

# CONSERVATION COMMISSION DETAILED AGENDA

Date: October 27, 2022

Time: 6:00 pm



## DECISIONS

### I. WETLANDS DECISIONS

#### 1. 132 Lane Nine – NOI – After the fact erosion and sediment stabilization– DEP File #300-XXXX

- Owner/Applicant: Randy Bercume      Representatives: S. Morrison, EcoTec
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
  - After the fact filing for removal of the accumulated sediments followed by the installation of stairs and stone to prevent washout and scouring that was occurring. No further work is proposed.
- Staff Notes:
  - Proof of abutter notifications required to open hearing & proof of legal ad received.
  - **DEP has not provided a file number for this project.**
  - All work was completed under an Emergency Authorization. No further work is required.
  - NHESP MESA approval provided.
- Staff Recommendations: Provided that the legal ad, abutter notifications and DEP File # are received, staff recommend to vote to close the hearing.
  - Vote to approve and issue an Order of Conditions pursuant to the WPA with no special conditions. OOC to be recorded and then immediately file for a Certificate of Compliance.
  - Vote to approve and issue an Order of Conditions pursuant to the SWB with no special conditions. OOC to be recorded and then immediately file for a Certificate of Compliance.

#### 2. 136 Lake Road –RDA – Minor shoreline repair and tree removal

- Owner/Applicant: Bruce Gran      Representatives: none
- Request: Issue DOA
- Documents Presented: site photos
- Jurisdiction: Buffer Zone, Bank
- Project Summary:
  - Project includes the removal of three trees with replacements and the restacking of 8 ft section of a boulder wall.
- Staff Notes:
  - Proof of abutter notifications & proof of legal ad received.
  - Project is not within Priority or Estimated Habitat.
  - Tree removal includes 2 dead hemlocks and a declining 20" oak. Arborist report included with restoration recommendations to include a no disturb area to be planted with shrubs and the planting of a tree near the location of the oak.
  - Shoreline is mostly a concrete block wall with the exception of one 8' section of dry laid stone. This has fallen down or partially fallen down. Plan to restack the wall and include stone and filter fabric behind it.
- Staff Recommendations: Provided that the legal ad and abutter notifications are received, staff recommend to vote to close the hearing and issue a Determination:
  - Negative #3 w/ conditions:
    - Standard pre-work and sign off conditions.

**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

Steven Chidester

David Barnicle

Steve Halterman

Erik Gaspar

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

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

- All work shall follow the submitted and approved protocol. The replacement wall shall not exceed the footprint of the existing wall.
- All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
- No materials shall be deposited within Land Under Water. All fallen materials shall be removed at the end of each work day.
- Straw wattle install until stabilized.
- Require plantings as proposed.
- Positive #2b: no resource area approval
- Positive #5 w/ conditions noted above.

**3. 231 & 233 Cedar Street – *continued* NOI –Construction of a Single Family Home and associated site work - DEP File #300-1139**

- Owner/Applicant: Bradley Marszalkowski Representative: S. Jordan, Ecotec
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone to 2 BVWs and Bank
- Project Status Summary: Project was continued to allow Applicant to address staff and SCC notes.
- Staff Notes:
  - See 9-15-2022 Detailed Agenda for original staff notes, performance standards, etc.
  - New materials received including revised plan and EcoTec, Inc's. "Project Description, Construction Sequence & Wetlands Interest Assessment". Waiver requested for driveway within the 25 foot no disturb.
  - Project revisions include: "pitch to drain arrows along the driveway to ensure that driveway runoff reaches the basins, clear distinction of where wattle and wattle/silt fence will be used, and a note at the bottom of the plan regarding the signage along the limit of work/lawn on the site".
- Staff Recommendations: 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.
    - Submit drainage structure O & M Plan prior to the start of work.
    - Permanent demarcations must be installed prior to Certificate of Compliance.
    - Remove debris dumped on site (plywood, lumber, barrel, etc.)
    - Remove existing drainage pipes.
    - Perpetual conditions for stormwater structures and signage.
  - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
    - Conditions noted above.
    - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 for new single family house development has been previously required. To be released upon issuance of a Certificate of Compliance.

