

CONSERVATION COMMISSION MEETING MINUTES

Date: November 16, 2023

Time: 6:00-7:27 pm

Location: Town Hall Veterans Hall

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>

Full video transcripts of the meeting can be found here: <https://www.sturbridge.gov/cable-advisory-committee-public-access-television/pages/sturbridge-meetings-demand>.



Conservation Agent

Rebecca Gendreau

Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

Karsten Stueber

Ted Winglass

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

DECISIONS

I. Public Hearings

1. 74 Paradise Lane – continued NOI – Construction of a permeable paver driveway – DEP File #300-1178

- Owner/Applicant: Scott & Lisa Sanderson Representatives: Mark Ferrell, Green Hill Engineering
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
 - Construction of a permeable paver driveway converted from gravel.
- Presentation and Discussion:
 - Staff have no concerns with the project, no new information presented.
 - Hearing was continued as no DEP file # had been issued. # has been issued with no comments.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the hearing for 74 Paradise Lane, DEP File #300-1178. AIF 5-0
 - On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the project at 74 Paradise Lane, DEP File #300-1178 pursuant to the WPA with the following conditions:
 - Standard OOC conditions.
 - Remove excavated material off site.
 - The proper installation of the pervious paver driveway shall be documented and certification of such shall be submitted to the SCC with photographic evidence. This shall include a letter from a qualified professional that it was completed per the plan/design specs.
 - Perpetual condition for O & M activities needed to keep driveway permeable.
 - Approve the project pursuant to the SWB with the following conditions:
 - Conditions noted above. AIF 5-0

2. 94 Hall Road –continued NOI – Culvert Modification project – DEP File #300-1179

- Owner/Applicant: Sturbridge DHC, LLC Representatives: McClure Engineering, Inc.
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone, Bank and Land Under Water
- Project Summary:
 - Project includes the relocation of an intermittent stream which is currently in a culvert which is failing and the abandonment of the existing pipe

- Presentation and Discussion:
 - DEP file number issued with no comments.
 - Plan was modified to include all comments.
 - Alternatives reviewed to meet Stream Crossing Standards. Due to site constraints this design is the preferred alternative.
 - Overall, project needs to be completed as pipe is failing. With site constraints appears to be a good solution. Applicant has proposed improvements to treat stormwater. Staff support project.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to close the public hearing for 94 Hall Road, DEP File #300-1179. AIF 5-0
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote for 94 Hall Road, DEP File #300-1179:
 - Approve the project pursuant to the WPA with the following conditions:
 - Standard OOC conditions.
 - Components of the stormwater management system must be installed as per the approved plan.
 - Work to occur during low flow conditions.
 - Prior to start of work, provide plan for stream diversion for review and approval.
 - Perpetual conditions for O & M activities.
 - Approve the project pursuant to the SWB with the following conditions:
 - Conditions noted above. AIF 5-0

3. 168 Lane Seven-continued NOI-Raze and rebuild of a Lakefront Single Family House DEP #300-1177

- Owner/Applicant: Stephen Quink Representatives: R. Lussier, CMG Environmental
- Request: Issue an OOC
- Documents Presented:
- Jurisdiction: Buffer Zone, BLSF, SWB 50' No Build Zone
- Project Summary (as revised):
 - Project includes the removal of the existing house and rebuilding of a new house and associated site work.
- Presentation and Discussion:
 - Project was continued to allow for project team to evaluate and respond to project comments.
 - The revised submission addresses all of the previous comments.
 - In response, the project revised to eliminate the patios proposed at the top of the slope. LOW is moved to the top of the slope. House was not relocated due to additional site work and stone wall and slope armoring impacts.
 - Note on plan for contractor to provide specs of granite steps detail to show that steps are of same size or less to not impact BLSF.
 - Impervious area calculations show a decrease of impervious surfaces.
 - Material stockpile area moved outside of the LOW.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to close the Public Hearing for 168 Lane Seven, DEP File #300-1177. AIF 5-0.
- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the project for DEP File #300-1177 at 168 Lane Seven with the following:
 - Issue an Order of Conditions pursuant to with the following special conditions.
 - Standard OOC conditions.
 - Roof runoff and perimeter drains shall not discharge towards the lake or on steep slopes. Perpetual conditions for this.
 - Contractor to provide a construction sequence plan prior to start of work.
 - Contractor to provide specs on steps prior to install.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money of \$5000 during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. AIF 5-0

