

# CONSERVATION COMMISSION MINUTES

Date: May 4, 2021  
Time: 6:00 -10:08 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.

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## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 93 Shore Road –RDA – Landscape Improvements

- Owner/Applicant: Tim Bonin      Representatives: Ground Effects
- Request: Seeking a negative DET
- Documents Presented: colored site plans, site photos
- Jurisdiction: Buffer Zone
- Project Summary
  - The project includes construction of a pervious patio and retaining wall within an existing developed lawn of a SFH lot.
- Presentation and Discussion:
  - This project is within the 100 ft buffer zone.
  - All work is within an established yard.
  - There is no tree removal planned with this project, the homeowner plans a pervious patio and bench seating.
- Public Comment:
  - None
- Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission close the hearing, AIF 5-0.
  - On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar, The Commission vote to issue a Negative #3 and Positive #5 Determination for 93 Shore Road with the SCC standard conditions.

#### 2. 59 Bennetts Road – NOI – Raze and Rebuild of a SFH, septic system, well, & associated site work

- Owner/Applicant: Dale Perry      Representatives: L Jalbert, Jalbert Engineering
- Request: Issue Order of Conditions.
- Documents Presented: colored plans, site photos
- Jurisdiction: Buffer Zone
- Project Summary
  - The project including razing of a seasonal cottage and the construction of a three story single family home, installation of well and septic system within the buffer zone of a Bank and LUW and buffer zone of a BVW.
- Presentation and Discussion:
  - This project consists of tearing down a cottage on Leadmine Pond and rebuilding with installation of a septic system and well and parking area. There are wetlands located on the opposite side of Bennetts Road.
  - A site visit occurred on Tuesday April 27<sup>th</sup>.
  - The Commission would like clarification on the following items: Which trees will be affected during construction? Where is the parking located?
  - The applicant will need to request and receive a variance from the Board of Health to install a well and septic system on the property. They will also need permission from ZBA since the home is proposed 14.7 ft from the road vs the 30 ft required.



#### 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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- The Representative provided the commission information on the parking area on the septic tank (allowed use). The commission would need to approve a waiver to allow the house within the 50 ft buffer zone.
  - The applicant will clarify the tree removal required and footprint of the house for the next Hearing.
  - Public Comments:
    - None
  - Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by S. Halterman the Commission vote to continue the Public Hearing for 59 Bennetts Road to June 15, 2021. AIF 5-0
- 3. 28 Camp Road and 704 Main Street-NOI-Construction of a new SFH and associated site work-DEP File #300-1101**
- Owner/Applicant: Virgil Van Gervan      Representatives: M. Farrell, Green Hill Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: colored plans & site photos
  - Jurisdiction: Buffer Zone
  - Project Summary
    - The construction of two driveways, a single-family house and the installation of a well and septic system within the buffer zone of Bank and LUW and the buffer zone to a BVW.
  - Presentation and Discussion:
    - The current plan presented does not include all work discussed or planned for the project.
    - There appears to be additional resource areas that are not shown on the current plan.
    - The Agent recommends continuing the Hearing the June 1<sup>st</sup> to allow the applicant more time to update the plan to include all work proposed within the resource areas.
  - Public Comment:
    - none
  - Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission continue the Public Hearing for 28 Camp Road & 704 Main Street to June 1, 2021. AIF 5-0
- 4. 238 Walker Road – NOI-Construction of a new SFH and associated site work- DEP File #300-1100**
- Owner/Applicant: John Cloutier      Representative: M. Farrell, Green Hill Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: colored plans
  - Jurisdiction: Buffer Zone
  - Project Summary:
    - The applicant is proposing to construct a single- family house, installation of a well and septic system on a forested lot.
  - Presentation and Discussion:
    - The NOI did not reflect that the lot is within Priority Habitat, the applicant needs to submit the plan to Natural Heritage for review before the commission’s approval.
    - A site visit was performed on April 27<sup>th</sup>.
    - The Agent recommended that the engineer revise the plans to reflect the discussions at the site visit.
    - The spoils from the foundation should be trucked off-site to limit the impact on the resource area. To be noted on the plan.
  - Public Comments
    - None
  - Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar, the Commission voted to continue the public hearing to June 1, 2021 for 238 Walker Road. 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: n/a
  - Jurisdiction: Buffer Zone
  - Project Summary Update:
    - This project was last discussed at the April 6, 2021 meeting. The SCC requested a peer review to review the site and review the additional storm-water management.
  - Presentation and Discussion:
    - Agent did a quick site visit this week with the representative and contractor.