**4. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – *continued* NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-1132**

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Project Summary: Project was continued to allow for project revisions based on comments to date.
- Staff Notes:
  - Email from LEC (Representative) received application withdrawn w/out prejudice. Planning to re-file for new public hearing. Requesting to waive the Town portion of the state fee.
  - Staff requested feedback from DEP on fee waiver request. DEP will await to review the new NOI to evaluate request. State fees not at Commission's discretion to waive just DEP.
- Staff Recommendations: Close hearing based on withdrawal request.

## II. WETLAND DECISIONS

### 5. 289 Clarke Road Extension –Request for a Certificate of Compliance-DEP File#300-667

- Applicant: Lisa Bachand      Permit Holder: same
- Request: Issue COC
- Staff Notes: NOI was result of erosion issues at a property in which a NOI had not been previously required. The plan included a drainage remedy to include soil stabilization, plantings and drainage swales in 2005. Site visit performed, letter of substantial compliance received: drainage project implemented properly. Project has been completed for some time. In addition, slope in backyard has also naturally relegated and grown in with successional vegetation (not lawn).
- Staff Recommendations: Issue complete CoC (no perpetual conditions noted in OOC).

### 6. 8 Birch Street –Request for an Extension of Order of Conditions-DEP File#300-1055

- Applicant: R. Nichols, Otis Land Management      Permit Holder: same
- Request: Issue extension
- Staff Notes: Extension request received as last trailer has not been built yet.
- Staff Recommendations: Issue 3-year extension.

### 7. 7 Cove Drive –Request for a Certificate of Compliance-DEP File#300-1074

- Applicant: Kyle and Laura Tasse      Permit Holder: same
- Request: Issue COC
- Staff Notes: Site visit performed and letter of substantial compliance and as-built plan received. Project varied slightly from approval. House was shifted to the south and driveway expanded within the previous house footprint. That did not result in a change to the approved LOW or encroach closer to resource areas. Additional plantings on site.
- Staff Recommendations: Issue complete CoC with perpetual special conditions: 50-53.

## III. ADMINISTRATIVE DECISIONS

### 8. Minutes of 10/7/22 to be approved

- Staff Recommendations: Vote to accept the 10/6/22 minutes.

## IV. OLD BUSINESS

### 9. 413 Main Street-

- Staff Notes: Staff informed the board about this at the last meeting. Parking lot failure occurred. Immediate repairs occurred to stabilize slope and repair parking lot. McClure Engineering to investigate cause for failure as it was unclear what caused the failure and therefore who may be responsible to address. A significant amount of fine material had been deposited within Land Under Water, on Bank and in the adjacent Bordering Vegetated Wetland associated with Cedar Meadow Brook. The area is also within Riverfront Area.
- After the fact approval would be required, however, additional site review is required to determine the cause of the failure and a remedy to prevent further future slope failure. Unclear of cause and who may be responsible for sediment removal. In addition, a plan to remove fill deposited in the wetlands would be required.
- A letter was issued requesting an update on this matter, actions taken and an anticipated timeline.
- Staff Recommendations: Discuss next steps and set reasonable deadline for application submittal to ensure that it is done. Imperative that sediment is removed as soon as possible.

### 10. 110 Brookfield Road-

- Staff Notes: Staff informed the board about this at the previous meetings. NOI required for work occurring on property. A follow up letter was issued requesting an update on actions taken to file NOI and timeline on when NOI would be submitted as update for this meeting.
- Staff Recommendations: Property owner has informed that working on NOI. Staff recommended assistance from an engineering firm as commercial site. Discuss next steps and set reasonable deadline for application submittal to ensure that it is done.

