

# CONSERVATION DEPARTMENT DETAILED AGENDA

Date: January 6, 2022

Time: 6:00 pm

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 53 Hillside Drive-RDA-New single family home and associated site work

- Owner/Applicant: John Rowley     Representative: P. Engle, McClure Engineering
- Request: Issue a Determination
- Documents Presented: colored site plan
- Project Summary:
  - Project includes the construction of a single family house 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.
- Staff Notes:
  - Abutter notifications and proof of legal ad have been received.
  - Site visit performed.
  - Staff had become aware of this development as a septic application was filed with the BOH. Staff had been made aware of this property and adjacent properties prior when the properties were on the market. Staff had also spoken to the adjacent property owner and visited that site in Sept. of 2021. Area was flagged and holding water.
  - The project site consists of 2 parcels that were recently combined. The parcels appear to have been divided from a larger parcel before or at least one parcel was divided off from a larger parcel and then combined together. Properties were formerly owned by a trust and all sold. 2 additional lots also created and sold to separate property owners.
  - The area was flagged previously when the area was perc tested – Jan. 2021. The area again was flagged by Three Oaks Environmental in July 2021. The flags were later removed by the representative as they determined that the area was not jurisdictional. Flags must have been removed after Sept. of 2021 when staff visited area w/ abutter.
  - Property also contains jurisdictional wetlands to the north of the proposed house site. Plan includes 200 ft bylaw buffer and no work is shown within jurisdiction from the BVW.
  - Representative prepared plan showing 41 ponding areas within the area of question which they are trying to demonstrate as non-jurisdictional. Separate plan previously submitted showing 9 ponding areas. Lidar topography used to create newest plan depicting 41 ponding areas, 24 of which shown on the subject parcel.
  - 3 reports have been received by Three Oaks Environmental. 2 both dated July 2, 2021 which differ and another dated 11-10-2021. One states that she was not sure why it was originally flagged but did observe areas of standing water within an area dominated by hemlocks and did flag the area w/ flags A1 – A29. The other report (which was originally provided) appears to be a redacted version of this report and excludes that information. Staff had originally received the redacted version of that report and requested additional information to support those findings as no soil or additional vegetation information was included. Staff also recommended that the representative review the area for the ability to hold water to determine volume to see if the area meets WPA standards for ILSF. Staff noted that it would appear that the area would meet ILSF and may be an IVW. Additional information would need to be provided.
  - Staff performed additional review of the site in November and did find hydric soils in the northern and southern ponding areas. Areas were not holding water at the time but leaf staining was evident. Middle section of the area was difficult to auger and does appear to be more upland in nature however does have lower areas which pond water. Vegetation within the middle predominately upland, too. Morphological adaptations observed on some trees and sphagnum observed also.



#### Conservation Agent

Rebecca Gendreau

#### Administrative Assistant

Erin Carson

#### Conservation Commission Members

Ed Goodwin  
Steven Chidester  
David Barnicle  
Erik Gaspar  
Roy Bishop

308 Main Street.  
Sturbridge, MA  
01566  
T 508/347-2506

[www.sturbridge.gov](http://www.sturbridge.gov)

- The RDA includes another opinion from S. Morrison, EcoTec, Inc. It is his opinion that the area is not jurisdictional under either the WPA or the SWB. No predominate vegetation and soils not hydric. Also states that the minimum of volume and 6 inch not met therefore not jurisdictional under the WPA or the SWB as ILSF.
- The SWB Regulations do not have a size or volume threshold. This was previously discussed and confirmed by Art Allen, EcoTec, Inc., who was the SCC's peer reviewer on another project. He had stated that the 6-inch volume requirement was negated by the SWB Reg's sentence that there was no minimum volume requirement for ILSF under the SWB.
- Staff Recommendation:
- It is unusual to see 41 ponding areas identified singularly versus the perimeter of the area being delineated. The area is sloped however is more pit and mound which is typical and found throughout Sturbridge. The soils are rocky throughout making soil analysis difficult. Buttressed roots observed on trees within area. Hydric soils identified within some of the ponding areas. The perimeter of the area should be based on the area observed as flooded which likely was what was previously flagged. Area appears to be at least an ILSF under the local bylaw. Additional information in form of a peer review of the area and information provided may be advisable. RDA only requests whether the area/and or work is subject to the Sturbridge Wetland Bylaw. If the board does not request additional information, staff would recommend issuance of a Positive #5 that the project is subject to the SWB. As no request was made on the WPA status, staff recommend that it is noted that no such request was made therefore no determination on that matter was made.

