

CONSERVATION COMMISSION DETAILED AGENDA

Posting Date: Oct. 19, 2023 Revised Oct. 25, 2023
Meeting Date: Oct. 26, 2023
Time: 6:00 pm



PUBLIC HEARINGS

I. DECISIONS

1. 72 Paradise Lane – Notice of Intent-Cantilevered dock-DEP File #300-XXXX-Postponed

- Applicant/Owner: Robert Muscaro
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide.
- Staff Notes:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
 - Site visit performed.
 - Property has an issued OOC for a raze and rebuild which includes removal of the adjacent ash tree so no anticipated root impact issues with counterweight.
 - Work is proposed to occur during annual drawdown.
 - No trees or shrubs will be removed to install the dock.
 - Resource area impact is Bank impact of 6 linear feet associated with dock. Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently a patio and wall.
 - 192 sq. ft. of shading will occur on Land Under Water. Applicant to demonstrate that project is in compliance with performance standards for LUW.
 - Dock and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. One option to achieve a waiver would be to bring the proposed structure in compliance with the local harbormaster rules. This would also minimize impacts.
 - Dock is 32' long which is not in compliance with local harbormaster rules. Staff have inquired with DEP Waterways on what requirements they have and how local rules come into play. Local harbormaster rules attached. Staff need guidance on this to provide to board.
 - Composite decking includes gaps.
- Staff Recommendations: Postpone to next meeting, Nov. 16th. Continue to investigate with DEP and local regulations on dock allowances and for DEP file # issuance.

2. 94 Hall Road -Notice of Intent- Culvert Replacement-DEP File #300-XXXX

- Owner: J. Albert, Sturbridge DHC, LLC Applicant: same Representative: McClure Engineering
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone, Bank, Land Under Water
- Project Summary: Project includes the relocation of an intermittent stream which is currently in a culvert which is failing and the abandonment of the existing pipe.
- Staff Notes:
 - Project was continued for project team to provide additional information on alternative analysis and to see if additional BMP can be added to the catch basin.

Conservation Agent

Rebecca Gendreau

Assistant Agent

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

Ted Winglass

Karsten Stueber

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

www.sturbridge.gov

- DEP File # still not issued.
- Revised plan received without narrative outlining changes. Appears only change is to add a fence.
- Staff Recommendations: Continue to next meeting, Nov. 16, 2023 to allow review of changes and comment for DEP File # issuance.

3. 324 The Trail – Notice of Intent-Cantilevered docks and stone wall-DEP File #300-XXXX-Postponed

- Applicant/Owner: Matthew Kibbe
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
- Staff Notes:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - No trees or shrubs will be removed.
 - Work is proposed to occur during annual drawdown.
 - Resource area impact is Bank impact in 2 sections totaling 11 linear feet associated with docks. Concrete block section of shoreline wall to be removed and replaced with masonry wall similar to rest of shoreline. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
 - Composite decking includes gaps.
 - 2 docks proposed over lake cumulative coverage of LUW would be 385 sq. ft. Applicant to demonstrate that project is in compliance with performance standards for LUW.
 - Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Recommend looking at minimizing disturbance and coverage docks will create. One option to achieve a waiver would be to bring the proposed structure in compliance with the local harbormaster rules. This would also minimize impacts.
 - Investigate if 2 docks are permissible. This is in conflict with local harbormaster rules. Staff have inquired with DEP Waterways. Staff need guidance on this to provide to board.
- Staff Recommendations: Postpone to next meeting, Nov. 16th. Continue to investigate with DEP and local regulations on dock allowances and for DEP file # issuance. Continue to next meeting, Nov. 16th.