4. 72 Paradise Lane- Notice of Intent – Construction of a cantilevered dock - DEP File #300-XXXX

- Owner/Applicant: R. Muscaro Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans

- Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide
- Presentation and Discussion
 - Hearing was postponed.
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications and legal ad received to open hearing.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
 - Site visit performed.
 - Property has an issued OOC for a raze and rebuild which includes removal of the adjacent ash tree so no anticipated root impact issues with counterweight.
 - Seasonal dock currently utilized.
 - Work is proposed to occur during annual drawdown.
 - No trees or shrubs will be removed to install the dock.
 - Resource area impact is Bank impact of 6 linear feet associated with dock. Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently a patio and wall which will be returned to original conditions.
 - Dock and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Mitigation at 2:1 may be required.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the hearing for 72 Paradise Lane to December 7, 2023. AIF 5-0

5. 62 Mt. Dan - Notice of Intent – Construction of a cantilevered dock - DEP File #300-XXXX

- Owner/Applicant: Dan St. Onge Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans
- Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 8 ft wide
- Presentation and Discussion
 - Hearing was postponed.
 - DEP has not issued a file # for the project.
 - Proof of legal ad and abutter notifications received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
 - Site visit performed.
 - Seasonal dock currently utilized.
 - Work is proposed to occur during annual drawdown.
 - No trees or shrubs will be removed to install the dock.
 - Resource area impact is Bank at 8 linear feet associated with dock install. Temporary impacts to portion of masonry shoreline wall. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
 - Dock is 8' by 32' long. Dock is 256 sq. ft. length and coverage exceeds local harbormaster rules. This is in conflict with local harbormaster rules. Meets DEP standards.
 - Dock and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Does the dock need to be that size? Local harbormaster rules for seasonal structures limits length at 25 feet and at 200 square feet. The proposed dock is longer and exceeds the size threshold. Could the dock size be minimized? A reduction of width would minimize increased coverage. Is there a

water depth needed for securing vessels that requires a longer dock? The BOS does allow deviations but they need to be justified.

- Seasonal structures with feet/anchors do have some impact to LUW. Cantilevered does reduce that. Dock proposed in location of existing dock but is likely much wider. Staff would recommend discussing width adjustments to as an alternative option if length is needed for vessels.
- Composite decking includes gaps.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Public Hearing for 62 Mt. Dan Road to December 7, 2023. AIF 5-0

6. 328 The Trail – Notice of Intent Construction of 2 cantilevered docks & repair of shoreline wall - DEP File #300-XXXX

- Applicant/Owner: Rocco Falcone Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC.
- Documents Presented: plans
- Jurisdiction: Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary:
 - Project includes the installation of a two cantilevered docks and replacing an existing stone and mortar wall with a more natural bolder wall with planting pockets to enhance the natural look.
- Presentation and Discussion:
 - DEP has not issued a file # for the project.
 - Proof of legal ad and abutter notifications received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - Current shoreline is failing and material behind the wall is eroding.
 - Project site currently contains a deck and 2 dock system along the shoreline.
 - No trees or shrubs will be removed.
 - Project requires a Chapter 91 license as work on a Great Pond. Applicant’s representative has started the process with DEP Waterways.
 - Wall profile plan demonstrates no LUW impacts and that height of proposed wall is not higher than the existing wall. Total linear feet of Bank impacts disclosed on NOI as 63 feet.
 - Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Wall will be an improvement over existing conditions providing wildlife habitat and BLSF capacity which both don’t currently exist. Proposed wall also does not require maintenance.
 - Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Dock coverage over lake is shown at 360 sq. ft. One dock is 11’ wide. One dock meets that standard. Recommend minimizing the width. Local harbor master rules for seasonal structures limits to one dock, length at 25 feet and at 200 square feet. The BOS does allow deviations but they need to be justified.
 - New boulder wall w/pockets of plantings will be an improvement that could be used as mitigation.
- Board may want to consider, option if a need for 2 docks is justified. One option could be to minimize the wider dock and allow both. This would be an alternative to minimize impacts.
- Vote: On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to continue the Hearing for 328 The Trail to December 7, 2023 AIF 5-0

7. 324 The Trail – Notice of Intent Construction of 2 cantilevered docks - DEP File #300-XXXX

- Applicant/Owner: Matt Kibbe Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans
- Jurisdiction: Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary: Project includes the installation of a two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
- Presentation and Discussion:
 - DEP has not issued a file # for the project.
 - Proof of legal ad and abutter notifications received.
 - Project site is not located within Priority Habitat or Estimated Habitat.

