

CONSERVATION COMMISSION DETAILED MEETING MINUTES

Date: February 15, 2024

Time: 6:00 -7:55 PM

Location: 2nd floor Center Office Building

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

Full application plans and narratives referenced in these minutes are available on the Commission's website: <https://www.sturbridge.gov/conservation-commission/pages/2024-meeting-materials>

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

Ed Goodwin thanked Rebecca Gendreau for her 6.5 years serving as the Conservation Agent and wished her the best at her new position.

DECISIONS

I. PUBLIC HEARINGS

1. **97 Shore Road – NOI – Notice of Intent–Raze and rebuild of a lake-front home- DEP File #300-XXXX**
 - Owner/Applicant: Jane and Timothy Seitz
 - Representatives: L. Jalbert, Jalbert Engineering, Inc.
 - Request: Issue Order of Conditions (OOC)
 - Documents Presented: plans
 - Project Summary:
 - Applicant is requesting to demolish the existing cottage and rebuilding a year-round home with new well and associated site improvements.
 - Presentation and Discussion:
 - Proof of legal ad and receipt of Abutter mailings received.
 - Site visit conducted.
 - DEP File # and comments have not been issued.
 - House is located within the 50 foot no new structure setback. New house primarily located within the same footprint however addition shown which moves house closer to the lake.
 - Calculations included on plan. Shows reduction within 50' BZ. Appears paver patio used as structure for calculations. Project includes BMPs for roof runoff.
 - No waiver requested, alt. analysis or mitigation provided. Alternative analysis to be provided.
 - Review of alternatives should be demonstrated to show that it couldn't be located further from the resource area. Some constraints exist and discussed on site.
 - Project will require waiver from board. Mitigation required. Restoration of the 25' BZ would be advisable. Construction sequence should also be provided.
 - Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to continue the Hearing for 97 Shore Road to March 7, 2024. AIF 3-0
2. **505 Main Street– continued NOI – Commercial property redevelopment – DEP File #300-1185**
 - Owner: Jenny Bounphasaysonh Applicant: STL Group, LLC
 - Representatives: R. Mendez, Graves Engineering, Inc.
 - Request: Issue Order of Conditions (OOC)
 - Documents Presented: revised plans
 - Project Summary:



Conservation Agent

Rebecca Gendreau

Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

A-Erik Gaspar

A-Roy Bishop

Karsten Stueber

Ted Winglass

308 Main Street.

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- Redevelopment of a commercial property including removal of existing building and parking areas and the construction of a new building, parking areas and associated stormwater management.
- Presentation and Discussion:
 - Project was continued to allow applicant to address comments.
 - Revised materials received
 1. Stormwater Report (including Checklist) last revised 1/24/2024
 2. Graves Engineering Letter dated 1/24/2024
 3. Revised Plans last dated 1/24/2024
 - Project was revised to address board and DEP comments. The parking spaces were removed from the 50' No New Structure BZ. Snow storage has been relocated to this area which is shown over crushed stone.
 - In addition, a wood guardrail has been added in front of the bioretention area and no mow signage added at the restoration area. Staff had recommended fencing or similar material to prevent snow storage in the basin.
 - Bioretention basin has been redesigned to only provide pre-treatment to meet standards. Infiltration structures not allowed within 50' of surface water. Additional underground structure provided to infiltrate roof runoff to meet ground water recharge standards.
 - Revisions appear to meet standards.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to close the public hearing for 505 Main St, DEP File #300-1185. AIF 3-0
 - On a motion of T. Winglass, 2nd Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Installation of the rain garden shall be supervised by a professional with documented experience in rain garden construction. Such person shall be retained to supervise and monitor construction of the rain garden areas.
 - Following construction of the rain gardens area, the professional shall certify to the SCC that the areas has been constructed in compliance with the approved plans.
 - Restoration plantings must be installed when the bioretention basin is installed. If this is done outside of the growing season, then it must be completed at the beginning of the next growing season.
 - Perpetual conditions for stormwater structures, guardrail and signage.
 - Evidence of maintenance of the stormwater management system shall be provided to the Commission on annual basis.
 - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the rain garden plantings and restoration plantings have survived.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Remove all invasive Japanese Knotweed.
 - Require a surety bond or deposit of money of \$7,500 during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. AIF 3-0

3. Big Alum Pond - *continued* NOI – Big Alum Pond Aquatic Vegetation Management Plan - DEP #300-XXXX

- Owner/Applicant: Big Alum Lake Association Representatives: A. McMenemy, GEI Consultants
- Request: Issue an OOC
- Documents Presented: n/a
- Project Summary:
 - Project includes an aquatic vegetation management plan for Big Alum Pond.
- Presentation and Discussion:
 - No presentation provided, Bruce Gran from the BALA requested a continuation.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to continue the Hearing for Big Alum Pond to March 7, 2024. AIF 3-0

4. 274 Big Alum Road - *continued* NOI -Repair of historic boat notch - DEP #300-1186

- Owner/Applicant: Virginia Roscioli Representatives: n/a
- Request: Issue an OOC

- Documents Presented:
- Project Summary:
 - Project includes the restoration of a former boat notch.
- Presentation and Discussion:
 - A written request for continuation to March 7, 2024 meeting received, no discussion took place.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to continue the Hearing for 274 Big Alum Rd, DEP #300-1186 to March 7, 2024. AIF 3-0

5. 200 Haynes Street – *continued SWB* Notice of Intent-Construction of a commercial solar facility with associated appurtenances

- Applicant: Sturbridge PV LLC Owner: 30 Swift LLC
- Representative: BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
- Staff Notes:
 - Project was continued to allow response to all peer review comments since last meeting.
 - The Representative has submitted a written request for continuance to the March 28, 2024 meeting to address comments.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to continue to allow project team to address comments to March 28, 2024 as requested. AIF 3-0

