

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: October 19, 2021

Time: 6:00 pm

DECISIONS

I. PUBLIC HEARINGS

1. 91 Clarke Road NOI- New Single Family Home with associated site work- DEP File #300-1112

- Owner/Applicant: S. Noyes Representative: Scott Morrison, EcoTec
- Request: Issue OOC
- Documents Presented: colored plan
- Jurisdiction: Buffer Zone
- Project Status Summary:
 - Project includes the construction of a single family house, barn, driveway and associated site work to include a well and septic system.
- Staff Notes:
 - Abutter notifications have been received. Proof of Legal Ad verified.
 - DEP File # and comments have been received. No comments noted.
 - Project was previously reviewed for a previous property owner. Project was denied at that time as the SCC requested additional information which had not been submitted. The SCC previously had concerns and questioned the location of the LOW as the site is large enough to provide an additional vegetated buffer to the wetland and had requested measures to allow flow under the proposed driveway which have not been reflected on the plan. Specifically, the LOW was requested to be reviewed in the vicinity of the A series wetland and moved away from the wetland. In addition, the SCC had concerns with the wetland delineation.
 - Plan provided appears to be the plan provided by the previous applicant and includes the wrong applicant name. The plan also shows a proposed property line. It is unknown if an ANR plan has been recorded and this portion of 97 Clarke has been included with 91 Clarke or not. NOI states only 91 Clarke Rd as street address. Abutter list only provided for 91 Clarke Rd. This issue had been previously raised. The plan or the application would need to be revised to reflect if the project is either on one property or on both properties. A LOW/EC line is required to be shown for grading associated with the barn as it is not shown on the plan.
 - Wetland delineation had been questioned as the delineation was conducted in the winter and areas near Clarke Rd had been questioned. Areas of wetland fill had been noted on site in the Spring of 2021. Hydric soils were documented under foreign materials in one location. According to the MA DEP BVW Delineation manual, areas where fill has been placed in wetlands requires the analysis of soils directly beneath the fill. Additional site evaluation has recently been conducted by the representative and he has confirmed his original wetland line based on the change of vegetation (presence of Japanese knotweed an invasive species) as noted in the application. It would appear that delineating based on just vegetation, especially an invasive, would not be appropriate in this situation. Additional analysis of soils would appear necessary in this situation to determine the wetland line. The wetland line should be adjusted to reflect where hydric soils are present below the fill.
- Staff Recommendations: Require additional information in form of soil analysis for the A series wetland in vicinity of Flag # A11 to A3 and require project revisions as noted above or an alternative analysis documenting why the revisions could not be incorporated. The SCC may consider requesting that a peer review is conducted of this area. Continue the public hearing to provide the applicant time to provide the noted information. If a continuation is not granted, then the project would appear to have to be denied for insufficient information.

2. 22 Birch Street NOI- replacement of shoreline wall – DEP File #300-XXXX

- Owner/Applicant: J. Burdick Representative: M. Thibeault, Landscape Evolution



**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

Ed Goodwin
Steven Chidester
David Barnicle
Erik Gaspar
Roy Bishop

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Sturbridge, MA
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- Request: Issue an OOC.
- Documents Presented: sketch plan & site photos
- Jurisdiction: Bank, BLSF and Buffer Zone
- Staff Notes:
 - DEP has not issued a file # or comments to date.
 - Abutter notifications have been received. Proof of Legal Ad verified.
 - Chapter 91 license may be required as work is proposed on a Great Pond. Applicant is required to inquire with the MA DEP Waterways Program.
 - Site contains an existing cobble wall. Applicant proposes a boulder wall (dry laid stone of varied size) with a vegetated buffer of native plantings between the bank and the lawn.
 - Site visit performed. Height of wall reviewed. Wall is approx. 3+ ft from LUW. Height of new wall will not exceed existing conditions. Wall will be stepped back. Current wall is wide and can be reduced in width increasing LUW. Land behind the wall has been eroding and sinking. Appears only temporary impacts to BLSF proposed. Small birch was discussed for removal. Roots will be impacted during work and options for replacement tree plantings discussed. Trees should be spaced to provide canopy where there is none on lake. Plan should be revised to reflect this.
 - As Bank is currently an existing cobble wall and the site is a developed yard, it would not appear to be significant for wildlife. The project includes a native vegetated buffer in place of lawn which would be an improvement for wildlife habitat and assist with filtering and infiltrating site runoff. Project appears to be an improvement over the existing conditions.
- Staff Recommendations:
 - As no DEP File # has been issued, the project must be continued. Continue the project to the next public hearing. When appropriate and with the above mentioned plan revision, staff recommend approval of the project with conditions.