## 2. 47 Caron Road- RDA- Landscape Improvements

- Owner/Applicant: Kenneth Strom      Representative: M. Lavigne, Ground Effects
- Request: Issue a Determination
- Documents Presented: sketch drawing
- Project Status Summary: Project includes landscaping improvements to include the repair of an existing walkway, patio and stairs for a waterfront home.
- Staff Notes:
  - Proof of abutter notifications required. Proof of legal ad have been received.
  - Site visit performed.
  - Footprint of developed areas not requested to be expanded. All work within developed yard areas.
  - Project includes erosion controls during work.
- Staff Recommendations: Provided abutter notifications received, vote to close the hearing and issue a:
  - Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
    - Sedimentation controls shall be installed and maintained during work.
    - Standard conditions for erosion control measures, pre-construction and post-construction.
  - Positive #5 (subject to local bylaw) with the condition noted above.

## 3. 53 New Boston Road –Local Bylaw NOI-New Single Family Home with associated site work

- Owner/Applicant: Thomas Mazzarino      Representative: T. Revane, Revane Builders
- Request: Issue OOC
- Documents Presented: site plan
- Jurisdiction: Sturbridge Zoning Bylaw (SZB) Chapter 300-4.1 (E)
- Project Status Summary: Development of a forest lot to include a single-family home within 500 foot of a water body on a 8% slope subject to the Sturbridge Zoning Bylaw, 300-4.1 (E)
- Staff Notes:
  - Proof of abutter notifications required. Proof of legal ad have been received.
  - Site visit performed.
  - Property is all located within 500 feet of the lake and is at an 8% slope or exceeds that amount. Lot contains a swale which carries stormwater from the roads towards cedar lake. Swale extends under Adams road and flow goes overland towards the lake. Proximity of swale and site runoff during and after construction which can migrate to the lake is of concern. Site runoff should not be directed towards the swale as it can carry sediment during work and can carry fertilizers, pesticides and/or other nutrients directly to the lake. Perimeter drains and any roof downspouts also should not be piped into the swale.
  - May be advisable to grade backyard away from the swale to avoid the increased runoff to the swale and potential for nutrient loading to the lake. Berm may be added along the swale to keep site runoff out of the swale.
  - Site to be serviced by private septic and sewer.