- The representative addressed concerns of the Commission before a peer review takes place; updated plans were reviewed briefly although they were submitted past our deadline.
- The site has many limiting factors including ledge on site and steep grade.
- 3 RFPs were sent out and two proposals were provided to the commission to review, both firms are capable of reviewing the project. Sherman and Frydryck have a faster turnaround and better price.
- Public Comment:
  - none
- Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the Commission vote to continue the hearing to June 1, 2021, and authorize Sherman and Frydryck to peer review the project at 122 Main Street. AIF 5-0

**6. 104 Westwood Drive – NOI –Shoreline wall and Landscape Improvements-DEP file #300-1099**

- Owner/Applicant: Steve Hennigen Representative: M. Thibeault, Landscape Evolution
- Request: Issue an Order of Conditions
- Documents Presented: Colored site plans & site photos
- Jurisdiction: Buffer Zone
- Project Summary
  - Applicant is proposing an upland boulder retaining wall, a permeable pavers patio located adjacent to the bank, stone steps and planting areas.
- Presentation and Discussion
  - The project is proposed in a developed steep lawn area on Cedar Lake.
  - The current NOI did not include work done to the shoreline wall and installation of a new seasonal dock.
  - The Agent recommends continuing the hearing to allow the applicant time to revise the filing to include to missing items and design calculations.
  - After discussion the Commission will not require an engineered plan, a sketch drawing with the buffer zones designated and all work completed and proposed included.
  - Representative added that a flat pervious patio area would improve drainage vs runoff to the lake.
- Public Comments:
  - None
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by S. Halterman the commission vote to continue the hearing for 104 Westwood Drive to June 1, 2021. AIF 5-0

**7. 34 Cedar Street –NOI – Construction of a new single family home and associated site work – DEP File #300-XXXX**

- Owner: Robert Zimmerman Applicant: Kenneth Mollicone Representative: J. Tallman, SITEC
- Request: Issue Order of Conditions.
- Documents Presented: colored site plans, site photos
- Jurisdiction: Buffer Zone
- Project Status Summary:
  - This applicant is proposing to construct a single-family house and associated appurtenances on a primarily forested lot.
- Presentation and Discussion
  - Site visit on April 27, 2021. Commission would like flagging near the Burgess School driveway to be looked at again.
  - The side-slopes of the lot drop off and drain into the wetland areas, alterations to this area should be avoided.
  - The limit of work is currently shown 26 ft from the wetland flags.
  - Agent recommends updating the plan to address wetland flagging, grading and work within 26 ft of the resource areas.
- Public Comment:
  - None.
- Vote: On a motion of S. Halterman, 2<sup>nd</sup> by E. Gaspar the commission vote to continue the hearing for 34 Cedar Street to May 18, 2021. AIF 5-0

**8. 126 Arnold Road – continued NOI –Clear cut a wooded lot to convert to agricultural use- DEP File #300-1094**

- Owner/Applicant: Matt Sosik Representative: N/A
- Request: Issue OOC
- Documents Presented: updated colored site plans, letters from abutters
- Jurisdiction: Riverfront Area, Bank, Buffer Zone

- Project Status Summary: The project was discussed at the last meeting April 6, 2021. The Commission requested additional information in the form of revisions to the project plans.
- Discussion:
  - The Applicant made changes to the plan based on the commission's comments at the last meeting.
  - SWPPP was submitted to EPA for the project.
  - The Agent recommends approval of the project as long as the Commission is satisfied with the revisions to the plan.
- Public Comments:
  - A letter was submitted from the abutters to the Commission prior to the meeting.
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the hearing for 126 Arnold Road. AIF 5-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by D. Barnicle the commission vote to approve the Notice of Intent, DEP file #300-1094 and issue standard Order of Conditions including the Agents comments and special conditions. AIF 4-0-1(Chidester)