3. 180 Breakneck Road and 16 Cross Street – ANRAD – Proposed Equine Center– DEP File #300-XXXX

- 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: Figure 5 from ANRAD
- Project Status Summary: Resource area approval for 2 parcels of land totaling 298.50 acres.
- Staff Notes:
 - DEP has not issued a file # or comments to date.
 - Proof of abutter notifications required. Proof of Legal Ad verified.
 - Various wetland resource areas are noted on the subject parcels which are subject to the MA WPA and the Sturbridge Wetland Bylaw.
 - 17 wetlands identified on site and noted in ANRAD: 10 BVW, 5 ILSF per the WPA and 2 as ILSF per the SWB. 12 areas noted as vernal pools on site and flagged. ANRAD narrative notes no NHESP certified or potential vernal pools on site. 1 PVP noted by NHESP which was shown on Figure 5 in ANRAD.
 - ANRAD narrative notes that 8 streams were identified on site. 6 as intermittent and 2 as perennial. Staff note that no RA or MAHWL are noted on the plan set or requested for approval.
 - ANRAD only requests approval for BVW, Bank, ILSF and Bylaw Only Isolated Wetlands. As additional resource areas are present, the ANRAD should include all jurisdictional resource areas which will be relevant to the proposed project on these properties. From an initial review, this would appear to include 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.
 - ANRAD is only for the delineation of wetlands on the subject parcels. When appropriate, the ORAD would have to note that there may be off-site wetlands which may project a jurisdictional buffer zone on the subject parcels as this has not been looked at. In addition, there are no metes and bounds shown on the plan. It is unclear if the subject parcels were surveyed or if GIS was utilized to determine the property lines.
 - ANRAD is only for 2 parcels which may be part of this project. It has been mentioned that 181 Breakneck Rd is also under consideration and is proposed for the bylaw change. There does appear to be jurisdictional wetlands on this property and it is mapped as Priority and Estimated habitat for state-listed species by the MA Natural Heritage and

endangered Species Program. Portions of the old Breakneck Rd./cart path are also mapped as Priority and Estimated Habitat. Early coordination with NHESP is advisable.

- In addition, areas for the proposed Rt. 84 interchange, access from Rt. 15 and the access proposed near the recycling center and DFW property (old Breakneck Rd/cart path) should all be looked at for jurisdictional wetlands. As part of the planning process for any project, staff highly recommend that an applicant consider review of all areas of work for jurisdictional wetlands which could affect a potential project. There are wetlands and a perennial stream (Leadmine Brook) which run along and under Rt. 15 and Rt. 84 which would appear to impact citing roadway improvements/access as well as wetlands on adjacent parcels.
- Due to the size of the parcels, a peer review of the application and site would be necessary.
- Site visit scheduled for October 18, 2021.
- Staff Recommendations: Vote to require additional information in the form of a peer review of the wetland delineation. Continue the public hearing to Nov. 16, 2021 to allow for RFP submittal and review of proposals.

4. 100 Paradise Lane –continued NOI-Raze and Rebuild of a single family home-DEP File #300-1108

- Owner/Applicant: Michael Detarando Representative: L. Jalbert, Jalbert Engineering
- Request: Issue OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone and Bank
- Project Status Summary: Project was continued as the SCC requested that the project be further looked at to reduce impervious surface and another site visit was requested.
- Staff Notes:
 - Site visit held. No new information has been received to date and prior to the 7-day new information deadline.
- Staff Recommendations: Vote on the information provided to date or provide a continuance if requested.

5. 30 Woodlawn Drive – NOI – Replacement of a failed septic system– DEP File #300-1110

- Owner/Applicant: Hibbard Family Trust Representatives: J. Dubois, DC Engineering
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Project Status Summary: Project was continued as board and staff had concerns with the wetland delineation. Site visits held.
- Staff Notes: Staff met with PWS & PE. An agreement on the delineation could not be reached. Ultimately, the BVW line was modified to include some additional areas within the developed yard/access pathway and BVW within the forested areas which staff had concerns with. A restoration plan for impacted wetlands and 25' no disturb buffer zone was discussed. Permanent demarcation was also discussed to include placing boulders to prevent use of that area to include blocking it by the road. This would appear to allow the areas of concern to not be impacted in the future. A plan would need to be reviewed to ensure that the demarcation covers the areas of concern. Board members also performed a site visit afterwards and had questions in regards to additional areas not delineated. No new information has been received to date or prior to the 7-day new information deadline.
- Staff Recommendations: Continue the hearing if requested. If a continuance is not requested, then the project would have to be voted on. At this time, it would appear that the information submitted to date is insufficient and does not meet performance standards.

