

CONSERVATION COMMISSION MINUTES

Date: April 6, 2021
Time: 6:00 -9:39 pm
Place: Virtual Meeting
<https://sturbridge.vod.castus.tv/vod>

With a quorum present, the meeting opened at 6:00 pm, Ed Goodwin presiding as Chair.
All members present.

DECISIONS

I. PUBLIC HEARINGS

1. 5 Turner Lane –RDA – Installation of an in-ground swimming pool

- Owner/Applicant: Darlene and Paul Laflamme Representatives: N/A
- Request: Seeking a negative DET
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Project Summary
 - The project includes construction of an in-ground pool within an existing developed SFH lot.
- Presentation and Discussion:
 - This project is within the 100 ft buffer zone.
 - All work is within an established yard.
 - There are no tree removal planned with this project, the homeowner plans a concrete patio and fence around the pool.
- Public Comment:
 - None
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission close the hearing, AIF 5-0.
 - On a motion of D. Barnicle, 2nd by E. Gaspar, The Commission vote to issue a Negative #3 and Positive #5 Determination for 5 Turner Lane with the SCC standard conditions.

2. 51A Seneca Lane – NOI – Construction of a new SFH, associated site work and dock

- Owner/Applicant: Brain Sampson Representatives: S. Bressette, Summit Engineering
- Request: Issue Order of Conditions.
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone, Bank, BLSF, LUW
- Project Summary
 - The project includes construction of a single family home and associated appurtenances, along with the installation of a temporary dock.
- Presentation and Discussion:
 - This is a modular home project on Cedar Lake; town sewer and private well serve the lot.
 - Agent worked with the Engineer to modify the plan slightly to save a large tree in the backyard.
 - The owner of the property is open to a finding a temporary dock that works best for the least amount if impact to the bank.
- Public Comments:
 - None
- Vote: On a motion of S. Halterman, 2nd by E. Gaspar the Commission vote to close the hearing. AIF 4-1(Barnicle)
 - On a motion of E. Gaspar, 2nd by S. Halterman, the Commission vote to approve the Notice of Intent for 51A Seneca Lane, DEP File #300-1098, removing the dock form the scope of work and keeping the 24 inch oak tree



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin
Steven Chidester
David Barnicle
Steve Halterman
Erik Gaspar

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behind the house and issue the SWB Orders of Conditions with the SCC standard special conditions. AIF 4-1(Barnicle)

3. 92 Paradise Lane-RDA-Landscape Improvements

- Owner/Applicant: Lisa and Steve Dalberth Representatives: M. Thibeault, Landscape Evolution
- Request: Seeking a negative DET
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Summary
 - This is a Landscape project to include a new upland retaining wall, permeable pathway and patio area.
- Presentation and Discussion:
 - All work for this project in within a lakefront lot.
 - The applicant is proposing a boulder wall in front of the house and a pervious patio and walkway to the lake behind the house.
 - A silt fence 5 to 10 ft from the shoreline is proposed but straw waddles could work instead.
 - The Commission has no concerns with this project.
- Public Comment:
 - none
- Vote: On a motion of D. Barnicle, 2nd by S. Halterman the Commission close the hearing. AIF 5-0
 - On a motion of D. Barnicle, 2nd by S. Halterman the Commission vote to approve the Determination for 92 Paradise Lane, with a negative #3 and positive #5 with the modifications to the erosion controls. AIF 5-0

4. 126 Arnold Road – NOI-Clear cut a wooded lot to convert to agricultural use- DEP File #300-1094

- Owner/Applicant: Matt Sosik Representative: N/A
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
- Jurisdiction: Riverfront Area, Buffer Zone
- Project Summary:
 - The applicant is proposing to clear-cut and stump the property as shown on the plan. The site will be loamed and seeded. Proposed plantings, as noted on the plan, including wine grapes, orchard fruit trees and a meadow/hayfield.
- Presentation and Discussion:
 - DEP noted in their comments that an alternative analysis would be required for work within the riverfront. The Agent clarified that this analysis is not required.
 - Revised plan were presented which show changes to the buffer and limit of work. The plans were received past our deadline and could not be completely reviewed by the Commission.
 - The Agent recommended the more detailed are provided on the agricultural use of the property so all the buffer zone protections can be explored.
 - Commission comments- Mark all trees form removal and stay clear of the 100 ft buffer. Protecting of the wetlands will depend on the execution of the project, please provide the Commission detailed plans on how this will take place. If the plan is to take the property out of Chapter land, the 200 ft riparian should be restored.
 - The project will need to be phased, as to limit to impact to the resource area.
 - The applicant would like to cut most trees near the stone wall in area C on the plan up to the 25 ft no touch.
- Public Comments
 - None
- Vote: The Commission voted to continue the hearing to May 4, 2021. AIF 5-0