- Site visit performed.
 - No trees or shrubs will be removed.
 - Work is proposed to occur during annual drawdown.
 - Resource area impact is Bank impact in 2 sections totaling 11 linear feet associated with docks. Concrete block section of shoreline wall to be removed and replaced with masonry wall similar to rest of shoreline. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
 - Composite decking includes gaps.
 - 2 docks proposed over lake cumulative coverage of LUW would be 385 sq. ft.
 - Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Recommend looking at minimizing disturbance and coverage docks will create. One option to achieve a waiver would be to reduce the width of the larger dock and proposed lengths. Local harbor master rules for seasonal structures limits to one dock, length at 25 feet and at 200 square feet. Is there a water depth needed for securing vessels that requires a longer dock? The BOS does allow deviations but they need to be justified.
 - The Property Owner discussed with the Commission his needs for the double dock.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 324 The Trail to December 7, 2023. AIF 5-0

8. 263 New Boston Rd- *continued* Notice of Intent – Construction of a single family house with associated appurtenances –DEP File #300-1166

- Owner/Applicant: Five Star Realty Trust Representatives: G. Krevosky, EBT Environmental Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction:
- 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:
 - Written continuation request received, no discussion took place.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 263 New Boston Road to January 4, 2024. AIF 5-0

9. 595 Main Street & Rt. 20 ROW - Notice of Intent –DOT Rt. 20 Drainage Project –DEP File #300-1175

- Owner/Applicant: MA DOT and Blackington, LLC Representative: E. Olson, VHB
- Request: Issue OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Project includes the repair and replacement of failed drainage structures.
- Presentation and Discussion:
 - A written request for continuation was received, no discussion took place.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to continue the Hearing for 595 Main Street and Rt. 20 ROW to December 7, 2023. AIF 5-0

II. WETLAND DECISIONS

10. 106 Westwood Drive – Request for a Certificate of Compliance - DEP File #300-1109

- Permit Holder: Nicholas Salvadore
- Requester: Jalbert Engineering
- Request: Issue COC.
- Presentation and Discussion: Project included shoreline and buffer zone work including new stairs and native plantings. Project completed in 2022 and growing season requirement has passed. As-built and letter of substantial compliance received. Site visit conducted on 11/8/23, project is in compliance.

Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance with perpetual conditions: SCC #'s 37-39. AIF 5-0

11. 1 Cedar Pond Road – Request for a Certificate of Compliance - DEP File #300-1070

- Permit Holder: Cory Cottone
- Requester: Jalbert Engineering
- Request: Issue COC.
- Presentation and Discussion: Project included an addition to a single family home along Cedar Lake. As-built and letter of substantial compliance received. Site visit conducted on 11/8/23, project is in compliance.
Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to issue a complete Certificate of Compliance with perpetual conditions: SCC # 45. AIF 5-0

ADMINISTRATIVE DECISIONS

12. Minutes of 10/5/2023 and 10/26/2023 to be approved

- Vote- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the minutes of October 5, 2023. AIF 5-0
- Vote- On a motion of E. Gaspar, 2nd by R. Bishop the Commission vote to approve the minutes of October 26, 2023. AIF 4-0-1 (Winglass Abstain)

UPDATES

IV. OLD BUSINESS

- Commissioner E. Gaspar discussed with the other member the work done on Mt. Dan Road. What can be done now to stabilize and make the areas better? Commissioners will drive out to the area on their own time.

V. ADMINISTRATIVE UPDATES-no updates

- Committee Updates: CPA, Trails, Open Space and Lakes Advisory

VI. CORRESPONDENCE

VII. NEW BUSINESS

13. Emergency Authorization-Ladd Road McKinstry Brook

- A flow devise was needed in an area near the work being done for National Grid. The access road was in danger of being compromised.
- Vote: On a motion of E. Gaspar, 2nd by T. Winglass the Commission vote to Ratify the Emergency Authorization for the flow devise for "McKinstry Brook. AIF 5-0

14. Agent's Report-no additional report

15. Next Meeting: Thursday December 7, 2024 and Site Visit Schedule – November 29, 2023

ADJOURN

On a motion of R. Bishop, 2nd by K. Stueber the Commission vote to adjourn the meeting at 7:27 PM AIF 5-0