

CONSERVATION DEPARTMENT DETAILED AGENDA

SCC Meeting Date: January 27, 2022
Detailed Agenda Date: January 21, 2021



DECISIONS

I. PUBLIC HEARINGS

1. 165 Shepard Road-Local Bylaw NOI-New single family home and associated site work

- Owner/Applicant: T. Davidson Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plan
- Project Summary:
 - Project includes the construction of a single family house associated appurtenances to include private septic and well.
- Staff Notes:
 - Proof of abutter notifications required.
 - Proof of legal ad have been received.
 - Lot was recently expanded and combined with a subdivided property (175 Shepard Rd.). The lot now totals 5.09 acres in size. The site includes an on-site BVW that is identified as a Potential Vernal Pool. Site is currently forested with a dense understory of mountain laurel and contains some historic cart roads.
 - Site visit w/ the board to be performed.
 - No work is shown within the WPA 100 ft. buffer zone (BZ). Therefore, this application is only filed under the SWB.
 - The house and well have been cited outside of the 200 ft. BZ. The septic and driveway are located within the 200 ft. BZ.
 - The SWB Regulations identify Vernal Pool Habitat as a protected resource area (Chapter 365-5.6). 100 feet from the edge of a vernal pool are considered a no disturb area and this can be extended to 200 feet by the SCC depending on site conditions, etc. (365-1.4). Please review the SWB Regs for additional information. According to the SWB Regs, the SCC shall assume that the PVP is a vernal pool unless shown otherwise. Burden of proof is on the applicant. Otherwise the SCC shall assume that Vernal Pool Habitat is present and that the performance standards must be met.
 - No additional resource areas are noted on the plan. The BVW extends further to the north and is not shown on the plan w/ flagging however it appears that no work is shown within that area. However, a complete limit of work (LOW) line is not shown on the plan. A complete LOW needs to be shown on the plan to verify that no work is located within jurisdiction. Unclear if additional resource areas are off site or within 200 feet of all proposed work.
 - Staff had been presented with a draft plan prior to file submission and provided recommendations to the engineer which include: looking at avoiding and minimizing impacts within 200 feet of the PVP and including driveway runoff and roof runoff infiltration BMPs. Plan now includes these measures. Staff also requested that a complete LOW be shown, on the plan, associated with all work. As site is large it appears that there was an opportunity to mostly avoid working within BZ, except the driveway. An applicant is required to avoid impacts within BZ if the option exists. Alternatives are required to be explored and demonstrated if not possible.
 - Revised plan received. Original plan included the septic within the 100-200 ft BZ with the LOW at 101 ft. The system has been moved to be located outside of the 200 ft BZ with some associated grading within the BZ. However, the reserve system has been slightly moved to be located within a portion of the area previously allotted for the septic system. The new LOW line is shown at approx. 110 ft at the closest point. It would appear that land clearing in this area could be avoided by shifting the reserve area. The location of the well was moved to allow the septic to be in that area. It does

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not appear that there was a perc completed at the new septic location (test pit not shown on the plan). The engineer should provide clarification on this. At this time, it is unknown if this plan has been approved by the BOH.

- The revised plan is an improvement over the previous plan and makes an effort to reduce impacts within the BZ. It appears that the reserve could be shifted slightly to minimize impacts within the BZ.
- The driveway should be shown to be sloped towards the stormwater swale to ensure that it is done so during construction. Otherwise it would appear that runoff would be directed into the road and make its way to the PVP.
- When appropriate, the SCC may consider that the approved LOW is permanently demarcated with signage/bounds.
- Staff Recommendation:
- As is, it would appear that the project would not meet the performance standards pursuant to the SWB Regs. Staff recommend that the above mentioned revisions are explored and included on the plan. Staff recommend that the hearing is continued to the next meeting, Feb. 15, 2022, to provide applicant to respond to comments.