4. National Grid ROW 301 Line - Notice of Intent-Subsurface Geotechnical Borings-DEP File #300-1173

- Applicant: National Grid Representative: E. Piskura, Powers Engineers
- Request: Issue an Order of Conditions
- Jurisdiction: BVW, Bank, BLSF, Buffer Zone, Riverfront Area
- Documents Presented: n/a
- Project Summary: Project includes subsurface geotechnical borings.
- Staff Notes:
 - Project continued to allow peer review to start. Field work was scheduled for Oct. 18th.
 - Initial comments received and plans are being revised to address this. Peer review to provide report/final comments when revised materials received. Revised NOI received 10-25-2023 and sent to peer review for comment.
 - Emergency request received by BOH for the McKinstry Brook dam removal. Staff visited area with BOH and Beaver Solutions staff. Area is approx. 40 feet and breaching and relocation of small dam will not affect large wetland system. Emergency request received by Conservation. Agent authorized to issue will need to be ratified.
 - Staff have been notified that the other beaver dam (located at Stu W#5) which was proposed to be breached may not need to be during work. It may be possible to just mat over it during the winter. If not a small breach may be needed. That could be permitted with emergency permits if needed and at that time. Staff discussed breach with Beaver Solutions and breach would be minimal to not affect wildlife habitat that supports hibernating amphibians and reptiles and/or beavers.

- Revised documents to be sent to NHESP for comment on WPA for NOI review.
- Staff Recommendations: Continue to provide for peer review comments if not received. Ratify EA for beaver dam.

5. 328 The Trail – Notice of Intent-Cantilevered docks and repair shoreline wall-DEP File #300-XXXX-Postponed

- Applicant/Owner: Rocco Falcone
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a two cantilevered docks and replacing an existing stone and mortar wall with a more natural bolder wall with planting pockets to enhance the natural look.
- Staff Notes:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - Current shoreline is failing and material behind the wall is eroding.
 - No trees or shrubs will be removed.
 - Project requires a Chapter 91 license as work on a Great Pond. Applicant’s representative has started the process with DEP Waterways.
 - Wall profile plan demonstrates no LUW impacts and that height of proposed wall is not higher than the existing wall. Total linear feet of Bank impacts disclosed on NOI as 63 feet.
 - Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Wall will be an improvement over existing conditions providing wildlife habitat and BLSF capacity which both don’t currently exist. Proposed wall also does not require maintenance.
 - Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Recommend looking at minimizing disturbance and coverage docks will create. Waiver appears required. LUW coverage for 2 docks at 410 sq. ft. Applicant to demonstrate that project is in compliance with performance standards for LUW.
 - New deck proposed along the shoreline. Existing deck there now but this will be larger. A revised plan is anticipated based on site visit and feedback.
 - New deck and docks would be a new structure within the 25 foot no disturb area. Waiver would be required. One option to achieve a waiver would be to bring the proposed structure in compliance with the local harbormaster rules. This would also minimize impacts.
 - Includes installation of 2 docks. Local Regs don’t allow 2 docks on one property. This is in conflict with local harbormaster rules. Staff are inquiring on the requirements. Staff need guidance on this to provide to board.
- Staff Recommendations: Postpone to next meeting, Nov. 16th. DEP File # has not been issued. Continue to revise project to remove the decking to just what is required for access onto the docks. Investigate if 2 docks are permissible.

6. 595 Main Street & Rt. 20 ROW -Notice of Intent- MA DOT Rt. 20 Drainage Project-DEP File #300-1175

- Owner: Blackstone Building LLC Applicant: MA DOT Representative: LE. Olson, VHB
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Project includes the repair and replacement of failed drainage structures.
- Staff Notes:
 - Project was continued to allow the project team to address DEP’s comments and to obtain final property owner signature.
 - Project team has provided a response and revised materials for review. Materials include: Revised plans, planting plan narrative, revised stormwater memo and level spreader HydroCAD handout.
 - Property owner signature still required and is hopefully anticipated before the meeting.
 - Plans have been revised to include riverfront restoration after construction (see materials).
 - Staff have reviewed the information and appears that DEP comments have been addressed.
- Staff Recommendations: Provided that the property owner signature is received, staff recommend that the hearing is closed.
 - Approve the project pursuant to the WPA with the following conditions:

- Standard OOC conditions.
- Perpetual conditions for long term O & M activities
- Prior to start of work, develop and submit for review a control of water procedure/plan for stormwater during construction.
- Replacement mitigation plantings as proposed.
- Applicant required to demonstrate that plantings (trees and shrubs) have survived for one year after installation. This shall include a review by a professional/qualified landscaper or certified arborist. A monitoring report shall be prepared for the plant restoration areas. The report shall be submitted by the professional demonstrating the health of the landscape plantings after one growing seasons.

