

Town of Southbridge  
Conservation Commission Minutes  
Meeting of May 18, 2023  
6:30 p.m.

Present: E. Rumsey, Conservation Agent, Maureen Doyle, Co-Chair, N. Nowick, Co-Chair, and K. Pickren, Vice-Chair

1. A motion was made by N. Nowick to open the meeting at 6:30 p.m. M. Doyle seconded the motion. The motion passed unanimously in favor.
2. A motion was made by N. Nowick to accept the minutes of the April 20th meeting. K. Pickren seconded the motion. A vote was taken by a show of hands. The motion passed, unanimous in favor.
3. A motion was made by N. Nowick to bring forward discussion of the Request for a partial Certificate of Compliance for 107 Cournoyer Boulevard. Discussion was continuing but not completed prior to the time for the public meeting.
4. 6:45 p.m. – Public Meeting – Request for Determination of Applicability – James Pioppi for Scheffler Enterprises – proposed regrading and enhancements to an existing driveway and parking area with associated site work within the buffer zone of a resource area – 833 Main Street, Rear (Map 33 Parcels 2C, 3A, and 3C)

A motion was made by N. Nowick to open the hearing and K. Pickren seconded. A vote was taken by a show of hands. The motion passed, unanimous in favor. James Pioppi gave an overview of the site and work already performed prior to this request, including regrading an existing driveway and parking area, and installation of a drainage basin. N. Nowick mentioned that there is concern that the drainage basin is not large enough and does not have an emergency spillway. J. Pioppi said they would enlarge and install a stilling basin and spillway.

There was a discussion regarding the proper procedure to follow as there is an open and expired Order of Conditions on the property that was never fully completed and was never recorded. One of the conditions in the Order, which was required by the state under threat of appeal of the Order and the filing of a Superseding Order, was that a deed restriction be placed and continue as an ongoing condition in the anticipated Certificate of Compliance. This deed restriction was also not created or recorded.

It was ultimately determined that a Negative RDA with conditions could include conditions for appropriate protections now and could include requirements for the deed restriction. Once all conditions in the Negative RDA have been satisfactorily completed, the original Order will be re-executed (as we do not have the original, only a copy) and recorded, along with a corresponding Certificate of Compliance to clear title.

A motion was made by N. Nowick to close the public meeting. K. Pickren seconded the motion. A vote was taken by a show of hands, the motion passed unanimous, in favor. A motion was made by N. Nowick to issue a Negative Determination of Applicability with the following conditions:

- a. A deed restriction shall be recorded and shall be an ongoing condition in the anticipated Certificate of Compliance for DEP fil 291-\_\_\_ covering the 40' x 120' no disturbance area noted on the hand altered plan dated 5/18/23 and signed by Commissioners Doyle, Nowick, and Pickren.

- b. The berm must be stabilized with wood chips.
- c. The drainage basin will be elongated 70' and a stone-lined stilling basin will be installed.
- d. A five-foot long emergency spillway with a rip rap outfall will be installed.

K. Pickren seconded the motion. A vote was taken by a show of hands. The motion passed, unanimous, in favor.

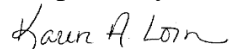
5. Discussion returned to 107 Cournoyer Boulevard. A motion was made by M. Doyle to issue partial releases which will remove DEP files 291-348 and 291-361 from the chain of title of 107 Cournoyer Boulevard. N. Nowick seconded the motion. A vote was taken by a show of hands. The motion passed, unanimous in favor.

6. 87 Golf Street – Slow progress on cleanup and no date yet for soil testing with the former Premier Lab. Discussion was held regarding areas of concern along the rail trail.

7. N. Nowick brought a new series of books about turtles to the attention of the Commission. Her rescue league was involved with the research for the book.

8. The next meeting will be held on June 1st at 6:30 p.m. in the McCann Room. A motion to adjourn was made by K. Pickren and seconded by N. Nowick. A vote was taken by a show of hands, motion passed unanimously. It was approximately 10:04 p.m.

Respectfully submitted,



Karen A. Loin

Administrative Assistant