter
- Project Summary: Project includes the addition of a freestanding garage and removal of 3 white pines including stump removal.
- Presentation and Discussion:
 - Project continued for plan revisions and issuance of DEP #.
 - Project is within Priority or Estimated Habitat. NOI now filed with NHESP. NHESP issued letter 7-6-23. No adverse impact to wetland of rare wildlife issued. Exempt under MESA.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 60 Farquhar Road. AIF 5-0

- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project for DEP File #300-1165
 - pursuant to the WPA with the following conditions:
 - Standard OOC conditions.
 - Replacement plantings as shown. Replacement plantings to be installed at same time of project (before end of growing season of same year work is completed). Required to survive for one year. No pruning/landscape maintenance of shrubs.
 - EC install and maintenance throughout construction until SCC approval to remove.
 - Approve the project pursuant to the SWB with the following conditions:
 - Condition noted above. AIF 5-0
- 6. 244 Podunk Road– NOI- Construction of a Single Family House and associated site work-DEP File #300-XXXX**
- Owner/Applicant: J. & C. Rice Representative: L. Jalbert, Jalbert Engineering
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone
 - Project Summary: Project includes the construction of a single family house, private well, private septic and associated site work.
 - Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - DEP File # has not been issued.
 - Site visit conducted.
 - Project is not located within Priority Habitat and Estimated Habitat.
 - Revised plan received. Limit of work reduced.
 - Limit of work line EC should extent all the way around the septic. ECs at end of driveway may need to be slightly modified as it appears to capture road runoff.
 - Proposed driveway surface not shown on plan. Engineer noted that it will be paved and pitched to sheet flow towards the wetlands.
 - There are additional resource areas to the north of the site. However, appears that work is outside of the 200 foot BZ. Any approval should include that the resource area approval is only for the wetland flags shown on the plan.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 244 Podunk Road to August 24, 2023. AIF 5-0
- 7. 60 Main Street– NOI- Commercial parking lot-DEP File #300-1164**
- Owner/Applicant: Ashley Steppic Representative: L. Jalbert, Jalbert Engineering
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone and SWB 365-1.1 – 1.3
 - Documents Presented: colored plan, DEP letter
 - Project Summary: Project includes the conversion of the existing lawn for a residential single-family home to a parking lot for a proposed commercial use.
 - Presentation and Discussion:
 - Project was continued for representative to complete required information and to address board’s comments and applicant to complete stormwater checklist and analysis and provide fee (for stormwater discharge) as required by DEP.
 - DEP file # issued with no comments.
 - Revised information received to include:
 - Revised plan
 - Stormwater Checklist and analysis
 - Fees
 - Drainage revised to reflect board and staff comments. Project includes mitigation plantings as recommended. Curbs added for plowing edge. Project requires waiver. Project modifications are a good improvement towards mitigation. Restoration planting area to be a no mow area allowed to revegetate.
 - Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 60 Main Street. AIF 5-0
 - On an amended motion of E. Gaspar, 2nd by T. Winglass the Commission vote for DEP File #300-1164:
 - Approve the project pursuant to the WPA with the following conditions:
 - Standard OOC conditions.

- Replacement plantings as shown. Replacement plantings to be installed at same time of project (before end of growing season of same year work is completed). Required to survive for one year. No pruning/landscape maintenance of shrubs or area.
- O & M perpetual Conditions.
- Approve the project pursuant to the SWB with the following conditions:
 - Condition noted above.
 - 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. \$750 for mitigation plantings. AIF 5-0