II. WETLANDS DECISIONS

6. 81 Paradise Lane- Request for Certificate of Compliance-DEP File #300-0936

- Permit holder: Allen Brauns & Judith Powell Requester: same
- Request: Issue a COC
- Staff Notes: Site visit performed. Letter of substantial compliance and as-built plan received.
- Staff Recommendations: Issue complete CoC for this property.

III. ADMINISTRATIVE DECISIONS

7. Minutes of 10/5/21 to be approved

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

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

VI. NEW BUSINESS

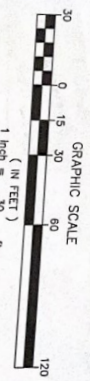
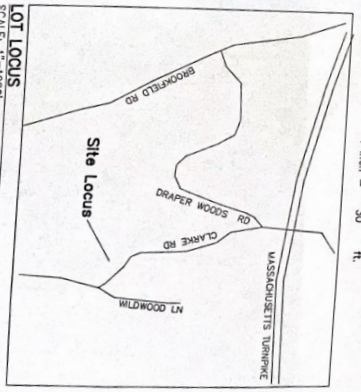
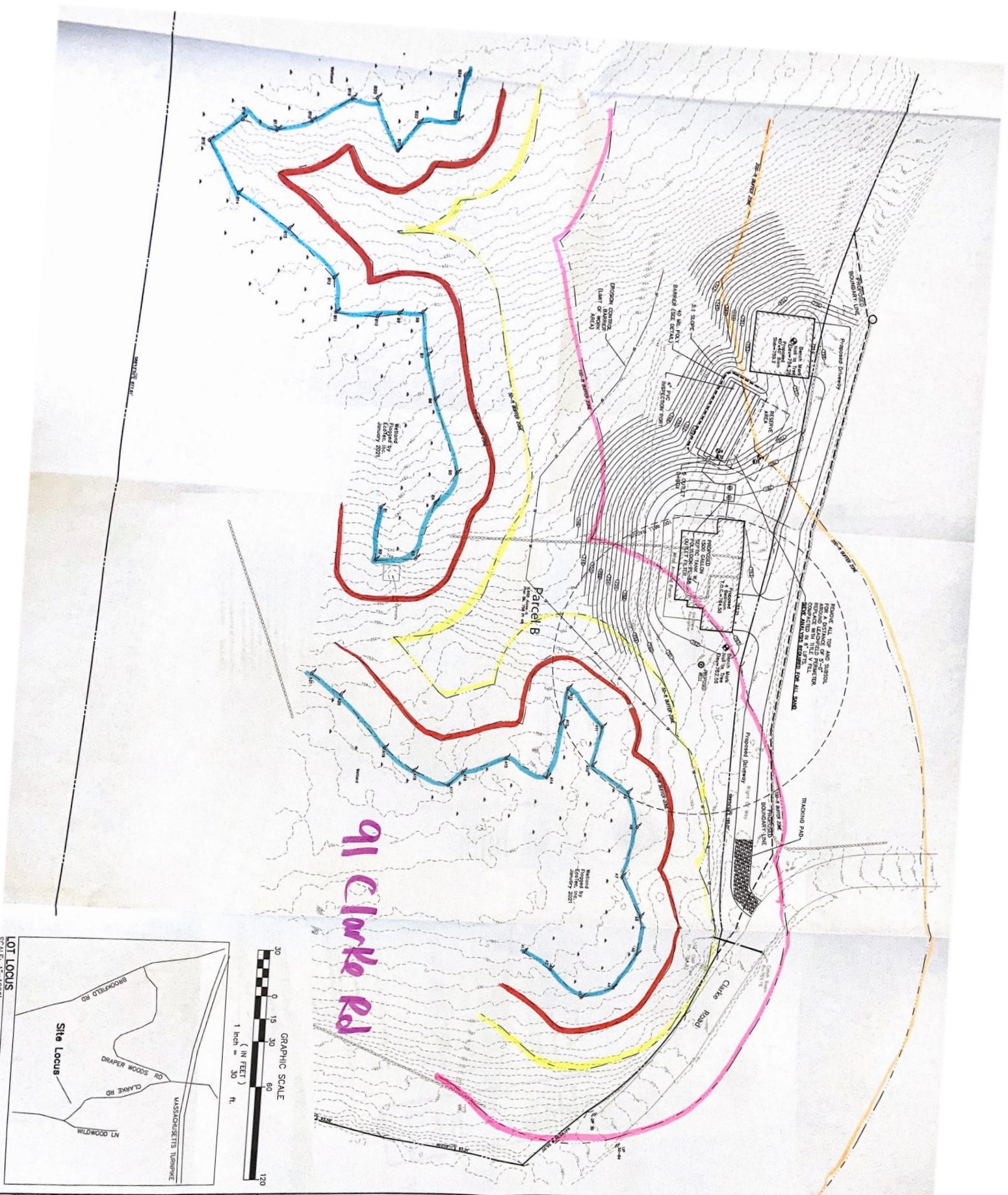
9. Special Land Use Permit Application – Leadmine - Rotary