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## UPDATES

### V. ADMINISTRATIVE UPDATES

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

### VI. CORRESPONDENCE

#### 11. Opacum Land Trust Letter

### VII. NEW BUSINESS

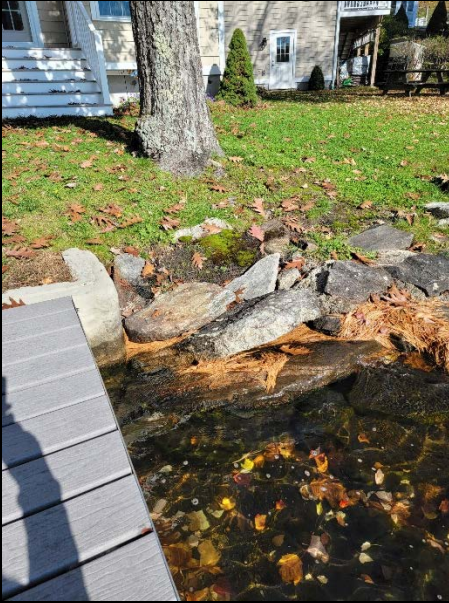
#### 12. Agent's Report

#### 13. Next Meeting-Thursdays November 17, 2022 and Site Visit Schedule-Nov. 8<sup>th</sup>, 9 AM

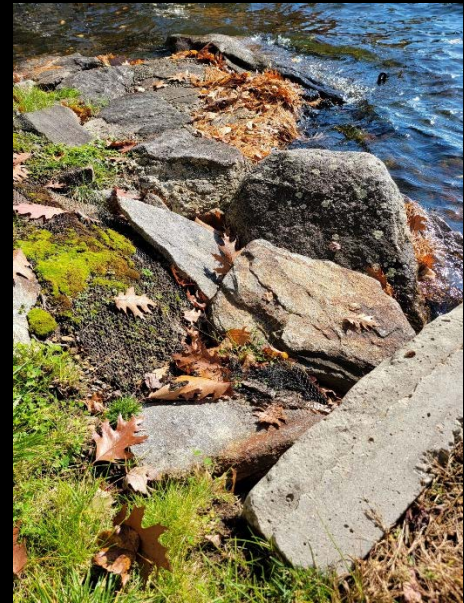
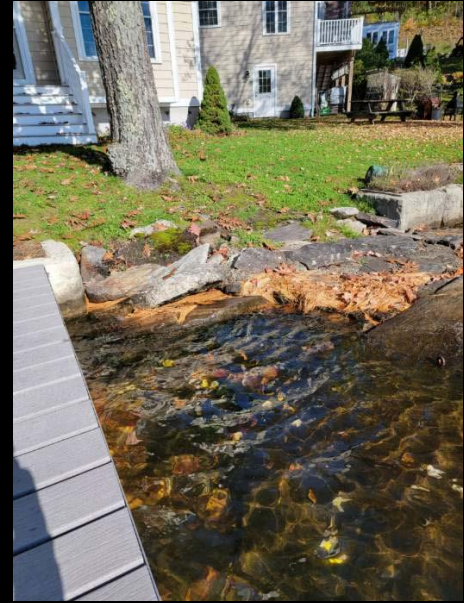
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136 Lake Rd.





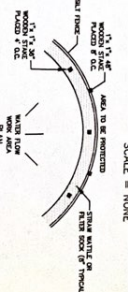
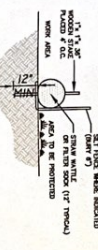




NOT TO BE CONSIDERED INTO THIS SYSTEM UNLESS OTHERWISE SPECIFIED

6) MAINTENANCE OWNER TO HAVE SYSTEM INSPECTED ANNUALLY BY TRAINED OPERATOR AND SUBMIT CHECKLIST TO LOCAL AGENCIES FOR THE CONSTRUCTION OF THE EFFLUENT DISPOSAL SYSTEM SHOWN. ANYONE USING INFORMATION FROM THIS DOCUMENT FOR ANY OTHER PURPOSE DOES SO AT THEIR OWN RISK IN ACCORDANCE WITH THE STATE OF NEW YORK.

7) APPROVAL FOR CONSTRUCTION IS VALID FOR 4 YEARS FROM DATE OF ISSUE



INSPECTION PORT  
3.5 O.C. TYP.

## PLAN DETAIL

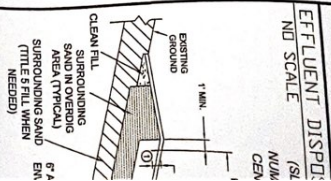
SCALE: NONE

### PERCOLATION TEST AND DEEP HOLE OBSERVATIONS

TEST PERFORMED AS PER TITLE 5  
DATE OF TEST: 5/25/22  
TEST TAKEN 48" BELOW EXISTING GRADE.  
RESULT: 55 MINUTES BEFORE INCH.  
DESIGNED AT 80" TOWARD S. JALBERT P.E.  
WITNESSED BY: KENNETH B. LACEY