2. 17 South Road- RDA- Tree Removal

- Applicant: Mikal Carrier Owner: same (#17) & Gary Apher (#21)
- Request: Issue a Determination
- Documents Presented: sketch drawing
- Project Status Summary: Project includes removal of 18 Pine trees within the buffer zone.
- Staff Notes:
 - Proof of abutter notifications required.
 - Proof of legal ad have been received.
 - Site visit to be performed.
 - Applicant is requesting the removal of 18 pine trees which border the property line of 17 & 21 South Road. Trees are located east of the wetland.
 - SCC previously approved a house addition last year at this location. Septic plan from house construction used for sketch purposes which includes partial wetland line. Septic plan was not reviewed or approved by the SCC when constructed (by previous owner) so no resource area approval given by the SCC.
 - Property includes a BVW and Riverfront Area (RA). Tree removal is not located within RA. Tree removal starts at the 100 ft. BZ and extends within the outer BZ. Wetland continues onto 21 South Rd. extends closer to the area of tree removal. Stormwater swale located in this area which eventually enters the BVW from the roadway. Remaining wetland area on 21 South does not appear to have been delineated. BVW likely follows toe of the slope however should be looked at on site visit.
 - Unclear if request includes the removal of stumps and roots. This should be clarified as additional BMPs during work (conditions) may be required.
 - RDA requests that a determination if the work and/or area is subject to the WPA & the SWB.
- Staff Recommendations: Staff is an abutter and therefore is recusing herself from providing input/recommendations.

3. 28 Allen Road –RDA-New Single Family Home with associated site work

- Owner/Applicant: Ethan Hillman Representative: S. Morrison, EcoTec
- Request: Issue a Determination
- Documents Presented: site plan
- Project Status Summary: Development of a lot to include a single-family home with well and septic system
- Staff Notes:
 - Proof of abutter notifications required.
 - Proof of legal ad have been received.
 - Site visit to be performed.
 - Staff became aware of this development when a building permit application was submitted. MA DEP wetland layers show site is located adjacent to potential wetland. Staff flagged application and requested that a wetland professional review the area and the findings would dictate what filing may be required. Findings state that the property partially includes the SWB 200 ft. buffer zone from regulated wetlands but states that they are not working within that buffer zone. Staff recommended that a RDA be filed for a determination by the SCC. Staff had also requested that the wetland flag(s) and a LOW be added to the plan.
 - RDA requests that a determination if the work and/or area is subject to the WPA & the SWB.
 - Point of wetland flag shown on aerial photo although unclear if this was done by GPS or is approximate.
- Staff Recommendations: A site visit has yet to be performed therefore no recommendation on the determination is included. Based on the submitted materials and a review of the plan, work may be partially located within the outer BZ. It would be useful to see the location of the wetland flag, shown on the plan, in relation to a limit of work and for

the limit of work to be staked on site if not already done so. Aerial photo that does not include tree cover would be useful w/ GPS point, too. Evaluate wetland line on site visit.

4. 235 Podunk Road- RDA- *Continued* - Construction of a Single Family Home and associated site work.

- Owner/Applicant: AH & DB Custom Homes Representative: M. Dipinto, Three Oaks Environmental
- Request: Issue a Determination.
- Documents Presented: n/a
- Project Summary: Construction of a SFH and associated appurtenances to include private septic and well.
- Staff Notes:
 - Project was continued as wetland line needed to be revised and a perc test was to be scheduled to look at moving the leach field to the front of the lot. Perc postponed due to weather. It was also unclear if lot met zoning requirements for a buildable lot.
 - No new information has been received. Revised wetland line would add more work within the WPA BZ.
- Staff Recommendations: Discuss with the applicant where this stands to establish review path moving forward.

5. 235 Podunk Road- Local NOI- *Continued* - Construction of a Single Family Home and associated site work.

- Owner/Applicant: AH & DB Custom Homes Representatives: M. DiPinto, Three Oaks Environmental
- Request: Issue OOC
- Documents Presented: n/a
- Project Summary: Construction of a SFH and associated appurtenances to include private septic and well.
- Staff Notes: See notes under #4.
- Staff Recommendations: Discuss with the applicant where this stands to establish review path moving forward.

6. 53 Hillside Drive-RDA- *Continued* - New single family home and associated site work

- Owner/Applicant: John Rowley Representative: P. Engle, McClure Engineering
- Request: Issue a Determination
- Documents Presented: n/a
- Project Status Summary: Project includes the construction of a single family house and associated appurtenances to include private septic and well. The RDA is requesting to make a determination whether the area and/or work is subject to the Sturbridge Wetland Bylaw. Project was continued as a peer review was required.
- Staff Notes: RFPs submitted to 3 firms. 2 received. Staff asked for revisions to both as they did not clearly meet the scope of the request. Applicant has requested now to include a request if the work/area is subject to the WPA. Revised RDA received.
- Staff Recommendation: Vote to request additional information in form of peer review also for WPA as original was only for SWB. Continue to allow for scopes to be revised. Continue to the next meeting: Feb. 15, 2022.