10. Agent's Report

11. Next Meeting-November 2, 2021 and Site Visit Schedule-October 26, 2021 9-12 pm

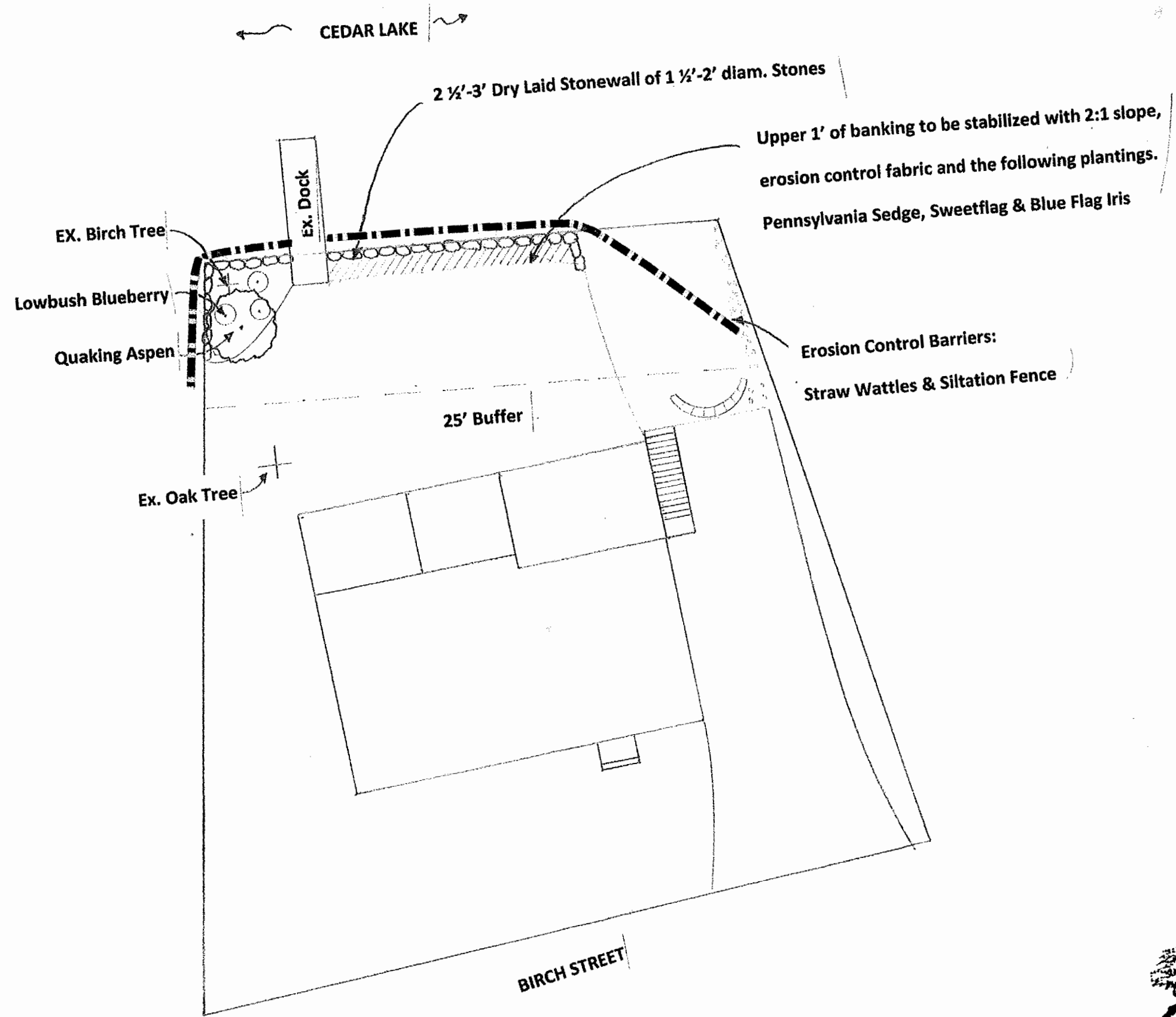
OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR

ADJOURN



LOT LOCUS
SCALE: 1"=100'