8. 51 Bennetts Road –RDA – tree removal and house addition – 2nd floor

- Owner/Applicant: Liam Ferguson Representatives: n/a
- Request: Issue DOA
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the addition of a 2nd floor on an existing cottage and removal of 2 trees.
- Presentation and Discussion:
 - Proof of legal ad and proof of abutter notifications received.
 - Site visit conducted.
 - Project is not located within Priority Habitat and Estimated Habitat.
 - Some erosion noted alongside of house from roof line and exposed areas. Mitigation required for roof runoff.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the hearing for 51 Bennetts Road. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the project at 51 Bennetts Road and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stump removal.
 - Positive #2b: no resource area approval
 - Positive #5:
 - w/ conditions noted above.
 - Add BMP for roof runoff improvements and erosion controls on the lake side of the lot. 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:
 - Project continued to allow for project revisions based on board feedback and revised wetland line.
 - Site visit conducted to review 20+ tree removal request.
 - Revised materials received to include revised plan and EcoTec letter.
 - Revised project footprint and mitigation measures provided. Alternative analysis provided.
 - Project does not meet standards and mitigation required. Mitigation required for board to consider waiver.
 - New structure shown at 1,540 sq. ft. footprint on ground. Existing noted as 840 sq. ft. Total living space would be approx. 3,000 sq. ft. All work within the 25 foot no disturb zone. This proposal is slightly larger than the last 2 versions presented at the last meeting.
 - This is a challenging site and it is a big increase of structure proposed within the no disturb area to 3 resource areas.
 - Proposed impervious surfaces 1,450 sq. ft. Existing shown at 1,390 sq. ft. Driveway surface noted as permeable but states TBD on plan. Detail will be needed with O & M requirements to keep it permeable. O & M details needed for drainage structures.
 - Reduction in tree removal made based on site visit. Only dead/hazard trees greater than 5 inches to be removed. Tree locations noted on plan to be removed.

- Sediment noted to be removed from the stream and rip rap sump proposed to be added. Sediment removal may be valuable but rip rap shouldn't be added to Land Under Water.
- Well decommission: staff checked w/ BOH. Vegetation does not need to be removed to decommission well. Applicant discussed with the Commission the process of decommissioning the well and area could remain well vegetated.
- Restoration Areas should be increased to include disturbed wetland/lawn areas.
- 1 footing drain shown. Staff is recommending 2 drains to reduce load and discharge away from the wetland edge.
- A hybrid approach of piers and a crawlspace will be used for the foundation to reduce impacts on the lake-front.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 68 Paradise Lane, DEP File #300-1155. AIF 5-0
- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote for DEP File #300-1155, 68 Paradise:
 - Approve the project under the WPA including standard conditions and the following conditions:
 - Two footing drains
 - During well decommissioning, vegetation removal will be minimized.
 - Staff will be present on site during the foundation work.
 - Staff will consult with construction manager on a dewatering plan.
 - Approve the project under the SWB including the conditions noted above and:
 - Surety bond or deposit in the amount of \$10,000, held during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a complete Certificate of Compliance. AIF 4-1(Goodwin apposed)

10. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 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 (WPA & SWB) & Vernal Pool Habitat (Sturbridge Wetland Bylaw)
- Project Description: Construction of a manufactured home community with associated appurtenances.
- Presentation and Discussion:
 - Revised/new materials received include:
 - Revised Plans
 - LEC Letter 7-5-23
 - McClure Letter 6-29-23
 - Revised Stormwater Report & Checklist dated 6-26-23
 - Pare Engineering Memo 7-5-23
 - Abutter Letter
 - Revisions outlined in the LEC letter included the following.
 - Remove all permanent work outside of the 200' VP BZ. Some grading and stormwater outlets still within. Graded areas noted as temporary and to be revegetated.
 - Replicated forested corridor provided on Lot 13
 - Proposed no salt on roadways within the 200 ft buffer to all bordering vegetated wetlands.
 - 4 sided box culvert replaced with a 3 sided.
 - Good improvements made to address concerns. Salt use is a still a concern. Problem is that all roadways, driveways, surfaces lead to drainage structures to the wetlands. Salt use on property will get to wetlands. After discussion the applicant will use an alternative to traditional road salt in areas outside the 200 ft buffer zone.
 - Commission discussed the conditions of the project using the outline provided by staff. (see attached outline)
 - Staff will provide a draft set of conditions for the Commission to review and vote on at the next meeting.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Public Hearing for DEP File #300-1156, Lot 3 20 Fiske Hill & 30 Main Street to August 24, 2023.

II. WETLAND DECISIONS

11. 45 Bennetts Road - Request for Certificate of Compliance –DEP File# 300-1105

- Requester: Ronald Houle Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 6-28-23, site was in compliance.

- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue complete Certificate of Compliance for DEP File#300-1105 w/ perpetual conditions: 46-49. AIF 5-0

12. 250 Holland Rd (FKA Lot 1; 246 Holland Rd) Road-Request for Certificate of Compliance –DEP File #300-1046

- Requester: James Harrity Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 6-28-23, site is in compliance.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: 40-44. AIF 5-0

13. 248 Holland Rd (FKA Lot 2; 246 Holland Rd) Road-Request for Certificate of Compliance –DEP File #300-1047

- Requester: James Harrity Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 6-28-23, site is in compliance.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: 47-48. AIF 5-0

14. 246 Holland Rd (FKA Lot 3; 246 Holland Rd) Road-Request for Certificate of Compliance –DEP File #300-1072

- Requester: James Harrity Request: Issue a COC
- Presentation and Discussion: Site visit conducted on 6-28-23, site is in compliance.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance w/ perpetual conditions: 47-48. AIF 5-0

III. ADMINISTRATIVE DECISIONS

15. Minutes of the 6/1/2023 Meeting

- On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to approve the minutes for June 1, 2023 as presented. AIF 5-0

IV. OLD BUSINESS

16. MassDOT Cedar Lake Drainage Enforcement Order

- Presentation and Discussion:
 - Enforcement Order issued in 2018. Drainage restoration work was thought to be complete, after recent storm there were some pipes that failed and need repair. Staff recommend waiting to close out until all work in complete.

17. 23 Old Hamilton Rd. Enforcement Order

- Presentation and Discussion:
 - Staff have met with Montigny Landscaping on site. Plan is being developed. The Landscaper needs one week to complete the restoration plan. Anticipated start date in September.
- Vote: By consensus the Commission vote to give an extension to Friday July 21, 2023 for the restoration plan. AIF 5-0

18. 392 Main Street

- Presentation and Discussion:
 - Staff have been working with the Property Owner, EBT Environmental is working on the Restoration plan for the clearing that occurred without permits. Plan to be submitted by August 10, 2023.

19. 71 Mashapaug Road Enforcement Order

- Presentation and Discussion:
 - Enforcement Order issued on 6-9-2023. Order for restoration plan and site visit within 30 days. Requested to attend this meeting to discuss matter. Property Owner had asked for a 30-day extension and did not attend the meeting.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote not to give the 30-day extension requested for 71 Mashapaug Road. AIF 5-0

20. 71 Brookfield Rd. – Restoration Plan

- Presentation and Discussion:
 - Property owner has removed some debris. Still working on removing slash. Anticipated to have completed by this September. Staff will follow up.

21. 110 Brookfield Rd. - Enforcement Order

- Presentation and Discussion:
 - Enforcement Order issued on 6-9-2023. Order for restoration plan within 30 days & to immediately install erosion controls. Requested to attend this meeting to discuss matter. Mr. Roy attended the meeting to discuss the matter with the Commission. He does not believe he violated the Wetland Protection Act or altered the site. After a discussion there was no solution reached today. The Commission and staff will set up an additional site walk at the property and agree to extend the timeline of the Enforcement Order.

- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to give a 60-day extension the timeline of the Enforcement Order for 110 Brookfield Road. AIF 5-0

22. 70 Paradise Lane

- Presentation and Discussion:
 - At the 5-11-23 meeting, it was agreed that the work would be completed within 60 days. Property Owner provided photos to staff of the project completed. A request for Certificate of Compliance needs to be submitted.

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

23. Agent's Report

- Agent reviewed with Town Counsel the plan for Pine Lake RV clean up sediment in the pond off-site.
- A site visit took place at the property of McGilpin Road which the complaint was received. Commission member T. Winglass joined the Agent. They did not find any work in the wetland but reminded the Property Owner that any work within 200-ft of the resource area would require review.
- Agent worked with an Eagle Scout looking to create a naturalized playground. Project site is the old cabin site on the Heins property.

24. Next Meeting-August 24, 2023 and Site Visit Schedule-August 16, 2023

On a motion of R. Bishop, 2nd by K. Stueber the Commission vote to adjourn at 10:00 PM. AIF 5-0