- Lot was previously cleared. As site was cut and some stumps removed, erosion controls have been requested to be installed asap so exposed earth isn't washed into the swale and lake.
  - Developer was to submit plan which includes erosion controls, swale re-design detail and any O & M requirements for the swale. These have not been received.
  - Staff Recommendations: Continue hearing as additional information has not been received to the next meeting: Jan. 27, 2022.
- 4. Lot 3 ,30 Main Street & 20 Fiske Hill Rd. – *continued* - ANRAD –Proposed development of a residential subdivision (Notice of Resource Area Delineation)-DEP File #300-1113**
- Owner/Applicant: J. Stelmok      Representative: P. Engle, McClure Engineering
  - Request: Issue an ORAD
  - Documents Presented: n/a
  - Project Status Summary: Peer review report had been submitted with a few recommendations. Hearing continued to allow for plan revisions and a SCC site visit.
  - Staff Notes: Site visit conducted. Revised plans received on Dec. 22, 2021. Plans provided to peer reviewer for review.
  - Staff Recommendations: Awaiting peer review of revised plans. Due to holidays, unsure if this will be completed before the meeting. If not, continue to Jan. 27, 2022.
  - Continue hearing to allow for peer review of revisions. When appropriate and provided peer review sign off, staff recommend to close the hearing and issue an ORAD based on the revised plans for approval of the BVW delineation and MAHWL for the vernal pools. Staff recommend that it is noted that vernal pool habitat does occur on the site which is protected pursuant to the SWB but was not requested as part of this ORAD. Staff recommend this because vernal pool habitat can extend to 200 feet from the vernal pool MAHWL pursuant to the SWB Regs.
  - Recommend requesting that all vernal pools be certified. Initial vernal pool in wetland series A was to be certified by LEC for previous project. Unsure if this has been done to date. All pools to be certified. Proof of submission to SCC.
- 5. 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 as a peer reviewer was selected.
  - Staff Notes: Funds received for peer review on Dec. 16, 2021 and peer review engineer informed of ability to start the work. Staff met CMG staff on Dec. 20, 2021 to review site. Comments being prepared.
  - Staff Recommendations: Continue hearing to allow for peer review report to be completed. Continue to Jan. 27, 2022.
- 6. 231, 233, 235 Cedar Street- Local NOI—*continued* ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1090**
- Owner/Applicant: Michael and Gail Young      Representatives: P. McManus, EcoTec
  - Request: Issue ORAD
  - Documents Presented: n/a
  - Project Status Summary: Resource area approval for 3 parcels, continued to allow time to restore the wetlands. This has been continued as work needs to be completed before the ORAD is issued. Has been continued to allow for work to be conducted.
  - Staff Notes: Work has been initiated but is not completed. ORAD can't be issued until work is completed.
  - Staff Recommendations: At this point in time, the public hearing should be continued to at least Spring to allow for work to be completed and a revised plan received as it is winter. Plantings can't go in until the Spring. Recommend continuing to April 21, 2022.
- 7. 24 Hamilton Rd. RDA-Removal of 40 trees**
- Owner/Applicant: Hamilton Rod & Gun Club      Representatives: n/a
  - Request: Issue Determination
  - Documents Presented: n/a
  - Project Status Summary: Project was continued for additional information.
  - Staff Notes: Application has been withdrawn.
  - Staff Recommendations: Close the public hearing and vote to accept the withdrawal.

## II. WETLANDS DECISIONS

### 8. 28 Preserve Way—Request for a Partial Certificate of Compliance – DEP File #300-0471

- Original Applicant/Permit Holder: Robert Moss, Leonard Jolles      Requester: Anthony & Tania Harris
- Request: Issue a Partial OOC
- Staff Notes: Property is part of the Preserve. Property does have wetlands on the front and a conservation easement in this area. Staff performed a site visit and site appears consistent with the subdivision plans.
- Staff Recommendations: Issue partial CoC to release this property from the OOC.

### 9. 300 Clarke Road Ext—Tree Removal

- Applicant: Josephine Vogliazzo      Property Owner: same
- Request: Approve Tree Removal
- Project Summary: Request to remove a large pine tree from property.
- Staff Notes: Site visit performed w/ licensed forester. Concern with tree's structure and proximity to homes w/ concern for damage.
- A plan was requested for replacement plantings to mitigate loss of canopy. Plan to be submitted.
- Staff Recommendations: Provided a suitable replacement plan is received, staff recommend approval of the project.

### 10. 42 Wells Park Road—Tree Removal

- Applicant: Victor Pollock      Property Owner: same
- Request: Approve Tree Removal
- Project Summary: Request approval of 7 trees.
- Staff Notes:
  - Site visit performed. Concerns with removal of a large oak over the stream between property boundaries. Some trees dead and/or noted to have structural concerns. Replacements recommended for oak near the driveway requested to be removed.
- Staff Recommendations: Provided a suitable replacement plan is received, staff recommend approval of the project w/ conditions during work and to include the replacement plantings and to include meeting w/ contractor prior to work to discuss removal strategy and BMPs for resource area protection during work. Request not to include the oak near the property line shared with 101 Walker Pond Rd. Tree to be protected during work.