7. 650 and 680 Route 15 – *cont'd 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
- Project Status Summary: Project has been continued since the 6-1-2021 meeting to allow the proponent to work to address the peer review comments, staff comments and the board's comments.
- Staff Notes:
 - The SCC last granted a continuance on 11-16-21. At that time, the commission stated that they would not grant additional continuations without the required additional information presented to review for the next hearing date.
 - Additional information was required to complete this review pursuant to the WPA and the SWB. No information has been provided and the SCC's document deadline (7 calendar days in advance of the meeting) has passed.
- Staff Recommendations: As no new information has been submitted, staff would have to recommend that the project is denied pursuant to the WPA and SWB for lack of information.

8. 150 Charlton Road- *continued NOI*- Development of a commercial building, truck parking, and supporting infrastructure- DEP File #300-1115

- Owner/Applicant: Interstate Towing Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: n/a
- Project Status Summary: Project was continued from the last hearing to allow for the peer review to be completed. Report to be presented for the board and staff by the peer reviewer for questions and comments and then for the project team to work to address.

- Staff Notes:
 - Peer review report received. This has been provided to the applicant and their project team.
 - Staff have been informed that a meeting was requested of the peer reviewer with the project engineer. Staff have also been informed that the project team is now working to address the concerns noted and revised plans reflecting those comments will be submitted soon. Staff would note that this meeting was not included in the scope of work. Staff would note that additional funds for the peer review may be necessary as the project continues due to this requested meeting which was not budgeted for.
 - A response to the peer review report shall be submitted detailing how each comment is to be addressed or has been addressed. Staff have been informed that the stormwater structures will be moved outside of RA and be located under the proposed parking areas. Staff support such a change which could eliminate RA impacts associated with the structures. Staff would note that the project team is still required to look at alternatives for other disturbances proposed within the RA if still proposed. Staff have not seen a revised plan so it is unclear.
 - Staff had requested additional information demonstrating compliance with performance standards. An applicant is required to demonstrate this. Additional details appear required. However, as the plans are to be revised and the scope for work to be reduced within RA, this should be done based on the revised plan set and submitted to the SCC. Staff recommend that w/ the revised plan submission that a narrative is included demonstrating compliance with all relevant performance standards under the WPA and the SWB.
 - Project team to address staff comments from the 11-2-21 detained agenda. Staff requested information on the building size requirements (shown as 7,000 sq. ft.) and parking requirements for car storage area and truck parking. No parking space lines shown here. Information about the facility and use should be clearly outlined (# of trucks for this operation, # of vehicles to be/can be stored, what is needed and how that fits within the site, etc. Why is the size of that building necessary for the operation? Staff ask these questions because they are relevant to looking at reducing impacts within RA and BZ. It is an applicant's responsibility to demonstrate that there are no practical alternatives (SWB Regs 365-1.2).
 - Staff have additional comments on RA and mitigation which is consistent with CMG's report but as noted earlier some of these things may change with a revised project.
 - Compliance with the Riverfront provisions of the SWB Regs (365-5.5) shall also be demonstrated for the SCC's review. A wildlife habitat evaluation could be required under the SWB Regs (365-5.8); however, the SCC should evaluate revised plans to see if this may be needed. The applicant is required to overcome the presumption of significance for RA in order to conduct work within the 200 ft. RA under the SWB (365-5.5; C.(4)).
 - In addition to CMG's comments, staff would also note that: the SWB Regs (365-3.7;C.) require for new construction that a minimum of 80% TSS removal. The expected targeted initial removal shall be in excess of 90% TSS removal. Compliance with 365-3.7 for stormwater standards is required if not already done.
 - NOI and stormwater documents to be revised to reflect LUHPPL.
 - Staff had previously been told that it is Interstate's practice to include additional BMPs under disabled vehicles to catch any fluids which may leak. Will this be a continued practice? It would be recommended and should be included in the O & M Plan.
 - O & M Plan shall be revised to reflect the SCC's policy on fertilizers, herbicides, pesticides and salt use found in the SWB Regulations (365-3.8).
 - When appropriate, the SCC may consider that the approved LOW is permanently demarcated with signage/bounds.
 - Staff Recommendations: Continue hearing to allow applicant to address all comments as noted above. Continue to the next meeting Feb. 15, 2022.
 - The SCC should still perform a site visit but it may be advisable to schedule this after all materials are received for review.

