

CONSERVATION COMMISSION MINUTES

February 2, 2021
6:00-9:13 pm
Virtual Meeting

With a Quorum present, the meeting opens at 6:00 pm, Chair Ed Goodwin presiding.
All members present.

DECISIONS

I. Public Hearings

1. 423 Main Street – NOI – Parking Lot Improvements – DEP File #300-xxx

- Owner: STL 423 Applicant: NBM Realty Representative: D. Sheehan, Graves Engineering
- Request: Issue Order of Conditions.
- Documents Presented: Colored site plan
- Jurisdiction: Riverfront Area & Buffer Zone
- Presentation and Discussion:
 - Mike Andrade, Graves Engineering provided a project summary, the project includes the redevelopment of the building to include 5 residential units, a reduction in developed areas, restoration to a more natural riverfront, paving of an existing gravel parking lot and a storm-water management system to include a rain garden.
 - Receipt of legal ad posting and abutter notifications received.
 - Site visit performed.
 - Work appears to meet criteria for redevelopment of a previously developed RA (310 CMR 10.58(5)).
 - An alternative analysis has been included.
 - Storm-water Report and Checklist have been provided. Runoff from all impervious surfaces within drainage area will be directed to the storm-water BMP.
 - An O&M Plan is included.
 - Public Hearing must continue to March 2, 2021 as DEP has not issued a file # or comments

Public Comments: none

Vote: By a consensus vote the Commission move the Public Hearing for 423 Street, DEP file #300-TBD to March 2, 2021. AIF 5-0

2. 231,233, 235 Cedar Street –ANRAD – Review Resource Area – DEP File #300-1090

- Owner/Applicant: Michael & Gail Young Representative: Lenny Jalbert, Jalbert Engineering
- Request: Approve Resource Area Delineation
- Documents Presented: Colored Site Plan, DEP Letter 4-1-1988, 2018 Percolation Test Application
- Jurisdiction Noted on ANRAD: Bordering Vegetated Wetland, Isolated Vegetated Wetland.
- Presentation and Discussion:
 - L. Jalbert provided an overview of the project, the owner is looking to sell these three lots as building lots. L. J. reports currently on the site are a cart road on Lot 5, a cart road on Lot 7 including a well and passing perc test and nothing disturbed on Lot 6.
 - Site visit performed.
 - Paul McManus, EcoTec, Inc. preformed a site visit.



Conservation Agent
Rebecca Gendreau

Administrative Assistant
Erin Carson

Conservation Commission Members
Ed Goodwin
Chairperson
Steven Chidester
Vice Chair
David Barnicle
Member
Steve Halterman
Member
Erik Gaspar
Member

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- Application materials and site visit inspection outline what would appear to be wetland violations on the site including filling of a resource area, un-permitting vegetation removal in and surrounding wetlands and the installation of a well, the Commission would like all cutting or clearing to cease without permitting.
- Staff performed research on this property. Appears that in the late 1980s, there was permitting history including an appeal and DEP correspondence related to this property. Staff checked w/ BOH and Building Dept. and could not locate records for the development (or perc tests) of the properties including #237 Cedar St. One perc test application was found from 2018, which is included for Lot 7.
- It is unclear if any past permitting was received for any work on these properties and The Agent recommends the engineer who appears to be the design engineer on the previous filling provide more information documenting permitting which supports work completed.

Public Comments: none

Vote: By a consensus vote the Commission move the Public Hearing for 231, 233, & 235, DEP file #300-1090 to March 2, 2021. AIF 5-0

3. 24 Hamilton Road –NOI – Dam maintenance and Tree removal – DEP File #300-1087

- Owner/Applicant: Dan Kranecky, Hamilton Rod & Gun Club Representatives: C. McClure, McClure Engineering
- Request: Issue Orders of Conditions
- Documents Presented: Colored Plans, DEP Comments, NHESP Comments
- Jurisdiction: Riverfront Area and Buffer Zone to: Bank, Land Under Water and BVW
- Presentation and Discussion:
 - C. McClure presented the project on behalf of the applicant.
 - Tree removal Project required by Office of Dam Safety for existing dams
 - Removal of all woody vegetation within specified areas at 3 dams in 4 locations
 - Stumps will not be removed at this time. Herbaceous vegetation not impacted.
 - Total Areas in which woody vegetation is required to be removed per dam location:
 - Hamilton Rod & Gun Club Dam: ~2,790 sq. ft.
 - Fish Pond Dam: ~11,950 sq. ft.
 - Fish Pond Dam Overflow: ~9,460 sq. ft.
 - Riverfront Areas in which vegetation is required to be removed:
 - Inner Riparian: ~18,720 sq. ft.
 - Outer Riparian: ~2,510 sq. ft.
 - DEP has provided a file and comments.
 - Receipt of legal ad posting and abutter notifications received.
 - Site visit performed.
 - Work will occur within RA, the 25 and 50 ft BZ but is required.
 - Project can be considered a limited Project and a waiver to the 25 foot No Disturb would be required.
 - Work will occur within dry or frozen conditions to avoid additional impacts from equipment.
 - The Commission and applicant reviewed the colored site plans and determined there are no alternatives due to the requirements of Dam Safety.