7. 62 Mt Dan Road – Notice of Intent-Cantilevered dock-DEP File #300-XXXX-Postponed

- Applicant/Owner: Dan St. Onge
- Representative: Mark Lavigne, Ground Effects
- Request: Issue an Order of Conditions
- Project Summary:
 - Project includes the installation of a cantilevered dock and removal of a small section of stone wall.
- Staff Notes:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - No trees or shrubs will be removed to install the dock.
 - Work is proposed to occur during annual drawdown.
 - Resource area impact is Bank at 8 linear feet associated with dock install. Temporary impacts to portion of masonry shoreline wall. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
 - Dock is 8' by 32' long. Dock is 256 sq. ft. length and coverage exceeds local harbormaster rules. This is in conflict with local harbormaster rules. Staff are inquiring on the requirements. Staff need guidance on this to provide to board.
 - New deck would be a new structure within the 25 foot no disturb area. Waiver would be required. One option to achieve a waiver would be to bring the proposed structure in compliance with the local harbormaster rules. This would also minimize impacts.
- Staff Recommendations: Postpone to next meeting, Nov. 16th. Continue to investigate with DEP and local regulations on dock allowances and for DEP file # issuance.

8. 59 Whittemore Road- SWB Notice of Intent-Construction of a barn, pool, fence and grading

- Owner/Applicant: Kiernan & Sarah Wyllie Representative: Property Owner
- Request: Issue an Order of Conditions under the SWB
- Documents Presented: plan
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the removal of pavement associated with a previous driveway, construction of an in ground pool and barn and fenced in yard in a successional field.
- Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project is not subject to MA WPA. Wetlands are deemed ILSF that do not meet criteria to be protected under the state act.
 - Site visit performed.
 - Property is currently being developed as a SFH residence. All work shown with the house construction was cited outside of the SWB 200-foot buffer zone and was not subject to review under the bylaw. Now proposing additional work.
 - Perimeter drain noted as continual flow. Contractor is going to install outlet protections to assist with scour at outlet.

- Staff Recommendation: Provided that the legal ad and abutter notifications received, staff recommend closing the hearing and approving the project with the following conditions:
 - Standard OOC conditions.
 - Sedimentation controls shall be staked and shown installed as mentioned above and maintained during work.
 - Install outlet protection for perimeter drain.
 - Pool water is prohibited from being drained in wetland resource areas.
- 9. 168 Lane Seven- Notice of Intent-Raze and Rebuild of a lakefront single-family house with associated appurtenances – DEP File #300-1177**
 - Owner/Applicant: Stephen Quink Representative: Rob Luscier, CMG Environmental
 - Request: Issue an Order of Conditions
 - Documents Presented: colored site plans
 - Jurisdiction: Buffer Zone, SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
 - Project Summary:
 - Project includes the removal of the existing house and rebuilding of a new house and associated site work.
 - Staff Notes:
 - DEP File # and comments received. Comments include:

“The applicant should verify that no impact to BVW resource will occur in association with the replacement of the stone stairs. Similarly, while noting that direct replacement of the stair case is proposed, proposed work will occur within BLSF resource. Accordingly, the applicant should quantify impacts to resource areas if any, and if so, provide a revised WPA Form 3 and demonstrate compliance with the performance standards found at 310 CMR 10.55(4) and 10.57(4).”
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Site visit conducted.
 - Site is within Priority Habitat but not Estimated Habitat. NOI does not need to be filed with DEP. Project requires separate review under MESA with NHESP.
 - Previous OOC issued on property for the removal of trees and the removal and replacement of walkways to the lake. Tree removal conducted. Request for CoC received to close permit. Walkway work proposed under this NOI.
 - House is located within the 50 foot no new structure setback. Original intent was to remodel existing structure. Owner concerned with current cinder block foundation. New foundation to be poured. Additions will be located outside of the 50-foot setback. However, existing structure to be built in same footprint.
 - Review of alternatives should be demonstrated to show that it couldn't be located further from the resource area. Some constraints exist and discussed on site.
 - One pine tree noted for removal within the yard. No impacts noted to the steep embankment to the lake which is currently vegetated. LOW discussed to be revised to be in line with the erosion controls at the top of the slope so it is clear that area is not part of work area.
 - A condition for a construction sequence plan developed by the contractor should be required prior to the start of work. The stair replacement portion of the project will require conditions for working in the dry for bottom steps.
 - Project will require waiver from board. Mitigation typically required. Board typically looks for BMPs to address roof runoff and replacement vegetation as options. Reducing and removing roof runoff on embankment to lake would be useful. Perimeter drains should be directed to upland side of house also.
 - Removal and replacement of stairs noted as temporary BLSF impacts noted at 39 sq. ft. in past OOC. Work is in same footprint so will not impact BLSF.
 - Straw wattle alone may not be sufficient. Area heavily vegetated with shrubs so silt fence may not be feasible. ECs should be changed to compost socks which are more durable alone than wattles.
 - Board of Health has questions and concerns with existing septic system and well location. BOH is looking for someone to certify that the system will be able to handle the flow from a fulltime residence. House was built in 1960s. May be original system installed when house built. No septic plan on file for existing system. These should be addressed before permit issued to ensure that system is adequate in case it additional work may be required. Well location to be added to plan.
 - Lot is non-conforming and will require review by ZBA. Town Planner has indicated that she does not anticipate any ZBA concerns with the project.
 - Staff Recommendation: Recommend that notes above are addressed including alternative analysis documented and provided to board and to look at mitigation options for waiver and BOH potential concerns addressed. Continue to next meeting to address comments. Next meeting is November 16, 2023.

10. 35 Wells Park Road- Request for Determination of Applicability-Construction of paver patio

- Owner/Applicant: William McGee Representative: Property Owner
- Request: Issue a DOA
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the replacement of a patio and addition of a roof over the grilling area.
- Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - All work is within developed areas over 50 feet from resource areas.
 - Work had already begun. Owner stated unaware of filing requirements for the work.
- Staff Recommendation: Close the hearing and issue a DOA:
 - Negative #3 with conditions:
 1. Standard pre-work and sign off conditions.
 2. Excavated material (not to be reused) to be removed from the site. Any earthen stockpiling must be protected until used (ECs, tarps).
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

11. 74 Paradise Lane- Notice of Intent-Construction of a permeable paver driveway – DEP File #300-XXXX

- Owner/Applicant: Scott & Lisa Sanderson Representative: Mark Farrell, Green Hill Engineering
- Request: Issue a DOA
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the conversion of a gravel driveway to a permeable paver driveway.
- Staff Notes:
 - DEP has not issued a file # for the project.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Site visit performed.
 - No driveway expansion proposed. Work is within the limits of the existing driveway. No trees or shrubs will be removed to install the driveway.
 - All excavated material will need to be directly removed off site.
 - Detail on blocks and maintenance schedule provided with NOI.
- Staff Recommendations: Provided that the abutter notifications have been received and a DEP file # has been issued and provided the board is satisfied, staff recommend to vote to close the hearing.
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Remove excavated material off site.
 - The proper installation of the pervious paver driveway shall be documented and certification of such shall be submitted to the SCC with photographic evidence. This shall include a letter from a qualified professional that it was completed per the plan/design specs.
 - Perpetual condition for O & M activities needed to keep driveway permeable.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.