6. 212, 2216, 226 Charlton Rd. – *postponed hearing*-Notice of Intent-Redevelopment of 3 single family house lots to a commercial site-DEP File #300-1172

- Applicant: Sturbridge Retail Management Owner: Katherine Thompson-212, Christine Lena-126, Steven & Theresa Saletnik-226
- Representative: J. Kline, Stonefield Engineering
- Request: Issue OOC.
- Documents Presented: n/a
- Project Summary: Demolish 3 single-family homes and develop as a multi-building commercial site with associated site work.
- Presentation and Discussion:
 - Project team has asked to withdraw the application without prejudice.
- Vote: On a motion on T. Winglass, 2nd by K. Steuber the Commission vote to accept the withdrawal w/out prejudice as requested for DEP File #300-1172. AIF 3-0

II. WETLAND DECISIONS

7. 24 Hamilton Road, HR&GC – Request for a Two-Year Extension DEP File #300-1087

- Presentation and Discussion: The OOC is for vegetation management on the dams. Most of work is completed however larger trees along 2nd dam. NHESP timing restriction for rare species limits time of year work can be done. They are also doing most work by hand to avoid large equipment in sensitive areas.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to issue a two-year Extension as requested for DEP File #300-1087, 24 Hamilton Road. AIF 3-0

8. Cedar Lake Aquatic Vegetation Management Plan – Request for an Extension- DEP File #300-726

- Presentation and Discussion: The Lake Association is working on developing a NOI for new treatment plan as needed. They do need a request to be able to continue treatment this year.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to Issue a one-year Extension as requested for DEP File #300-726. AIF 3-0

9. 100 Charlton Road – Request for a Certificate of Compliance - DEP File #300-1083

- Permit Holder: J. Panter, Kimley-Horn
- Request: Issue COC.
- Presentation and Discussion: We'll need to wait until the growing season to verify that the restoration plantings have been successful. We have only received one report on the plantings. In addition, it does look like there are some wall repairs that are recommended to be made. Those should be conducted first. Also, the OOC has expired and there is an additional fee that needs to be submitted. Staff recommend that this request wait until project is complete.

- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to take no action on the request for Certificate of Compliance until the completion of the project. AIF 3-0

10. 118 Leadmine Lane – Request for Certificate of Compliance-DEP File #300-0684

- Permit Holder: Gary & Sherry Kellaher
- Request: Issue CoC.
- Presentation and Discussion: Information provided to demonstrate that OOC has been complied with. Enforcement Order issued for non-compliance with OOC and for additional work conducted on the property. When the SCC first became aware of issues, 118 Leadmine was a larger property that was subdivided while discussions were occurring. Staff and board were not made aware of that. EO issue for all work in violation.
- Staff had reviewed the site after initial work and plantings. All work on what is now just 118 Leadmine Lane has been completed. Inspections completed for plantings and compliance with plan.
- Staff visited site. All work appears to be in compliance for this property.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission issue complete Certificate of Compliance for DEP File #300-0684, 118 Leadmine Lane with perpetual conditions: 39 – 41 and 45. AIF 3-0

III. ENFORCEMENT ORDERS

11. 118 Leadmine Lane – Request to Release Enforcement Order

- Presentation and Discussion: Appears all work on the current 118 Leadmine Lane has been completed. Restoration of areas now on 89 Leadmine lane, referred to as “upper lot area” in 7-22-2027 SCC Letter is not complete. Most of restoration work on 89 Leadmine Lane has been completed. Buffer zone restoration still needs to be completed. Some of this was on hold until house was built so the shed can be removed. There is an OOC (DEP File #300-1073) for 89 Leadmine Lane for the development of the property and the required restoration work. OOC expires on 9/29/2024. All work should be completed by then. Staff recommend waiting to release the order until all work in complete, the Agent can write a letter explaining why the order is still open to assist with the sale of the property.
- Vote: On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to send a letter to the Property Owner explaining why the Enforcement Order for the portion of 89 Leadmine Lane is still open. AIF 3-0

IV. ADMINISTRATIVE DECISIONS

12. Minutes for approval-tabled until next meeting

V. CONSERVATION LAND DECISIONS

13. New England Mountain Bike Association – Land Use Permit Request Leadmine & Heins’ Farm

- This is the first event for this group in the area, the group will ride mountain bike on June 15, 2024 at Leadmine and Heins Farm. The item will be brought before the Commission again March 28th.

VI. OLD BUSINESS

VII. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space and Lakes Advisory-None

VIII. CORRESPONDENCE

VII. NEW BUSINESS

14. Blueberry Hills DEP File #300-1156 Restriction Language Review

- The draft open space plan and CR Language was reviewed by the Commission. The Commission had the ability to provide comment and adjustment before a final plan is presented for a vote before the start of work. No action was needed.

15. 38 & 40 Hamilton Road Right of First Refusal

- The property has a large amount of wetlands and is being sold to an abutter. There does not appear to be any interest for the Town with this parcel.
- On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to send a memo to the BOS to recommend the not exercise the right of 1st refusal for the parcel at 38 and 40 Hamilton Road.

16. Agent’s Report

The Agent recommends completing the following projects before she leaves her position with the Town:

Long Pond Survey work

319 Grant

Executive Session scheduled for the next meeting to discuss court cases

17. Next Meeting: Thursday March 7, 2024 and Site Visit Schedule – Monday February 26, 2024

UPDATES/DISCUSSION

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN

On a motion of T. Winglass, 2nd by K. Stueber the Commission vote to adjourn at 7:55 PM AIF 3-0