5. 122 Main Street – continued NOI – Redevelopment of a Gas Station/Convenience Store -- DEP File #300-1093

- Owner/Applicant: Swaminarayan Realty Representative: S. Gioiosa, SITEC
- Request: Issue an Order of Conditions.
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Summary Update:
 - This project was discussed at the March 2, 2021 meeting. The SCC requested additional information and to review the additional storm-water management.
- Presentation and Discussion:

- DEP comments need to be addressed by the representative.
- Applicant provided the Commission with of overview of the storm-water management plan.
- The Commission has some concerns with the current design and increased pumps near the resource area.
- The site has many challenges, the commission discussed that third party engineering should be explored considering the applicant installed fuel tanks without input from this commission.
- The Agent provided the following recommendations:
 - O & M plan to be revised to include new BMP's
 - Proper erosion controls needs to be installed as shown on the plan.
 - Commission should visit the site.
- The commission is requesting a 3rd party to review the site and provide alternative plans for the placement of the fuel tanks.
- Public Comment:
 - none
- Vote: On a motion of D. Barnicle, 2nd by E. Gaspar the Commission vote to continue the hearing to May 4, 2021, and authorize staff to pursue peer reviews for the engineering of the site. AIF 5-0

6. 57 Caron Road – NOI –Addition to a SFH and landscape improvements-DEP file #300-1097

- Owner/Applicant: Jesse and Jennifer Causabon Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions
- Documents Presented: Colored site plans
- Jurisdiction: Buffer Zone
- Project Summary
 - Applicant is proposing a house addition, the removal of an existing garage, pervious walkways and patio and the removal of impervious surfaces.
- Presentation and Discussion
 - The commission very favorable to this project- a lakefront home addition along with many landscape improvements.
 - DEP had no comments on the project.
 - The Agent recommends approval for the NOI and comments that the project will result in improvements over the existing conditions.
- Public Comments:
 - None
- Vote: On a motion of E. Gaspar, 2nd by DB the commission vote to close the hearing. AIF 5-0
 - On a motion of D. Barnicle, 2nd by S. Halterman the commission vote to approve the Notice of Intent for 57 Caron Road with removal of the swales and issue the standard conditions. AIF 5-0

7. 20 Cedar Lake Drive –continued NOI – Raze and rebuild of a SFH and shoreline wall restoration – DEP File #300-1096

- Owner/Applicant: Brain and Sarah Oxman Representative: L. Jalbert, Jalbert Engineering.
- Request: Issue Order of Conditions.
- Documents Presented: Updated colored site plans, sketch images
- Jurisdiction: Bank, BLSF, Buffer Zone
- Project Status Summary:
 - This project was last discussed at the March 16, 2021 meeting. Project was continued to provide applicant opportunity to revise the plans, with less impact within the 50-ft buffer zone
- Presentation and Discussion
 - The applicant revised the plan, pulling the project completely out of the 25-ft buffer zone.
 - The shoreline wall plan has many improvements which the Agent feels will benefit the site and is the best solution for this project and will not require a habitat assessment.
 - The Shoreline restoration will now include coir logs, coir mats and plantings. Some sections will include a stone base where there is more wave action and subject to erosion.
- Public Comment:
 - None.
- Vote: On a motion of S. Halterman, 2nd by E. Gaspar the commission vote to close the hearing. AIF 5-0

- On a motion of D. Barnicle, 2nd by S. Halterman the commission approve the Notice of Intent for 20 Cedar Lake Drive with the issuance of a waiver and SCC standard conditions and special conditions provided by the Agent. AIF 5-0

8. 650 and 680 Route 15 – continued NOI – Proposed development of a Nursery and Tree Farm to include a perennial stream crossing- DEP File #300-1092