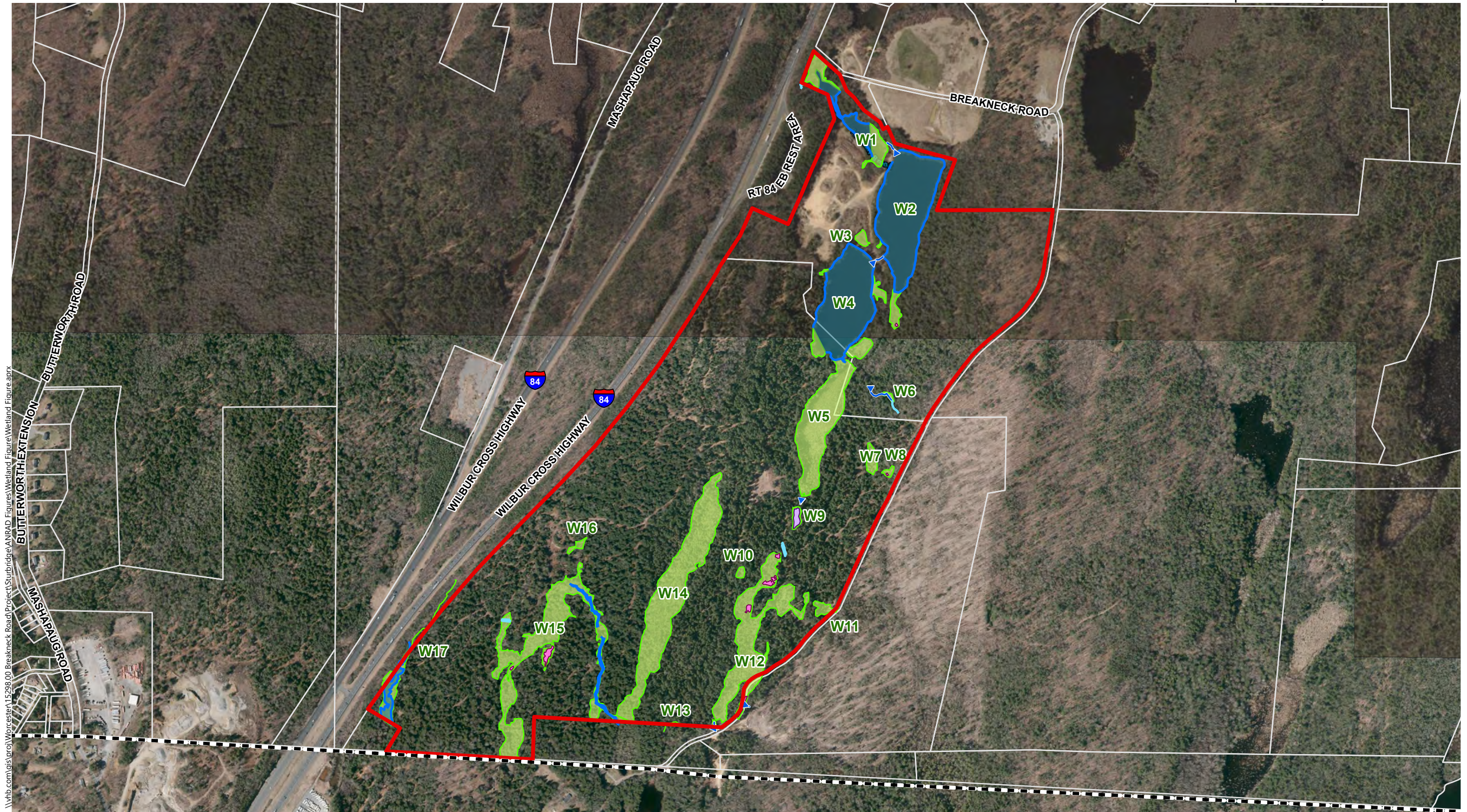
Site Plan Prepared For:
Jeffrey & Patricia Burdick
22 Birch Street
Sturbridge, MA
September 25, 2021
SCALE 1"=20'





22 Birch





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|--------------------------------------|---|----------------|
| Project Location | Field Delineated Wetlands | Parcels |
| Delineated Wetland Boundary Outlines | Open Water (delineated) | MA/CT Boundary |
| Delineated Top of Bank Area | Identified Vernal Pools (Delineated) | |
| Delineated Stream Centerlines | NHSEP Potential Vernal Pools (Delineated) | |
| Ordinary High Water (delineated) | | |

Breakneck Road Development Project | Sturbridge, MA

Figure 5 - Wetlands Map

Source Info: USGS, MassGIS, VHB