**9. 30 Main Street & 20 Fiske Hill Road– continued NOI –Development of a residential and commercial cul-de-sac and associated site work- DEP File #300-1086**

- Owner/Applicant: Matt Sosik      Representative: P. Engle, McClure Engineering
- Request: Issue OOC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: NOI was continued to allow time for vernal pool survey and plan revisions.
- Presentation and Discussion:
  - A written request was received by the Applicant, seeking a continuation to the May 18, 2021 meeting.
- Public Comments:
  - None
- Vote: On a motion from D. Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to continue the hearing to May 18, 2021. AIF 5-0

**10. 650 & 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: M. Kubricky, Landing Rock      Representative: P. Engle, McClure Engineering
- Request: Issue Order of Conditions
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: This project was continued to allow time for a peer review for storm-water compliance and compliance with the WPA and SWB. Peer review has been authorized to start.
- Presentation and Discussion:
  - Written request was received by the applicant to continue this Hearing until May 18, 2021.
- Public Comments:
  - None
- Vote: On a motion by D. Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to continue the Public Hearing for 650 & 680 Route 15 to May 18, 2021. AIF 4-0-1(Goodwin stepped away from the meeting during this vote)

**11. 231, 233, & 235 Cedar Street – continued ANRAD –DEP file #300-1090**

- Owner/Applicant: Michael and Gail Young      Representative: P. McManus, EcoTec
- Request: Issue ORAD
- Documents Presented: colored site plans, EcoTec Letter dated 4/20/21
- Jurisdiction: Buffer Zone
- Project Status Summary: This project was continued from the previous meeting to allow for submission of additional information to support delineation as shown.
- Presentation and Discussion:
  - Originally three lots were proposed for development, the owner is only interested in moving forward with lots 5 and 7.

- The Agent recommends finishing the work to restore the BVW from the original DEP order before issuing the ORAD they are seeking.
- The applicant agrees to get the site in compliance including work on his own lot, 237 Cedar Street.
- A continuation is needed to allow time for the applicant to file with the Commission for the restoration work. An NOI is to be filed to complete the work.
- Public Comments:
  - None
- Vote: On a motion by S. Halterman, 2<sup>nd</sup> by D. Barnicle the commission vote to continue the hearing for 231, 233, and 235 Cedar Street to August 3, 2021. AIF 5-0

**12. 30 River Road – Request to Amend an OOC –DEP file #300-1021**

- Owner/Applicant: RV Management      Representative: S. Morrison, EcoTec
- Request: Amending current OOC
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Project Status Summary: The applicant is requesting approval of amended plans, which reflect storm-water modifications on site completed to date to address the Enforcement Order.
- Presentation and Discussion:
  - The representative provided as-built plans and is looking for the Commission to approve these plans.
  - Natural Heritage provided one letter for both the Amendment to the current OOC and the new NOI.
  - The applicant provided letters from both the Contractors and Lenard Engineering supporting the installation of the infiltrators mostly per plan.
  - Applicant will finish the planting schedule per plan by the fall.
  - S. Morrison, EcoTec is requesting a meeting with the Agent to finalize this portion of the project.
  - The agent recommends a plan revision to show the bridge and restoration areas.
- Public Comments:
  - None
- Vote: On a motion by D. Barnicle, 2<sup>nd</sup> by S. Halterman the commission vote to continue the Public Hearing for 30 River Road, DEP File#300-1021 to May 18, 2021. AIF 5-0

