

CONSERVATION COMMISSION MINUTES

Date: June 1, 2021
Time: 6:00 -8:09 pm
Place: Hybrid Meeting Veterans Hall
<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. 76 South Shore Drive –RDA – Installation of a permanent floating raft

- Owner/Applicant: Peter Mimeault Representatives: none
- Request: Seeking a negative DET
- Documents Presented:
- Jurisdiction: Buffer Zone, LUW, Bank
- Project Summary
 - Applicant has requested Chapter 91 approval to leave an existing floating dock in the water year round. The floating dock will be anchored by weights, which will rest on the lakebed. MA DEP requests documentation of Commission approvals.
- Presentation and Discussion:
 - This applicant currently has a dock and ramp on the bank of South Pond.
 - The Agent recommends approval.
 - The Commission requests the ropes holding the raft in place are long enough to allow for changing water levels.
- Public Comment:
 - None
- Vote: On a motion of S. Halterman, 2nd by E. Gaspar the Commission close the hearing, AIF 5-0.
 - On a motion of S. Halterman, 2nd by E. Gaspar, the Commission vote to issue a Negative #3 and Positive #5 Determination for 76 South Shore Drive with the SCC standard conditions. AIF 5-0

RV Management Services, Enforcement Order, DEP File #300-1021

After a discussion at length during the last meeting, the Commission requested the discussion on the Enforcement Order be place prior to the Public Hearings on this property.

- The Owner, Phil Moreau was unable to attend the meeting but the representative, Scott Morrison and the Attorney George Kristy spoke to the Commission on his behalf.
 - S. Morrison reported that after a long weekend of rain the site discharged very little. He continues to test the water turbidity on site and the results show no impact.
 - Work on the Enforcement Order continues on site and through the Amendment request and NOI before the Commission. The property owner is willing to continue the same work off-site to satisfy the E.O within the stream.
 - The Commission wants an assessment by a 3rd party professional to fully understand the impacts to off-site resource areas including the off-site pond.
 - The Commission discussed referring the matter to Town Counsel since the applicant is not willing to complete the work required to satisfy the entire Enforcement Order including off-site resource area impacts.
- Vote: On a motion of E. Goodwin, 2nd by D. Barnicle the Commission vote to refer the Enforcement Order for 30 River Road or non-compliance to Town Counsel and ask for DEP assistance. AIF 4-1(Gaspar).



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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2. 30 River Road-Request to Amend an OOC- DEP File #300-1021

- Owner/Applicant: RV Management Representatives: S. Morrison, EcoTec
- Request: Amending current OOC
- Documents Presented: n/a
- Jurisdiction: n/a
- Project Summary
- Presentation and Discussion:
 - Agent recommend approval of the amendment; this is for work already instituted on site. The final as-built should be provided after all Orders of Conditions are complete.
 - DB reminded the representative that Pine Lake agreed to provide this Commission a report after every significant storm. There have been many days of multiple inches of rain but there have been no reports.
 - S. Morrison will provide the commission with the turbidity reports he has done.
- Public Comments:
 - None
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to close the Public Hearing for 30 River Road.(Amendment Request) AIF 5-0
 - On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to Amend to Orders of Conditions for DEP #300-1021, 30 River Road. AIF 5-0

3. 30 River Road-continued NOI—All work to complete the site-DEP File #300-1102

- Owner/Applicant: RV Management Representatives: S. Morrison, EcoTec
- Request: Issue an OOC
- Documents Presented: n/a
- Jurisdiction: n/a
- Project Status Summary
 - Project was continued from the previous meeting. The proposed work includes: 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. Revised plans and narrative submitted
- Presentation and Discussion:
 - The Agent recommends approval with the Natural Heritage comments along with the following other conditions:
 - Standard OOC conditions.
 - Include NHESP Comments.
 - An erosion control blanket shall be installed over exposed areas of the duck pond to exposed surfaces until the seed germination and stabilization. This is necessary as high flow events could result in significant erosion. The erosion control blanket shall not contain any nylon netting or nylon mesh backing, which is found to be a hazard to local wildlife.
 - All work including restoration must be completed this year.
 - An independent qualified PWS shall assess the impacted wetland resource areas pre and post cleanup/remediation on the SCC's behalf and provide recommendations on restoration activities to the board. The reviews will include a pre and post site visit and a pre and post report. The SCC shall review the recommendations and provide instruction to the permit holder which shall be incorporated into the remediation activities.
 - The Commission discussed whether the OOC should be approved while the Enforcement Order is not being fully addressed. A court proceeding will likely delay to completion of the on-site part of this project which this NOI will address.
- Public Comment:
 - none
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission close the Public Hearing for 30 River Road(NOI). AIF 4-1(Barnicle)
 - On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to approve the Order of Conditions for DEP file #300-1102 with the conditions provided by the Agent. AIF 3-2(Goodwin, Barnicle)