### 11. 101 & 107 Walker Pond Road—Tree Removal

- Applicant: Doug Smith      Property Owner: same
- Request: Approve Tree Removal
- Project Status Summary: Request approval of 5 trees.
- Staff Notes:
  - Site visit performed. Some of the trees are dead and/or noted to have structural concerns.
- Staff Recommendations: Staff recommend approval of the project w/ conditions during work to include meeting w/ contractor prior to work to discuss removal strategy and BMPs for resource area protection during work. Request not to include the oak near the property line shared with 101 Walker Pond Rd. Tree to be protected during work.

## III. ADMINISTRATIVE DECISIONS

### 12. Minutes of 12/7/21 to be approved

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## UPDATES

## IV. OLD BUSINESS

### 13. 70 Paradise Lane DEP File #300-929

- Staff Notes: Old OOC expired and not closed out. Appeared some of work wasn't completed. SCC requested that staff visit site w/ the property owner. Staff performed site visit. Roof runoff was to be directed to an infiltration chamber which was not installed. Some of roof line changed so downspouts could not all direct to one chamber anymore. Was not installed due to sewer line. Appears that elevations in the front have been raised more than shown on the plan. Staff informed the owner that roof runoff was a requirement and that needs to be addressed. Drainage with parking across the street and from the driveway a concern too. Could be addressed in parking area which would be an improvement as flows into a wetland then the lake. Property owner was going to engage with an engineer to address drainage issues. New application would be needed for work. Staff requested an update on this.
- Staff Recommendations: Submit formal letter from board noting the changes and need for a revised plan to be submitted for compliance. Request for Jan. 27<sup>th</sup> meeting for discussion.

**14. 205B and 205C Podunk Pike Enforcement Order**

- Documents Presented: n/a
  - Project Status Summary: On July 22, 2021, we issued a letter to 508 International and the property owners w/ conditions for compliance with the EO which included wetland replication on site. Wetlands were impacted as jeep events and other events were held in wetlands. A follow up letter was sent on Nov. 23, 2021 noting that the SCC had not been made aware that the conditions had been met. As the Enforcement Order appeal period has passed, it is their obligation to comply with the Enforcement Order. They were informed that the matter will be added to the SCC's Jan. 6, 2022 meeting. They were requested to provide documentation that they have complied with the Enforcement Order by December 28, 2021. No information has been provided.
  - Staff Recommendations: As the EO was issued in Oct. of 2020, the SCC may decide to advance this matter and refer this to legal counsel to file a lawsuit seeking compliance with the Enforcement Order in Superior Court.
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**V. ADMINISTRATIVE UPDATES**

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

**VI. NEW BUSINESS**

**16. Right of First Refusal 236 Podunk Road**

- Documents Presented: aerial photo w/ approx. parcel lines
- Staff Notes: This is the third request from this property owner to remove portions of the property on Podunk Rd. 9.36 acres previously removed and converted to SFH lots. This request is just for Parcels B-D (4.54 acres). Parcel A (~24.22 acres) will be transferred to another entity and we have been informed that they will not be removing it from Chapter land. As shown, the parcels are existing agricultural fields. If all of the parcels were to be removed, staff would recommend that the town should consider exercising their right of first refusal as these parcels would be ideal for recreational fields. The letter of intent (Page 12 Section's B & C.) indicates that Lot A will be sold to the Buyer separately then indicates a separate transaction of Lot A to a separate party. This should be clarified as it appears that the Buyer will assume responsibility of Lot A after purchase. The buyer is noted as Ah & DB Custom Homes who is developer and has purchased all of the previous properties.
- Staff Recommendations: Staff recommend that the Town request review from Town Counsel on this matter before the SCC make a recommendation on Parcel's B-D.

**17. Agent's Report**

**18. Next Meeting-January 27, 2022 and Site Visit Schedule- January 18, 2022 9-12 pm**

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***OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR***

***ADJOURN***