Public Comments: none

Vote: On a Motion by S. Halterman, 2nd by E. Gaspar; the Commission approve the Notice of Intent for 24 Hamilton Road, DEP #300-1087 with conditions set by the Agent. AIF 5-0

4. 150 Charlton Road –ANRAD –Review Resource Area – DEP File #300-1088

- Applicant: Jeremy Procon, Interstate Towing Owner: Michael Ciesla, Cobra Realty Trust
- Representative: G. Krevosky, EBT Environmental Consultants
- Request: Approve Resource Area Delineation: Bordering Vegetated Wetland and Isolated Vegetated Wetland
- Documents Presented: Colored plan, DEP Comments
- Presentation and Discussion:
 - The applicant has requested a continuation; he will provide an updated plan to reflect additional resource not previously shown on the plan for the next meeting.

- DEP file number and comments received.
- Previous OOC on site still open. DEP File #300-665. This project included installation of monitoring wells and restoration activities for contaminant release. It is unclear if all conditions have been met.

Public Comment: none

Vote: By consensus vote the Commission move the Public Hearing for 150 Charlton Road to March 2, 2021. AIF 5-0

5. 27 Ladd Road –continued NOI –Trail System and Bridge within a Commercial Outdoor Recreational Facility – DEP File #300-1056

Steven Chidester recused himself for the Hearing

- Applicant: R. Jennings, 508 International, LLC Owner: A. Sellew Representative: Ed O’Neil
- Request: Issue Order of Conditions
- Documents Presented: n/a
- Jurisdiction: Buffer Zone, BVW, Bank, LUW
- Presentation and Discussion: Today the office received a withdrawal letter for this project. The restoration plan will be added to the next meeting.

Public Comments: none

Vote: On a motion by D. Barnicle, 2nd by E. Gaspar; the Commission vote to close the Public Hearing for 27 Ladd Road, DEP file #300-1056 and accept the withdrawal for the Notice of Intent. AIF 4-1(recused;Chidester)

6. 8 North Drive –NOI –Replacement of a Failed Septic System – DEP File #300-1089

- Owner/Applicant: Brian Harvey Representatives: Andrew Baum, Summit Engineering
- Request: Issue Order of Conditions
- Documents Presented: Colored Plans, Site Photos
- Jurisdiction: Buffer Zone
- Presentation and Discussion: Project includes the replacement of a septic system for an existing single family residence with a Presby system.
 - DEP has now provided a file number for this project. No DEP comments.
 - Receipt of legal ad posting and abutter notifications received.
 - Erosion controls are identified as an entrenched silt fence and straw wattle or filter sock.
 - Work is proposed within 50 to 100 feet of the wetland edge. The limit of work extends from the 100 foot BZ to the 50 foot BZ.
 - Work is primarily proposed within a developed yard consisting of a lawn. Some alteration of the edge shrub/brush line may occur.
 - At the site visit, past tree removal activity was noted on the existing property. The Commission made the PO aware that vegetation removal within the 200-foot buffer zone requires review and approval from the SCC.
 - A structure was observed in the side yard and inquired about. Staff were informed that this is an old yard drain which does not function anymore therefore the pipe was likely added.
 - The Agent recommends approval of the project and issuance of the OOCs with the general special conditions and to include:
 2. If work shall occur outside of the growing season. The work area shall be seeded and covered with an erosion control blanket. All erosion/sedimentation controls shall remain in place until the area has fully stabilized and the Conservation Agent has approved of their removal.
 2. Removal of the stormwater connection. A plan shall be submitted to the Conservation Department for review and approval prior to the start of work outlining how this will be achieved.

Public Comment: none

Vote: By a motion of S. Halterman, 2nd by E. Gaspar, the Commission vote to close the Public Hearing for 8 North Drive. AIF 5-0
On a motion of E. Gaspar, 2nd by S. Halterman, the Commission vote to approve the Notice of Intent 8 North Drive, DEP file #300-1089 with the Agents conditions. AIF 5-0

7. 118 Leadmine Lane –continued NOI –Construction of a single family home DEP File #300-1086

- Owner: G. Kellaheer Applicant: A. Kellaheer Representative: N. Hill, Land Planning
- Request: Issue Order of Conditions
- Documents Presented: 2 site plans (sketch modifications), Rebecca Gendreau email dated 11-18-20, Robert Murphy

letter dated 11-27-21

- Jurisdiction: Buffer Zone, Riverfront
- Presentation and Discussion: The Agent provided an update on all aspects of the project within this property. Bryan Hill presented a revised plan for the construction of the new house, which was received by our office today. The applicant is looking for approval of the plan to get started on the construction. The Commission reviewed the plan provided to remove portions of the asphalt driveway.
- The Agent recommends allowing a paved driveway up until the limit of work with a small portion of crushed stone around the asphalt for storm-water management.
- The plan was not updated according to the discussion at the previous meeting and site visit so a new plan, drawn by the engineer will be provided to the Agent before the next meeting. The property owner has received an Enforcement Order and a Cease and Desist for unpermitted work which has occurred on this property, the Commission advised the applicant that he should stop all unpermitted work and questioned the statement from the individual providing oversight that all restoration has been completed according to the plan.