4. 28 Camp Road – continued NOI-Construction of a new SFH and associated site work- DEP File #300-1101

- Owner/Applicant: Virgil Van Gerven Representative: M. Farrell, Green Hill Engineering
- Request: Issue an Order of Conditions

- Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary:
 - The Hearing as continued to allow the applicant time to address the comments of the first Hearing. A revised plan has not been received.
 - Presentation and Discussion:
 - The applicant provided a written request for continuation of the Hearing until next meeting.
 - Public Comments
 - None
 - Vote: By consensus vote, the Commission vote to continue the public hearing for 28 Camp and 704 Main to June 15, 2021. AIF 5-0
- 5. 238 Walker Road – *continued* 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: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary:
 - The Hearing was continued to allow the applicant time to address the comments of the first Hearing. A revised plan has been received but staff are waiting for BVW sheets and comments from NHESP.
 - Presentation and Discussion:
 - The applicant provided a written request for continuation of the Hearing until next meeting.
 - Public Comments
 - None
 - Vote: By consensus vote, the Commission vote to continue the public hearing for 238 Walker Road to June 15, 2021. AIF 5-0
- 6. 122 Main Street – *continued* NOI – Proposed redevelopment of a Gas Station/Convenience store -- DEP File #300-1093**
- Owner/Applicant: Sawminarayan Realty Representative: S. Gioiosa, SITEC
 - Request: Issue an Order of Conditions.
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary:
 - Project was last discussed on May 4, 2021 and continued to allow for a peer review for storm-water management.
 - Presentation and Discussion:
 - Third party reviewers shared feedback with the Commission.
 - The Applicant shall provide the following:
 - *Long-Term Pollution Prevention Plan (Standard 4)*
 - *An alternative treatment train for the storm-water generated at the fuel islands (Standard 5)*
 - *Redevelopment Checklist (Standard 7)*
 - *Long-Term Operations and Maintenance Plan (Standard 9)*
 - *Illicit Discharge Compliance Statement (Standard 10)*
 - The site plan provided shows improvements to the water flowing into resource areas but S & F believe the checklist would be helpful to justify choice on the plan.
 - The Representative was not present at the meeting and requested a continuation prior to this meeting.
 - Public Comment:
 - none
 - Vote: By consensus vote, the Commission vote to continue the hearing for 122 Main Street to June 15, 2021. AIF 5-0
- 7. 104 Westwood Drive–*continued* 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: n/a

- Jurisdiction: Buffer Zone, BLSF, LUW & Bank
 - Project Summary
 - Hearing was continued to allow for plan revisions for additional work not included in the original NOI.
 - Presentation and Discussion
 - The applicant provided the additional fees and updated plans for review.
 - The Agent recommends approval of the project, although some work is proposed in the 25 ft buffer zone, the area is very steep and improvements to the area should improve the stability of the slope.
 - The boulder wall cross-section was provided to the commission and they are pleased with the design.
 - Public Comments:
 - None
 - Vote: On a motion of S. Halterman, 2nd by E. Gaspar, the commission vote to close the hearing for 104 Westwood Drive. AIF 5-0
 - On a motion of S. Halterman, 2nd by E. Gaspar, the Commission vote to approve and issue the Order of Conditions for DEP file #300-1099 for 104 Westwood Drive with the Agents conditions. AIF 5-0
- 8. 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: Mark Kubricky, Landing Rock LLC Representative: P. Engle, McClure Engineering
 - Request: Issue an Order of Conditions.
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary:
 - Peer reviews have been finished and reports are ready to present to the Commission.
 - Presentation and Discussion:
 - M. Andrade from Graves Engineering summarized a few important points of his review for the Commission.
 - The Commission preformed a site visit on May 25, 2021
 - Oxbow Associates summarized the findings of their review of the wetlands:
 - Site was not staked out properly so it made for a challenging review, there was also missing flags.
 - The driveway is proposed through a forest while the paved areas on site are not explored.
 - Oxbow agreed with the comments from DEP, the resource area impact data for the alternatives appears necessary.
 - The use of the property in not clearly defined on the plan.
 - The hydrology of the site is difficult to evaluate in the replication areas.
 - The application does meet the MA stream crossing standards.
 - Cold water fishery review should be explored.
 - The Commission appreciated the hard work of the reviewers and looks forward to how the applicant addresses these items.
 - The applicant expressed concern over the timely review for the cold-water fishery.
 - Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by S. Chidester the Commission vote to continue the hearing for 650 and 680 Route 15 to July 20, 2021, . AIF 5-0
- 9. 150 Charlton Road –*continued* ANRAD – DEP File #300-1088**
- Owner: Cobra Realty Trust Applicant: Jeremy Procon Representative: G. Krevosky, EBT Environmental
 - Request: Issue Order of Conditions.
 - Documents Presented: n/a
 - Jurisdiction:
 - Project Status Summary:
 - The hearing was continued to allow time for an additional site visit by the Commission.
 - Presentation and Discussion
 - During the site visit there was discussion whether some spoil piles might be placed on a wetland.

