

Sterling Conservation Commission - Public Meeting Minutes

*Meeting Date: October 24<sup>th</sup>, 2023*

*Approved: November 28<sup>th</sup>, 2023*

Members Present In-Person: Barbara Roberti (Chair), Matt Marro, Scott Michalak, Steve Pavlowich, Chris O'Neil

Members Present Virtual: Sue Valentine

Conservation Agent: Bryanna Weigel

Members of the Public Present In-Person: See attached sign-in sheet

Members of the Public Present Virtual: Thomas Boudreau

Meeting Start Time: 6:32 PM

6:32 PM Administrative Matters

6:33 PM Mike Padula, 146 North Row Road, Forest Cutting Plan;

Mike Padula approached the commission to talk about possibly cutting trees in the buffer zone of a grass waterway. Mike Padula requested a site visit to inspect the scope of work and drainage. Commissioners Steve Pavlowich and Matt Marro agreed that it would be good to have a site visit where boundaries can be confirmed. The agent said she would set up a site visit with him the following day.

6:43 PM Mark Kerrigan, 99 Osgood Road, Conservation Restriction;

Mark Kerrigan approached the commission to ask the commission if they would agree to pay surveying costs if land is donated to the Sterling Conservation Commission as a conservation restriction. Commissioner Scott Michalak confirmed with Mark Kerrigan that conservation restriction would remain effective in perpetuity. Commissioner Matt Marro made a motion at 6:52 PM to have the conservation commission pay for the surveying with the condition that a baseline report be submitted to the commission. Seconded by Scott Michalak. Unanimous decision.

6:55 PM Steve Hoffman, 113 Flanagan Hill Road, Tree Removal;

The commission reviewed the site visit report created by the agent documenting which trees the resident is requesting to remove. Commissioner Scott Michalak made a motion at 6:59 PM to ratify the agent's determination to allow the resident to remove specified trees with stumps to remain. Seconded by Matt Marro. Unanimous vote.

7:00 PM Ed Macnamara, 55 Lakeshore Drive, Tree Removal;

The commission reviewed the site visit report created by the agent documenting which trees the resident is requesting to remove. Chairwoman Barbara Roberti recused herself from the agenda item at 7:00 PM. Commissioner Matt Marro made a motion at 7:04 PM to ratify the agent's determination to allow the resident to remove specified trees with stumps to remain with the condition that 1 tree is replanted that is native and 2" DBH. Seconded by Steve Pavlowich. Unanimous vote.

7:05 PM Violation: 11 North Row Road, Sarah and Leo Boffoli;

Sarah and Leo Boffoli approached the commission to explain the unpermitted work that occurred on their property. The agent shared the site visit report created documenting the violation with the commission. The commission agreed that the resident should replant trees and shrubs on a 2:1 basis to replace trees and shrubs that were removed without a permit. Plantings will take place in spring 2024.

7:14 PM Violation: 23 Adam Taylor Road, Tim and Denise Carr;

Contractor Robert Levada approached the commission to explain the unpermitted work that occurred on Tim and Denise Carr's property through a contract with Robert Levada. The agent shared the site visit report created documenting the violation with the commission. The agent recommended that the commission not penalize the homeowners any further since the site has been stabilized and it is the first offense that has occurred on this

property. Commissioner Scott Michalak made a motion at 7:17 PM to life enforcement associated with the violation. Seconded by Steve Pavlowich. Unanimous vote.

7:18 PM Violation: 98 Lakeshore Drive Extension, David and Sarah Kuchrawy:

David Kuchrawy approached the commission to explain the unpermitted work that occurred on his property. The agent shared the site visit report created documenting the violation with the commission. The commission agreed that a retroactive NOI is the best path forward in order to bring all the work that has taken place on the parcel into compliance. The agent told the resident that she will set up a site visit with him the following day.

7:19 PM Resident comment on Onyx Earth Removal Permit:

Resident, Thomas Boudreau, attending virtually, spoke to the commission to raise concerns about proposed by Onyx, sand and gravel mining operation. Mr. Boudreau was unsure if the site, with new development involving more impervious surface, would be able to withstand the 100-year storm. Selectwoman Kirsten Newman approached the commission expressing concerns regarding the NOI submission that Onyx was conditioned to do in their Earth Removal permit granted by the Board of Selectmen more than a month ago. Kirsten also mentioned that an EPA Construction General Permit was conditioned in their approval, as well. The commission asked the agent if she has visited the site and the agent confirmed that she did walk the site with Onyx's engineer, Richard Harrington. The agent noted that there are currently BMPs in the Riverfront Area that are unpermitted. The commission asked the agent if Onyx is going to submit a NOI soon, and the agent replied that she has been trying to communicate with Onyx's owners and engineer about submitting a NOI but has not received much feedback. Kirsten Newman mentioned that the Planning Board will be reviewing Onyx's site plan soon. Commissioner Matt Marro confirmed that he has been copied on communications between the agent and Onyx. Motion made by Matt Marro at 7:50 PM to direct the agent to send an email to the Planning Board asking them to please refrain from approving Onyx's site plan until Onyx has submitted a NOI with the conservation commission. Seconded by Scott Michalak, unanimous vote. Commissioner Matt Marro made a second motion at 7:55 PM to issue a letter of non-compliance to Onyx due to unpermitted BMPs in the Riverfront Area. Seconded by Scott Michalak, unanimous vote.

8:00 PM Sterling Stormwater Bylaw Regulations:

The agent brought before the commission the possibility of the commission establishing a fee schedule for Sterling's Stormwater Management bylaw that is administered by the conservation commission. The agent recommended that the commission charge \$0.03 per square foot. Motion was made by commissioner Scott Michalak at 8:08 PM to establish a fee schedule of \$0.05 per square foot opposed to \$0.03 with a cap at \$10,000. Seconded by Sue Valentine. Unanimous vote.

8:10 PM MassTrails Grant Update:

The agent explained that the next step in carrying out the grant is to schedule for trees to be removed from the planned trail path. Commissioners agreed that the trees should be removed from the path during the winter, as this will also be the best time to remove them due to nearby long-eared bat habitat.

Meeting adjourned at 8:16 PM

## STERLING CONSERVATION COMMISSION

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### SIGN-IN SHEET

#### NAME, TITLE, AND AGENDA ITEM

DAVID KUCHRAU

MARK KERRIGAN, VAGHIWI FAMILY LIMITED  
PARTNERSHIP

Rob Levada for Tim + Denise Carr

Kirsten Newman - Select Board

Michael Padula

Sarah Boffoli

Lee Barker