Public Comments: none

Vote: By consensus vote the Commission move to continue the Public Hearing for 118 Leadmine Lane, DEP file #300-1073 to March 2, 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: Mathew Sosik Representatives: Peter Engle, McClure Engineering

- Request: Issue Order of Conditions
- Documents Presented: Pare Corp. Memo (revised 1-20-21) and EcoTec, Inc. Memo (dated 1-28-21)
- Jurisdiction: Buffer Zone to a BVW and IVW (Bank is also present on site)
- Presentation and Discussion: Project was discussed at the last two meetings. Since the last meeting the Planning Board did not approve the size of the proposed road. The applicant must revise the plan for the Commission's review.
 - Art Allen from EcoTec reviewed his findings for the Commission including a possible vernal pool. Next LEC can provide a thorough review of the potential vernal pool with permission from the Property Owner. The Agent will request permission on the Commission's behalf.
 - Weather permitting, Art Allen will take the Commission on a site visit to share all his findings.

Public Comments: none

Vote: By consensus vote the Commission move to continue the Public Hearing for 30 Main St./20 Fiske Hill Rd, DEP file #300-1086 to March 2, 2021. AIF 5-0

II. Wetlands Decisions

9. Forest Cutting Plan-Off Shattuck Rd. (128 Route 84)

- Owner/Applicant: James Pioppi Plan Preparer: Mike Bartlett & Austin Burrows
- Request: Recommend Approval to the BOS
 - FCP Summary: Mike Bartlett presented the FCP. FCP for approx. 23-acre site. Site access is through a right of way on adjacent parcels which are currently being harvested. Stream crossing shown on plan is a washed out culvert and will be temporarily bridged to access the site. Additional stream crossings required which are existing and currently have BMPs in place for active FCP. There is no plan to remove stumps or drive logging trucks on this property.
 - The FCP map was revised to exclude an area in which future gravel may be extracted based on comments made by the property owner and discussions with DCR. DCR provided a signed approved plan to the SCC 2/2/2021.
 - Site visit conducted on 1-22-21 w/ C. Capone, M. Bartlett, J. Pioppi, S. Halterman and R. Gendreau.

Vote: On a motion by D. Barnicle, 2nd by S. Halterman the Commission vote to approve the Forest Cutting Plan for 128 Route 84 and send to the Board of Selectmen. AIF 4-1(Goodwin)

III. ADMINISTRATIVE DECISIONS

10. Minutes of 1/19/20 to be approved

Vote: On a motion of D. Barnicle, 2nd by S. Halterman the Commission vote to approve the minutes of January 19, 2021 as

written.

UPDATES

IV. OLD BUSINESS

11. DEP File #300-0959; 9 Holland Road, Enforcement Order

- Documents Presented: Restoration Plan
- Project Status Summary: This discussion was continued from 12-15-21. The SCC requested a restoration plan to address the unpermitted cutting which occurred and resulted in the EO as the proposed invasive species removal plan was not acceptable to the SCC.
- The new plan includes planting 23 deciduous tree saplings along the top of the slope as shown on the plan. The trees will be 2'-2.5' in caliper and a second growing season monitoring is proposed. The plan does not include the invasive species removal on the adjacent property as previously presented.
- Monitoring and reporting at the end the 1st and 2nd growing season will be required. EO shall not be released conditions are met or at least after one full growing season and documentation of full establishment of all trees.

Vote: On a motion by D. Barnicle, 2nd by E. Gaspar, the Commission vote to approve the sapling planting plan. AIF 4-1(Chidester)

V. ADMINISTRATIVE UPDATES

12. Committee Updates:

CPA-none

Trail Committee-Ice Sculpture Contest February 16, 2021 check Facebook for more details

Open Space Committee-none

Lakes Advisory Committee

VI. NEW BUSINESS

- 13. Agent's Report**-The Agent provided a brief summary of all the current projects in the office. Hike and Seek program begins on February 13th-27th. The program is outdoor scavenger hunt through Heins Farm and Leadmine Mountain. The agent is working with Tom Chamberlain on continued efforts on the expansion of the Grand Trunk Trail. February 1, 2021 at the BOS meeting, a contractor was selected for the removal of the outbuilding on Heins Farm and lastly MA DOT provided an update to the Agent that revisions are needed to the swale on Cedar Lake.
- 14. Next Meeting**-March 2, 2021 **and Site Visit Schedule**-February 23, 9-12 pm

On a motion of S. Chidester, 2nd by E. Gaspar the commission vote to adjourn at 9:13 pm. AIF 5-0