12. 200 Haynes Street -Notice of Intent- Commercial solar array

- Applicant: Sturbridge PV LLC Owner: 30 Swift LLC Representative: BSC Group, Inc.
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
- Staff Notes:
 - Project was continued to allow for soliciting peer review proposals. Deadline was Oct 24th. Two proposals received
 - to date.

- Review proposals at the meeting and select reviewer to start process.
- Engineering/stormwater review underway. A report has not been received yet.
- Staff Recommendations: Continue hearing to next meeting, Nov. 16th, 2023, for review to be started.
Staff recommend scheduling site visit prior to the next meeting. Site visit date is Nov. 8th.
- 13. 263 New Boston Road– *continued* NOI- Construction of a Single Family House and associated site work-DEP File #300-1166**
- Owner/Applicant: Five Star Realty Trust Representative: G. Krevosky, EBT Environmental
- Request: Issue an Order of Conditions
- Project Summary: Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development.
- Documents Presented: n/a
- Staff Notes:
 - Project was continued to allow for submission of additional information. A written request for continuation was received to the next meeting of November 16, 2023
- Staff Recommendations: Continue to the next meeting to allow applicant to provide response to peer review as indicated.
- 14. 212, 216, & 226 Charlton Rd – NOI –Development of a Commercial site-DEP File#300-1172**
- Owners: Katherine Thompson-212, Christine Lena-216, & Steven J & Theresa Saletnik-226
- Applicant: Sturbridge Retail Management
- Representatives: J. Kline, Stonefield Engineering
- Request: Issue an OOC
- Jurisdiction: Buffer Zone & Riverfront Area
- Project Summary: Project includes the demolition of 3 residential homes to accommodate the construction of a 2,402 SF restaurant with drive-thru and 5079 SF medical building with associated parking and stormwater structures.
- Staff Notes:
 - Written request for hearing postponement to the December 7, 2023 meeting received.
- Staff Recommendations: Postpone hearing to the meeting as requested.

II. WETLAND DECISIONS

15. 74 Paradise Lane-Request for Certificate of Compliance –DEP File #300-475

- Requester: Scott & Lisa Sanderson Request: Issue a COC
- Staff Notes: Site visit conducted on 10-18-23. Historic OOC for house raze and rebuild. Had included tight tank install but sewer was installed and connected. As-built plan received. No concerns.
- Staff Recommendations: Issue complete CoC. No perpetual conditions noted.

16. 76 South Shore Drive-Request for Permit Extension –DEP File #300-1077

- Requester: Peter Mimeault Request: Issue a 1-year extension
- Staff Notes: Work completed for shoreline protection including plantings. However, with elevated water levels and time of year for planting verification extension requested to review in Spring.
- Staff Recommendations: Issue one-year extension as requested.