### OBSERVATION PITS

TEST #	TEST DATE	TEST TIME	TEST RESULT	TESTER
1	5/25/22	10:00 AM	55 MINUTES	K. B. LACEY
2	5/25/22	10:15 AM	55 MINUTES	K. B. LACEY
3	5/25/22	10:30 AM	55 MINUTES	K. B. LACEY
4	5/25/22	10:45 AM	55 MINUTES	K. B. LACEY
5	5/25/22	11:00 AM	55 MINUTES	K. B. LACEY
6	5/25/22	11:15 AM	55 MINUTES	K. B. LACEY
7	5/25/22	11:30 AM	55 MINUTES	K. B. LACEY
8	5/25/22	11:45 AM	55 MINUTES	K. B. LACEY
9	5/25/22	12:00 PM	55 MINUTES	K. B. LACEY
10	5/25/22	12:15 PM	55 MINUTES	K. B. LACEY
11	5/25/22	12:30 PM	55 MINUTES	K. B. LACEY
12	5/25/22	12:45 PM	55 MINUTES	K. B. LACEY
13	5/25/22	1:00 PM	55 MINUTES	K. B. LACEY
14	5/25/22	1:15 PM	55 MINUTES	K. B. LACEY
15	5/25/22	1:30 PM	55 MINUTES	K. B. LACEY
16	5/25/22	1:45 PM	55 MINUTES	K. B. LACEY
17	5/25/22	2:00 PM	55 MINUTES	K. B. LACEY
18	5/25/22	2:15 PM	55 MINUTES	K. B. LACEY
19	5/25/22	2:30 PM	55 MINUTES	K. B. LACEY
20	5/25/22	2:45 PM	55 MINUTES	K. B. LACEY
21	5/25/22	3:00 PM	55 MINUTES	K. B. LACEY
22	5/25/22	3:15 PM	55 MINUTES	K. B. LACEY
23	5/25/22	3:30 PM	55 MINUTES	K. B. LACEY
24	5/25/22	3:45 PM	55 MINUTES	K. B. LACEY
25	5/25/22	4:00 PM	55 MINUTES	K. B. LACEY
26	5/25/22	4:15 PM	55 MINUTES	K. B. LACEY
27	5/25/22	4:30 PM	55 MINUTES	K. B. LACEY
28	5/25/22	4:45 PM	55 MINUTES	K. B. LACEY
29	5/25/22	5:00 PM	55 MINUTES	K. B. LACEY
30	5/25/22	5:15 PM	55 MINUTES	K. B. LACEY
31	5/25/22	5:30 PM	55 MINUTES	K. B. LACEY
32	5/25/22	5:45 PM	55 MINUTES	K. B. LACEY
33	5/25/22	6:00 PM	55 MINUTES	K. B. LACEY
34	5/25/22	6:15 PM	55 MINUTES	K. B. LACEY
35	5/25/22	6:30 PM	55 MINUTES	K. B. LACEY
36	5/25/22	6:45 PM	55 MINUTES	K. B. LACEY
37	5/25/22	7:00 PM	55 MINUTES	K. B. LACEY
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41	5/25/22	8:00 PM	55 MINUTES	K. B. LACEY
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44	5/25/22	8:45 PM	55 MINUTES	K. B. LACEY
45	5/25/22	9:00 PM	55 MINUTES	K. B. LACEY
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49	5/25/22	10:00 PM	55 MINUTES	K. B. LACEY
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52	5/25/22	10:45 PM	55 MINUTES	K. B. LACEY
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56	5/25/22	11:45 PM	55 MINUTES	K. B. LACEY
57	5/25/22	12:00 AM	55 MINUTES	K. B. LACEY
58	5/25/22	12:15 AM	55 MINUTES	K. B. LACEY
59	5/25/22	12:30 AM	55 MINUTES	K. B. LACEY
60	5/25/22	12:45 AM	55 MINUTES	K. B. LACEY
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62	5/25/22	1:15 AM	55 MINUTES	K. B. LACEY
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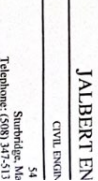
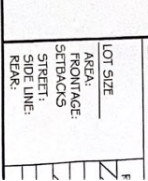
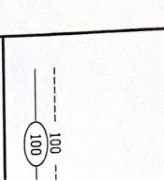