- There was a discussion on how the spoil piles can be removed. The Agent suggests under an Enforcement Order or filing an NOI for restoration.
 - The representative shared that his client is prepared to remove the piles under an Enforcement Order.
 - The back portion of the lot is to be excluded from the ORAD and the plan should reflect that.
 - As an NOI will be forthcoming, the Agent recommends coordination with staff to discuss concept plans for site development prior to fully engineering a plan.
- Public Comment:
 - none
 - Vote: On a motion of E. Gaspar, 2nd by S. Halterman the commission vote to close the hearing for 150 Charlton Road. AIF 5-0
 - On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to issue an ORAD with the Agents notes about spoil piles. AIF 5-0

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

After a discussion at length during the last meeting, the Commission requested the discussion on the Enforcement Order be place prior to the Public Hearings on this property.

- After a site visit at the property the Commission was waiting on a final report of the restoration completed.
 - Staff received some information today after 3 pm.
 - G. Krevosky reports that surveyor delays have held up the project.
- On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to continue the discussion on the Enforcement Order for 118 Leadmine Lane. AIF 2-3(Halterman, Chidester, & Barnicle) MOTION FAILS
 - On a motion of S. Halterman, 2nd by D. Barnicle the Commission vote to refer the matter to Town Counsel and ask for assistance from DEP. AIF 0-5 MOTION FAILS
 - On a motion of E. Gaspar, 2nd by D. Barnicle the Commission vote to continue the discussion on the Enforcement Order for 118 Leadmine Lane to June 15, 2021, if all documentation is not received by the June 8, 2021 deadline the matter will be referred to Town Counsel. AIF 5-0

10. 118 Leadmine Lane –continued NOI - DEP File #300-1073

- Owner: G. Kellaher Applicant: A Kellaher Representative: G. Krevosky, EBT Environmental Consultants
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction:
- Project Status Summary:
 - There is no discussion on this NOI until the Enforcement Order is settled.
- Presentation and Discussion
 - N/A
- Public Comment:
 - none.
- Vote: On a motion of S. Halterman, 2nd by D. Barnicle the commission vote to continue the hearing for 118 Leadmine Lane to June 15, 2021. AIF 5-0

11. 263 New Boston Road – RDA – Seeking determination on wetlands’ status related to areas of pooling (potential vernal pool habitats)

- Owner/Applicant: Kenneth Leblanc Representatives: G. Krevosky, EBT Environmental
- Request: Seeking a negative Determination
- Documents Presented: n/a
- Jurisdiction: n/a
- Project Summary
 - The applicant is seeking site inspection through the RDA to view two wetland areas described in the RDA and see that there are no pooling areas on the lot. The applicant asked for a continuation to provide the Commission with additional information.
- Presentation and Discussion:
 - No new information has been received.
- Public Comments:
 - None

- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to close the Public Hearing for 263 New Boston Road. AIF 5-0
- On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to issue a positive #1 and #5 Determination for 263 New Boston Road. AIF 4-0-1(Barnicle)

II. WETLANDS DECISIONS

12. 150 Charlton Road –Request for Certificate of Compliance

- Original Applicant: William Babineau
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: This request was continued because of outstanding conditions in the permit.
- Presentation and Discussion:
 - Restoration of the site is required to issue a Certificate of Compliance. The Agent recommends issuance of a friendly Enforcement Order to allow applicant to become in compliance with the restoration project. A wetland scientist or environmental engineer should oversee the work.

13. 55 Bennetts Road –Request for Certificate of Compliance

- Original Applicant: Gayle Smith
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: N/A
- Presentation and Discussion:
 - Asbuilt plans were submitted for this request. The agent did a site visit and recommends the engineer updates the plans to document deviations from the original plan. The request will need to be continued to allow the engineer time to complete.