**13. 30 River Road – NOI –Additional work to complete the site-DEP file #300-XXXX**

- Owner/Applicant: RV Management      Representative: S. Morrison, EcoTec
- Request: Issue Order of Conditions
- Documents Presented: colored site plans, Plantings table w/letter dated 2/11/21, & Mitigation Planting Plan
- Jurisdiction: Buffer Zone
- Project Status Summary: This project is the result of a previous filling that needs additional work to complete the site. Work to include: installation of water quality swale at outlet 6; restoration of on-site stream and removal of the temporary dam, completion of mitigation planting and removal of the asphalt grindings in the vicinity of the pool.
- Presentation and Discussion:
  - At the site visit on 4.27.21 the three areas of the site discussed were outlet #6, parking area by the pool and the “duck pond” restoration.
  - Stream restoration will occur by hand and the applicant will work with Natural Heritage on a plan after they provided feedback on the project.
  - The asphalt millings were removed from the pool parking area and replaced with hard packed gravel. Grass was proposed and the plan will be updated to reflect the change.
  - There was discussion at the site visit on the location of the discharge #6, the representative is looking to get additional infiltration in that location. Clarification is required if the swale is going in occurring to plan.
  - Representative was questioned why offsite wetlands are not proposed to be restored as outlined in the EO. SM-it was his understanding that restoration was only to clean-up upstream of River Road. SH-did not believe the commission ever took off-site restoration off the table which is outlined in the EO.
- Public Comments:
  - None

- Vote: On a motion by E. Gaspar, 2<sup>nd</sup> by S. Halterman the commission vote to continue the Public Hearing for 30 River Road to May 18, 2021. AIF 5-0

**14. 150 Charlton Road– continued ANRAD – DEP File #300-1088**

- Owner: Cobra Realty Trust                      Applicant: J. Proton, Interstate Towing                      Representative: G. Krevosky, EBT Environmental
- Request: Issue ORAD
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Status Summary: The SCC requested additional information in the form of a peer review for wetland delineation. Peer review was selected and has recently been authorized to start.
- Presentation and Discussion:
  - A written request was received by the Applicant, seeking a continuation to the May 18, 2021 meeting.
- Public Comments:
  - None
- Vote: On a motion from D. Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to continue the hearing to May 18, 2021. AIF 5-0

**II. WETLANDS DECISIONS**

**15. Cedar Lake –Request for Minor Project Modification-DEP File#300-726**

- Original Applicant: Cedar Lake Association    Requester: Solitude
- Request: Modify OOC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: This is a request for change of chemical for weed control in Cedar Lake.
- Presentation and Discussion:
  - The Agent recommends approval for a one- time extension. It is necessary to file a new NOI for revised management strategies as the permits are approx. 20 years old.
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to approve the request for modification to the OOC for DEP File #300-726 including the additional treatment. AIF 5-0

**16. Walker Pond-Extension Request-DEP File#300-925**

- Original Applicant: Dominic Meringolo    Requester: Solitude
- Request: Extend OOC
- Documents Presented:
- Project Summary: This is a request for three year extension for weed control in Walker Pond.
- Presentation and Discussion:
  - The Agent recommends approval for this three year request, this should be the last extension, a new NOI needs to be filed for revised management strategies.
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to approve the extension for DEP File #300-925 for three years. AIF 5-0

**17. 15 Old Hamilton Road-Request for Tree Removal**

- Owner/Applicant: Randy Daniels    Requester: N. Jolin, Robinson Tree
- Request: Issue SWB letter permit
- Documents Presented: Site photos
- Project Summary:
- Presentation and Discussion:
  - The arborist report was provided to the commission prior to the meeting.
  - The Agent recommends approval as requested.
- Vote: Vote to approve the tree removal for 15 Old Hamilton Road.AIF 5-0

**18. 4 Crescent Way-Request for Tree Removal**

- Owner/Applicant: Joan Rougemont    Requester: same
- Request: Issue SWB letter permit

- Documents Presented: Site photos
- Project Summary:
- Presentation and Discussion:
  - The applicant is asking to remove two trees that are dropping limbs on the patio and roof. They are not dead or dying but the Agent confirmed that they are a safety concern.
  - The Agent recommends approval as requested.
- Vote: Vote to approve the tree removal for 4 Crescent Way. AIF 4-0-1(Barnicle) Abstain