9. 180 Breakneck Road and 16 Cross Street – ANRAD – *Continued* -Proposed Equine Center– DEP File #300-1120

- Owner: 16 Cross Street-Breakneck Ridge Inc, 180 Breakneck Road-Leon, Doris, Edward, Roger, George, Madeline, and Paul Pontbriand
- Applicant: Sturbridge Equine and Agricultural Property, LLC Representatives: C Wagner, VHB
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary: Resource area approval for 2 parcels of land totaling 298.50 acres. ANRAD has been continued multiple times since 10-19-21 as the project team requested time before the SCC voted on the ANRAD. Staff had recommended requiring additional information in the form of a peer review of the wetland delineation. The SCC was prepared to request additional information but was asked to wait. At that time, staff had noted that

additional resource areas occurred on site that were not included for approval. These included MAHWL associated with perennial streams, Riverfront Areas and the extent of vernal pool mean annual high water line used to determine vernal pool habitat. The presence of these resource areas can have significant impacts on projects and should be delineated and confirmed as part of this process. Extent of vernal pools shown on plan but not noted for approval on ANRAD. The ANRAD should include all jurisdictional resource areas which will be relevant to a proposed project on these properties.

- Staff Notes: No new information has been received.
- Staff Recommendations: Discuss with the applicant where this stands. Are they still pursuing the resource area approval or are they planning on withdrawing the request? Request additional information in form of peer review.

II. WETLANDS DECISIONS

10. 6 Apple Hill Road—Request for a Partial Certificate of Compliance – DEP File #300-1033

- Original Applicant/Permit Holder: Randy Bercume Requester: Peter Iott
- Request: Issue a Partial COC
- Staff Notes: Permit was issued for the construction of a SFH on 11 McGilpin Rd. Work on this property included the installation of a sewer and water line to that property. Permit issued in 2019. Work has been completed for a few years. Area was vegetated.
- Staff Recommendations: Issue partial CoC to release this property from the OOC. Send reminder letter to permit holder to close OOC. Perpetual conditions #51 & 52 to be noted on COC.

11. 6 Apple Hill Road—Request for a Partial Certificate of Compliance (Amended OOC)-DEP File #300-1033

- Original Applicant/Permit Holder: Peter Iott Requester: same
- Request: Issue a partial COC
- Staff Notes: The permit was amended and thus also recorded on the property. This release would be for the Amended version of the project. See Notes under #10.
- A plan was requested for replacement plantings to mitigate loss of canopy. Plan to be submitted.
- Staff Recommendations: Issue partial CoC to release this property from the OOC. Send reminder letter to permit holder to close OOC. Perpetual conditions #51 & 52 to be noted on COC.

12. 336 The Trail—Request for a Certificate of Compliance-DEP File #300-1013

- Original Applicant/Permit Holder: Anthony Reno Requester: same
- Request: Issue a COC
- Staff Notes: OOC issued for the construction of a SFH, associated appurtenances and installation of a seasonal dock. Permit issued in 2018. The property includes BVW, RA and buffer zone. As-built plan & engineer's letter of substantial compliance received. Staff site visit performed. No noted concerns. Ground was covered with snow but work has been completed for some time and stabilized. Vegetation along bank of lake not impacted or removed as noted in OOC.
- Staff Recommendations: Recommend issuance of a complete CoC w/ perpetual conditions: 21, 22, 23, 24, 31 & 35. Remove silt fence & signs.

III. ADMINISTRATIVE DECISIONS

13. Minutes of 1/6/22 to be approved

14. Special Land Use-Joshua Hyde Library/Storytime

- Request: Use of Heins' Farm on Aug. 2, 2022 for storytime for local families. Approx. 20-30 persons expected and 10 cars. 10:30 am – 12:00 pm.
- Staff Recommendations: Recommend approval of passive activity.

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

15. Committee Updates: CPA, Trails, Open Space, and Lake Advisory

VI. NEW BUSINESS

16. Central MA Mosquito Control Project Notification – 17 & 18 Woodlawn Drive

- Staff Notes: Notification received for water management project at the above noted addresses pursuant to MGL Chapter 252. Staff had performed a site visit w/ one of the property owners and Central MA staff last Fall. The owner of 18 Woodlawn is experiencing flooding as the channel has filled in over time. Mosquito Control had previously performed dredging of the channel here approx. 10 years ago. The channel on this side of the road is not flowing anymore. The area has since filled in and flooding/standing water is occurring. They have provided notification and is requesting comment within 30 days of the work. Work proposed in the Summer of 2022. Site visit to be performed.

- Staff Recommendations: Mosquito Control projects are exempt pursuant to the WPA. Review site and see if BMP recommendations or any other recommendations are requested to be included. Also look to see what may be causing filling of area.

17. Agent's Report

18. Next Meeting-February 15, 2022 **and Site Visit Schedule**- February 8, 2022 9-12 pm

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR

ADJOURN