14. 180 New Boston Road –Request for Certificate of Compliance

- Original Applicant: Robert Moss
- Request: Issue a COC
- Documents Presented: N/A
- Jurisdiction: Buffer Zone
- Project Summary: N/A
- Presentation and Discussion:
 - Staff worked with new property owner to address restoration and planting required. The agent recommends issuance of a partial COC for this part of the project since the restoration on this lot was complete.
- Vote: On a motion of S. Chidester, 2nd by S. Halterman the Commission vote to approve a partial Certificate of Compliance for 180 New Boston Road. AIF 5-0

15. Emergency Authorization –Hall Road Culvert

- Original Applicant: Sturbridge DPW
- Request: Ratify issued Emergency Authorization
- Documents Presented:
- Jurisdiction: Buffer Zone
- Project Summary: N/A
- Presentation and Discussion:
 - The Agent worked with the chair to allow DPW to repair the culvert pipe carrying an unnamed perennial stream on Hall Road.
- Vote: On a motion of S. Halterman, 2nd by D. Barnicle the Commission vote to ratify issuance of the Emergency Authorization for the Culvert repair on Hall Road. AIF 5-0

16. Emergency Authorization –Hall Road Beaver Trapping

- Original Applicant: Sturbridge DPW
- Request: Ratify issued Emergency Authorization
- Documents Presented: N/A
- Jurisdiction: Buffer Zone

- Project Summary: N/A
- Presentation and Discussion:
 - The beavers created a dam, which is causing flooding adjacent to a pump station on Hall Road. The area is not suitable for a water flow device and the Agent worked with the chair to issue an emergency authorization to breach the dam on May 21, 2021.
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the Commission vote to ratify issuance of the Emergency Authorization for the beaver dam breach on Hall Road. AIF 5-0

III. ADMINISTRATIVE DECISIONS

17. Minutes of 6/1/21 to be approved

- Documents Presented: draft minutes
- Vote: On a motion of E. Gaspar, 2nd by S. Halterman the commission vote to accept the 6/1/21 minutes as written. AIF 4-0-1(Barnicle)

UPDATES

IV. OLD BUSINESS

18. 205B and 205C Podunk Pike- Enforcement Order

- Documents Presented: N/A
- Project Status Summary: Restoration activities were approved for the site. We have been informed that the bridge structure was removed and asked for permission to seed the areas. We were also notified that no additional activities are occurring on site and a site inspection can be scheduled.
- Discussion
 - The Agent recommends a site visit to document compliance for the site.
- Vote: n/a

19. 27 Ladd Road- Enforcement Order

- Documents Presented: N/A
- Project Status Summary: The SCC provided additional time for the violators to seek compliance with the EO prior to referring the matter to Town of Sturbridge's legal counsel. Additional documentation to seek compliance has been received which includes:
 - Site plans, "Wetland Location Plan at 508 International Sturbridge, MA Prepared for 508 Base, LLC", prepared by Summit Engineering & Survey Inc., last revised 4-29-21; Letter from EBT Environmental Consultants, Inc., dated 5-11-21; Letter from Donald J. O'Neil, dated 5-11-21
- Discussion
 - The representative for 508, Russ Jennings joined the meeting on the public line and requested a site visit to check the restoration areas. The Agent provided a brief overview on what had been provided so far to show restoration and compliance. Staff recommends that a third party walk the site due to the large size of the property and provided feedback to the Commission. Russ Jennings suggests photo documentation for the commission to review instead of a third party.
- Vote: n/a

20. 508 MEPA

- Documents Presented: N/A
- Project Status Summary
 - E. Gaspar was disappointed with the lack of response from MEPA for the project on 205 B and C. The applicant has shared at a Public meeting that the project is over the 25 acre threshold required for a MEPA review. The Commission requests staff write a letter on their behalf to State Representatives and or Senators to assist in requiring assistance from MEPA.

V. ADMINISTRATIVE UPDATES

21. Committee Updates

- CPA: Not met since last meeting
- Trail Committee: N/A
- Open Space Committee: N/A
- Lakes Advisory Committee: N/A

VI. NEW BUSINESS

22. Agent's Report

- Staff went on compliance site visits to check on active projects. Time is needed to commit to the follow up on all the active projects throughout town.
- Next Meeting Date: 6-15-21 Site Visits: 6-8-21

ADJOURN at 9:36 pm Motion by S. Chidester, 2nd by S. Halterman. AIF 5-0