**19. 10 Crescent Way-Request for Tree Removal**

- Owner/Applicant: Janet and Stephen Reed Requester: same
- Request: Issue SWB letter permit
- Documents Presented: Site photos
- Project Summary:
- Presentation and Discussion:
  - The applicant is asking to remove one pine tree that recently split and dropped limbs. The tree is not dead or dying but the Agent confirmed that it is a safety concern.
  - The Agent recommends approval as requested.
- Vote: Vote to approve the tree removal for 10 Crescent Way. AIF 4-0-1(Barnicle) Abstain

**III. ADMINISTRATIVE DECISIONS**

**20. Land Use Request-Leadmine-Clark University**

- Project Description: Applicant is asking to place audio recorders on Leadmine property to study insect and bird communities, there will be no change to the land or use. The recorded device will be loosely chained to trees. The commission requests data sheets or the completed project.
- Vote: On a motion of D Barnicle, 2<sup>nd</sup> by E. Gaspar the commission vote to approve the use of Leadmine property. AIF 5-0

**21. Land Use Request-Plimpton Property-Hamilton Rod and Gun Club**

- Project Description: The HRGC is requesting the property use with the same conditions as 2019. UTV's are only to be used moving targets. Applicant is asking to clear large downed trees off the trails as well.
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by S. Halterman the commission vote to approve the use of Plimpton property and clear downed trees in trails. AIF 5-0

**22. Minutes of 4/6/21 to be approved**

- Documents Presented: draft minutes
- Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by S. Halterman the commission vote to accept the 4/6/21 minutes as written. AIF 5-0

**UPDATES**

**IV. OLD BUSINESS**

**23. 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. At the last meeting (4/6/21) representatives of 508 International informed the commission that a plan will be submitted to address the EO.
- Discussion
  - The Agent recommends tabling the discussion to the 5-18-21 because the applicant did not make the deadline for the commission to review documents.
  - The commission is frustrated with the continuous delays to complete this project.
  - If the information needed by this Commission is not received by end of day Tuesday May 11, 2021, the Agent will send this matter to Town Counsel.



- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by E. Goodwin, the commission vote to continue the conversation on the EO for 205B and C Podunk Pike to May 18, 2021, AIF 2-2-1(Barnicle, Halterman, Opposed) (Chidester Absent) MOTION FAILS
- On a motion of D. Barnicle, 2<sup>nd</sup> by S. Halterman, the commission vote to continue with the Agent's April 6<sup>th</sup> recommendation that the matter for 205 B and C Podunk Pike is sent to Town Counsel. AIF 2-2-1(Goodwin, Gaspar, Opposed) (Chidester Absent) MOTION FAILS
- On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar, the commission vote to continue the discussion on the EO for 205B and C Podunk Pike to the May 18, 2021 meeting and if information is not received by May 11, 2021 by end of business, the Agent sends the matter immediately to Town Counsel. AIF 4-0-1 (Chidester Absent)

**24. 118 Leadmine Lane, Enforcement Order DEP File # 300-684**

- Documents Presented: N/A
- Project Status Summary
  - Restoration is complete but the report was not completed in time for this meeting.

**V. ADMINISTRATIVE UPDATES**

**25. Committee Updates**

- CPA: Meeting May 11, 2021
- Trail Committee: Earth Day clean was a great success, Trails chairperson wants to meet with the Agent to walk the Riverlands property, and the Plimpton property has recently been mowed
- Open Space Committee: N/A
- Lakes Advisory Committee: N/A

**VI. NEW BUSINESS**

**26. Westville Dam Master Plan-Letter**

- The Agent reviewed a letter from the Army on the master plan for Westville Dam; it mostly contained administrative changes.

**27. Agent's Report**

- The COB build was closed by BOS and Conservation Staff will work remotely until May 17, 2021. At the next BOS meeting, they will decide on an opening plan for the building.
- The DOT will begin a culvert replacement in front of Yankee Peddler starting May 10, 2021.
- The Agent continues to monitor Beaver issues on Wells Park Road and behind Empire Village Main Street.
- In the next month, staff would like to consider fee adjustments for multiple applications.
- Next Meeting Date: 5-18-21      Site Visits: 5-11-21

**ADJOURN at 10:08 pm Motion by S. Chidester, 2<sup>nd</sup> by E. Gaspar. AIF 5-0**