i. ADMINISTRATIVE DECISIONS

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes

VI. CORRESPONDENCE

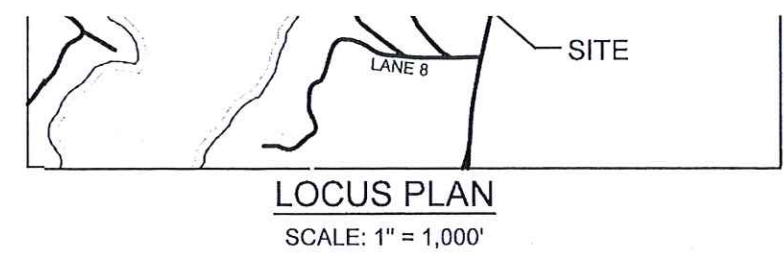
VII. NEW BUSINESS

17. 2024 Meeting Schedule

18. Agent's Report

19. Next Meeting-November 16, 2023 and Site Visit Schedule-Nov. 8, 2023

168 Lane 7



— OHW —	OVERHEAD ELECTRIC
--- UGE ---	UNDERGROUND ELECTRIC
- - - 50 - - -	CONTOUR LINE
- x - x -	FENCE
~~~~~	TREELINE
- - - - -	EDGE OF WETLANDS
⊕	WETLAND SYMBOL
▬▬▬▬▬	WETLAND BUFFER
▬▬▬▬▬	EROSION CONTROL BARRIER
▬▬▬▬▬	LIMIT OF WORK

EXISTING 3 FT. - WIDE  
STONE STAIRS TO BE  
REMOVED AND REPLACED  
WITH GRANITE STAIRS  
TOP STEP ELEV. = 612.3  
BOT STEP ELEV. = 597.7

EXISTING CONCRETE  
STAIRS TO BE REMOVED AND  
REPLACED WITH PRESSURE  
TREATED LUMBER STAIRS  
(SEE DETAIL)

PROPOSED DECK ABOVE  
EXISTING PATIO (ARCHITECTURAL PLANS)

PROPOSED RETAINING WALL  
WITH RAILING ON TOP  
(ARCHITECTURAL PLANS)

PROPOSED PATIO PAVERS  
TOTAL S.F. = 621.0

UPPER LIMIT OF POND BANK  
DELINEATED BY ECOTEC, INC.  
ON SEPT. 18, 2017

EXISTING HOUSE  
(ARCHITECTURAL PLANS)  
OWNER OF

100-YEAR FLOOD ZONE LINE  
(ZONE AE, ELEV. 605)  
BASED ON FIRM MAP  
NUMBER 25027C0762E,  
DATED JULY 4, 2011

PROPOSED 2" EROSION CONTROL  
BATTLES SET ALONG TOP  
OF RETAINING WALL.  
TO REPLACE AS  
NECESSARY

PROPOSED PRESSURE  
TREATED LUMBER STAIRS  
(SEE DETAIL)

EXISTING 1 STORY HOUSE  
(60 S.F.±) TO BE RAZED

APPROX. NHESP PRIORITY  
HABITATS OF RARE SPECIES  
TAKEN FROM MASSGIS  
ONLINE DATA

EXISTING STONE STAIRS  
TO BE REMOVED

N/F  
EDWARD J. HOVAN REV TRUST  
391-00138-170  
#170 LANE EIGHT  
BK 56736 PG 357

BENCHMARK:  
CONC. COVER  
ELEV.=618.21  
(NAVD 88)

PROPOSED  
RETAINING WALL  
(BY OTHERS)

PROPOSED  
GRANITE STAIRS

APPROX. SEPTIC SYSTEM LOCATIO  
BASED ON TITLE 5 INSPECTION FOR

PROPOSED MATERI  
STAGING / STOCKP  
AREAS (TYP.)

N/F  
THE LANE REALTY TRUST  
387-00148-162  
#162 LANE EIGHT

#168 LANE SEVEN  
PARCEL ID:  
391-00148-168  
AREA = 2.33 ACRES±

REGULATION:



**TOWN OF STURBRIDGE  
RULES AND REGULATIONS GOVERNING  
TEMPORARY MOORINGS, FLOATS, RAFTS AND RAMPS**

**Section I History**

With the increased usage of our lakes and the increased building on land with lake frontage, we see a definite need to place some conditions on and regulate these types of bottom anchored structures.

Under Chapter 92, Section 10A the Harbor Master may authorize a permit for such floats, rafts and moorings. In the past there have been very few requests for permits and each one was handled individually with no formal guidelines to work from.

These lakes are fragile natural resources and must be protected and cared for or there will be nothing for future generations. We need to balance public access with environmental protection.

**Section II Jurisdiction**

**A. Who needs a permit?**

1. Anyone placing a float, raft or mooring into any body of water within the territorial jurisdiction of the Town of Sturbridge must have a permit.

**B. Who issues the permit?**

1. Floats, docks and rafts secured to the bottom with piles or permanently secured:
  - a. Permit required from the Department of Environmental Protection and/or the Conservation Commission.
  - b. Permit may be required from the Army Corps of Engineers if filling or dredging is requested.
2. Temporary floats, rafts, docks or moorings secured to the bottom with anchors or bottom moorings:
  - a. Harbor Master may issue permit under Chapter 91, Section 10A.
  - b. Copy of Chapter 91, Section 10A included in these regulations.

1. No dock will exceed 200 sq. ft. of surface space.
2. No dock will extend into the lake more than 25 feet.
3. No dock will be placed on or in front of land owned by another without the landowner's permission.
4. No more than one (1) dock will be placed adjacent to one (1) parcel of land.
5. Docks will be anchored (moored) at a minimum, every 25 feet.
6. All chains or lines from the mooring or anchor to the dock will be two feet above the highest level of water at the location.
7. No dock will be painted with any creosote or oil-based paint. Any copper based paint is acceptable.
8. Public access will be assured from the shorefront.

C. Moorings

Definition:

- a. Any place where vessels are secured other than a dock, raft or pier.
  - b. The equipment and/or process used to secure a vessel, other than by anchoring, consisting of a block or anchor placed on the bed of a body of water, to which is affixed a buoy or float, to which is affixed a pennant.
1. No part of an anchored boat shall extend more than 25 feet from shore.
  2. No mooring will be placed adjacent to (in front of) land owned by another without the landowner's permission. (This does not apply to State land.)
  3. No more than two (2) moorings will be placed adjacent to one (1) parcel of land.
  4. Floatation:
    - a. All chain or line floatation buoys shall be clearly visible at all times.
    - b. All floatation buoys will be white with a blue stripe and clearly marked with the owner's name.
  5. Scope:
    - a. All chains or lines from the mooring block or bottom anchor to the floatation buoy will be two feet above the highest level of water at the location.
  6. Mooring blocks or anchors:
    - a. All blocks or bottom anchors will be of sufficient size and shape to hold the vessel fast, as determined by the Harbor Master.

### Section III Procedures/General

- A. Requests for permits for temporary floats, rafts or moorings must be accompanied by a sketch showing location, size and a description of the structure.
- B. If anyone wishes to deviate from any condition or regulation in this document or has any special circumstances, they must attach a letter explaining the reason for the deviation. The Harbor Master will make a determination from the information provided and may make a site inspection with the owner to determine the need for deviation from the regulations.
- C. All temporary structures must be removed by December first and not replaced until April first of each calendar year.
- D. Authorized Harbor Master Permits shall remain valid only if the person who has obtained a permit from the Harbor Master files with the Board of Selectmen/Harbor Master annually on or before the anniversary date of the original application.

### Section IV Procedures/Specific

- A. Rafts  
Definition: Any free-floating dock anchored to the bottom and not connected to the shore.
  - 1. No raft will be larger than 100 sq. ft. in surface space.
  - 2. No raft will be located more than 25 feet from shore.
  - 3. No raft will be placed adjacent to (in front of) land or another without the landowner's permission.
  - 4. No more than one (1) raft will be placed adjacent to one (1) parcel of land.
  - 5. Rafts will be anchored (moored) from two points with two bottom anchors to minimize swinging.
  - 6. All chains or lines from the mooring or anchor to the raft will be two feet above the highest level of water at the location.
  - 7. Rafts will not be painted with any creosote or oil based paint. Any copper based paint is acceptable.
  - 8. Rafts owned by Lake Associations, by special permit could be allowed to extend more than 25 feet from the shore, as restricted in #2.
- B. Docks  
Definition: Any structure connecting to shore.

## GENERAL LAWS OF MASSACHUSETTS

**Chapter 91: Section 10A. Temporary moorings of floats or rafts; permits, issuance or refusal; review; public nuisances.**

Section 10A. Notwithstanding any contrary provision of law, the harbormaster of a city or town or whomsoever is so empowered by said city or town may authorize by permit the mooring on a temporary basis of floats or rafts held by anchors or bottom moorings within the territorial jurisdiction of such city or town upon such terms, conditions and restrictions as he shall deem necessary. He shall act on applications for such permits within a period of fifteen days from receipt thereof.

Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may appeal to the division of waterways of the department within thirty days after receiving notice of such refusal or of the imposition of such condition or restriction.

Said division shall review the circumstances resulting in such appeal and shall render a ruling either confirming the action of a harbormaster, setting such action aside, or amending such action and imposing its own conditions and restrictions as deemed necessary.