- Owner/Applicant: Mark Kubricky, Landing Rock LLC Representative: P. Engle, McClure Engineering
- Request: Issue OOC
- Documents Presented: N/A
- Jurisdiction: Riverfront Area, Bank, Land Under Water, BLSF, BVW, Buffer Zone
- Project Status Summary: The project was discussed at the last meeting March 16, 2021. The Commission requested peer review for storm-water compliance and a wetland/wildlife consultation.
- Discussion:
 - The Agent recommended Oxbow Associates and Graves Engineering for the peer review.
 - The commission agrees with the staff recommendation and the applicant is accepting of a continuation to May 4th.
- Public Comments:
 - None
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to continue this hearing to May 4, 2021, and offer the peer review to the following firms: Oxbow Associates and Graves Engineering. AIF 5-0

9. 231, 233, & 235 Cedar Street– continued ANRAD – DEP File #300-1090

- Owner/Applicant: Michael and Gail Young Representative: P. McMantus, EcoTec
- Request: Issue ORAD
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: ANRAD was discussed at the previous meeting. Review of the ANRAD was continued to allow for additional information and support delineation as shown.
- Presentation and Discussion:
 - The Applicant is seeking a continuation to the May 4, 2021 meeting.
- Public Comments:
 - None
- Vote: Vote to continue the hearing to May 4, 2021. AIF 5-0

10. 566 Route 15 – continued SWB NOI – construction of new SFH, and associated site work

- Owner/Applicant: Silver Tree Realty Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: This project was continued from the previous meeting to provide the applicant time to file an ANR with the Planning Department and be recorded.
- Presentation and Discussion:
 - The lot has been recorded and assigned an address.
 - Agent recommends approval
- Public Comments:
 - None
- Vote: On a motion by D. Barnicle, 2nd by E. Gaspar the commission vote to close the Public Hearing for 566 Route 15. AIF 5-0
 - On a motion of D. Barnicle, 2nd by E. Gaspar the commission approve the SWB Notice of Intent for 566 Route 15 with the SCC standard conditions. AIF 5-0

11. 150 Charlton Road – continued ANRAD –DEP file #300-1088

- Owner: Cobra Realty Trust Applicant: Jeremy Procon, Interstate Towing Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions

- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: This project was continued from the previous meeting after a request from the commission for a peer review to verify all wetlands on site.
- Presentation and Discussion:
 - Three firms provided proposals for the peer review, the Agent recommends GZA Associates.
 - The commission agrees with the Agents recommendation.
- Public Comments:
 - None
- Vote: On a motion by S. Halterman, 2nd by D. Barnicle the commission vote to approve GZA to conduct the peer review at 150 Charlton Road. AIF 5-0
 - On a motion of D. Barnicle, 2nd by S. Halterman the commission continue the Public Hearing to May 4, 2021 AIF 5-0

12. 118 Leadmine Lane – continued NOI –Construction of a SFH, well and septic system-DEP file #300-1073

- Owner: G. Kellahe Applicant: A. Kellahe Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions
- Documents Presented: N/A
- Jurisdiction: Buffer Zone, IVW
- Project Status Summary: This project was last discussed at the 2-2-21 meeting and since continued. The project was continued from the previous meeting to allow time for the new representative time to revise the project based on the SCC comments.
- Presentation and Discussion:
 - The Agent recommends continuing this Hearing out to June 1, 2021. This will allow the applicant enough time to bring the site into compliance and address the Enforcement Order.
 - The representative agrees with the timeline given and allows a continuation.
- Public Comments:
 - None
- Vote: On a motion by D. Barnicle, 2nd by E. Gaspar the commission vote to continue the Public Hearing for 118 Leadmine Lane to June 1, 2021. AIF 5-0

13. 91 Clarke Road – continued NOI –Construction of a SFH, well and septic system-DEP file #300-1095

- Owner: Jane Simpson Applicant: Randy Bercume Representative: S. Morrison, EcotTec
- Request: Issue Order of Conditions
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: This project was last discussed at the 3-16-21 meeting and since continued. The project was continued from the previous meeting to allow time for an additional site visit due to previous snow cover and for the ANR plan to be recorded.
- Presentation and Discussion:
 - The Agent received written correspondence that the applicant would not request a continuation and the commission vote on the project based on the information provided.
 - The commission and Agent did a 2nd site visit since the last discussion and would need more information from the representative on the wetland delineation.
- Public Comments:
 - None
- Vote: On a motion by D. Barnicle, 2nd by S. Halterman the commission vote to close the Public Hearing for 91 Clarke Road and deny the project based on lack of information. AIF 5-0

II. WETLANDS DECISIONS

14. 17 South Road –SWB Letter Permit-Construction of a house addition

- Owner/Applicant: Mikal Carrier Representative: N/A
- Request: Approve work within buffer zone

- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Summary: This is addition in an established yard with the 200-ft buffer zone.
- Presentation and Discussion:
 - This project is in the outer buffer zone within an established lawn. The Agent has no concerns with this project and no erosion controls will be needed.
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the commission vote to approve the SWB permit for 17 South Road. AIF 5-0

15. 91 Cedar Street-SWB Letter Permit Application-Installation of an above-ground pool

- Owner/Applicant: Jennah Trueman Requester: N/A
- Request: Issue Letter Permit
- Documents Presented: sketch drawing
- Presentation and Discussion:
 - The installation of the pool is within the buffer zone to a BVW. The wetland is off-site approx. 70 ft from the work area. Straw wattles should be placed between the limit of work and the wetland and no pool water should be discharged in a resource area.
- Vote: Vote to approve the SWB Letter Permit for 91 Cedar St. AIF 5-0

16. 21 Bennetts Road-Request for Certificate of Compliance-DEP File #300-928

- Original Applicant/Permit Holder: David Zonia Requester: same
- Request: Issue Certificate of Compliance
- Documents Presented: Request for COC/Engineer's As-built
- Project Summary:
 - During a Title search, it was discovered that a COC was never issued for this project.
- Presentation and Discussion:
 - The applicant requested a COC for the project and the permit required an as-built drawing by an engineer.
 - The Agent preformed a site visit; and Bertin Engineering provided an as-built and letter of compliance. The Agent recommends issuance of the CoC as requested.
- Vote: Vote to issue the Certificate of Compliance for 21 Bennetts Road, DEP File#300-928, AIF 5-0

III. ADMINISTRATIVE DECISIONS

17. Minutes of 3/2/21 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the commission vote to accept the 3/2/21 minutes as written. AIF 4-0-1(Barnicle Abstain)

UPDATES

IV. OLD BUSINESS

18. 205B and 205C Podunk Pike Enforcement Order

S. Chidester recused himself from this discussion

- Documents Presented: N/A
- Project Status Summary: At the March 2, 2021 meeting, the SCC discussed this outstanding EO. The SCC provided the Violators an additional time to come into compliance. A letter was issued on March 16, 2021 providing the Property Owners an additional 21 days to come into compliance or the matter may be referred to legal counsel and/or fining may begin.
- Discussion
 - The Agent recommends seeking assistance from Town legal counsel on this matter since out letters were returned unaccepted. The letters were resent regular mail and sent electronically to the Owners and their Representatives.
 - D. O'Neil-Is requesting time to respond to the letter in writing, he insures the Commission this will be completed by the next meeting.
 - R. Jennings-Summit Engineering is working on finishing plans to pull the trails out of jurisdiction and will be provided to the Conservation office within the week.
 - The Agent reminded the Owner and Representative of the deadlines for the May 4, 2021 meeting(April 27, 2021)

- Vote: On a motion of E. Goodwin, 2nd by S. Halterman, the commission vote to allow the property owner additional time to answer the letter sent on March 16th. AIF 4-1(Chidester)

19. 118 Leadmine Lane, Enforcement Order DEP File # 300-684

- Documents Presented: N/A
- Project Status Summary
 - See # 12

20. Enforcement Policy Discussion

- Documents Presented: draft Enforcement Policy
- Discussion: The commissioners were provided the draft for review prior to the meeting and would like Town Counsel to review the draft for comments and concerns.
- Vote: On a motion of D.Barnicle, 2nd by E. Gaspar the commission vote to send the draft Enforcement Policy to KP Law for review and comment. AIF 4-1(Goodwin)

V. ADMINISTRATIVE UPDATES

21. Committee Updates

- CPA: Discussion regarding the Fiske Hill property
- Trail Committee: Next meeting 3-11-21-more discussion on inquiring Fiske Hill property
- Open Space Committee: N/A
- Lakes Advisory Committee: N/A

VI. NEW BUSINESS

22. Landfill Discussion

- A few projects sites along Hammet Brook comments to the Agent about discoloration in the water. The origin of the water appears to be near the landfill. The commission would like to work with the Board of Health on the historic data of the monitoring well in the area and get some samples tested near the landfill.

23. Agent's Report

- Since our last meeting the Agent was made aware of work at 28 Camp Road. After a site visit a cease and desist was issued. The site has been stabilized and erosion controls are now in place.
- Next Meeting Date: 5-4-21 Site Visits: 4-27-21

ADJOURN at 9:39 pm Motion by S. Chidester, 2nd by S. Halterman. AIF 5-0