Nothing in this section shall be construed as authorizing the placement of floats or rafts and appurtenant anchors or bottom moorings on private flats of other than the applicant if objected to by the owner or owners thereof.

Actions by a harbormaster and/or the division under this section shall be subject to applicable laws administered by the division of motor boats, the division of marine fisheries, the United States Coast Guard and the United States Corps of Engineers.

Floats or rafts held by anchors or bottom moorings installed without permission from a harbormaster and/or said division shall be considered a public nuisance and may be removed by the harbormaster at the expense of the owner in the event he fails to remove same after notice in writing from the harbormaster.

For the purpose of this section, temporary shall mean for no longer than to the end of any given calendar year.

---

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Chapter 91 Table of Contents](#) ** [Legislative Home Page](#)**

**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources – Waterways Regulation Program  
Chapter 91 Simplified Waterways License Application

**Simplified License Conditions**

The total area of the combined structures, measured below mean/ordinary high water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e. does not serve ten or more vessels).

**USE:** The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

**TERM:** This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

**WATERWAYS CONDITIONS:**

**1. ACCESS:** In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources – Waterways Regulation Program  
 Chapter 91 Simplified Waterways License Application

**Simplified License Conditions**

2. This License authorizes structure(s) and/or fill on:

<input type="checkbox"/> Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
<input type="checkbox"/> Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
<input type="checkbox"/> Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high-water mark for any lawful purpose.
<input type="checkbox"/> Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act. **NONE FOUND**

**CONSTRUCTION:**

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. **All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.**

**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources – Waterways Regulation Program  
Chapter 91 Simplified Waterways License Application

**Simplified License Conditions**

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; **in no case shall the length extend more than ¼ of the way across a water body** and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high-water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

**DOCKING OF VESSELS:**

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

**COMPLIANCE**

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee *prior* to the commencement of any activity of use authorized pursuant to this License.



# Town of Sturbridge

## Conservation Commission

### MEETING DATES FOR 2024

Meetings are usually every 3  
weeks

Meetings start @6 p.m.

Applications should be submitted no later than noon on the deadline date

Meeting Date	Application Deadline	Legal Ad Publication
Thursday, January 04	Tuesday, December 19, 2023	Thursday, December 28, 2023
Thursday, January 25	Tuesday, January 9	Thursday, January 18
Thursday, February 15	Thursday, January 30	Thursday, February 8
Thursday, March 7	Tuesday, February 20	Thursday, February 29
Thursday, March 28	Tuesday, March 12	Thursday, March 21
Thursday, April 18	Tuesday, April 02	Thursday, April 11
Thursday, May 9	Tuesday, April 23	Thursday, May 02
Thursday, May 30	Tuesday, May 14	Thursday, May 23
Thursday, June 20	Tuesday, June 4	Thursday, June 13
Thursday, July 11	Tuesday, June 25	Wednesday, July 3
Thursday, August 22	Tuesday, August 6	Thursday, August 15
Thursday, September 12	Tuesday, August 27	Thursday, September 5
Thursday, October 3	Tuesday, September 17	Thursday, September 26
Thursday, October 24	Tuesday, October 8	Thursday, October 17
Thursday, November 14	Thursday, October 29	Thursday, November 7
Thursday, December 5	Thursday, November 19	Wednesday, November 27