### SCHEDULE OF ELEVATIONS

INVERT IN D BOX  
INVERT OUT D BOX  
BOTTOM OF PIPE (12.1)  
BOTTOM OF PIPE (12.2)  
BOTTOM OF PIPE (12.3)  
BOTTOM OF PIPE (12.4)

### PERCOLATION TEST

TEST PERFORMED AS PER TITLE 5  
DATE OF TEST: 5/25/22  
TEST TAKEN 48" BELOW EXISTING GRADE.  
RESULT: 55 MINUTES BEFORE INCH.  
DESIGNED AT 80" TOWARD S. JALBERT P.E.  
WITNESSED BY: KENNETH B. LACEY



JALBERT EN

CIVIL ENGINEER

Telephone: (580) 347-5113

Summitville, Mo

Ex. 1

MAINTENANCE NOTE

THE STATE ENVIRONMENTAL CODE, STATES, 'SEPTIC TANKS SHOULD BE INSPECTED AND CLEANED AT LEAST ANNUALLY.'

NO PERMANENT STRUCTURES ARE TO BE ERRECTED IN THE RESERVE AREA.

DO NOT PLANT TREES OVER OR NEAR THE FIELD.

AVOID VEHICULAR TRAFFIC OVER SYSTEM.

NOTE: THE LIMIT OF WORK/AVENUE AREA SHALL BE DEMARCATED WITH STAKES TO PREVENT FUTURE CLEARING, DUMPING, OR FILLING BEYOND THE APPROVED LIMIT OF WORK. STAKES SHALL BE PLACED AT 3'-6" ABOVE THE GROUND SURFACE AND AT A SPACING OF NO MORE THAN 50'. THE SIGN SHALL HAVE THE FOLLOWING OR SIMILAR LANGUAGE APPROVED BY THE STURBRIDGE CONSERVATION COMMISSION.

VEHICULAR CONSERVATION EASEMENT. NO MOVING, CUTTING, CONSTRUCTION, FILLING, APPLICATION OF CHEMICALS OR BREEDING ALLOWED.

CRUSHED STONE, TRACK PAD CONSTRUCTION ENTRANCE

NOT TO SCALE

LOT LOCUS

SCALE: NONE

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Town of Sturbridge  
308 Main Street,  
Sturbridge MA 01566

October 17, 2022

Attn: Trails Committee, Brandon Goodwin Chair; Rebecca Gendreau, Conservation Agent; Robin Grimm, Town Administrator; Conservation Commission and Board of Selectmen

Thank you for sharing your enthusiasm for creating recreational trails within the town of Sturbridge. It is important to have a committee assuring public access and enjoyment of these places. As the Conservation Restriction (CR) holder on Riverlands, Plimpton Community Forest, and Long Pond properties, **Opacum Land Trust is required by the Town of Sturbridge to uphold the conservation values** of the properties in balance with public access and trails.

We have reviewed your presentation from September 7, 2022, and have walked the properties. At this time, we cannot approve the trails as proposed. **However, we want to continue discussions on trails on these three properties and work with the Trails Committee, Conservation Commission, and Town Administrator on the best procedures for reviewing and approving trails that do not inhibit the conservation values of these properties.** In a follow-up meeting, we can provide specific details as to what is and is not allowed on these properties regarding conservation. Going forward, we want to have open communications on trails, and the pre-approval from us prior to installation. Opacum Land Trust agrees that public access and trails are important and allowed in the CR, but we must balance this with protecting the conservation values of these properties.

We plan to hold a meeting with the Trails Committee, Conservation Commission, Conservation Agent Rebecca Gendreau, and Town Administrator Robin Grimm to discuss trails and conservation on these properties, as we have a few concerns we would like to address. Opacum Land Trust is working to create procedures for approvals and communications regarding CRs we hold on municipal lands for all the towns we work in. The meeting will be coordinated over email and we will be in touch.

Thank you!

Laney Wilder

Executive Director, Opacum Land Trust

CC: Opacum Board Directors Leslie Duthie, Howie Fife, Glenn Colburn, Jeff Burdick

*Protecting land, water, and wildlife in south-central Massachusetts.*

P.O. Box 233 Sturbridge, MA 01566 • (508) 347- 9144 • [info@opacumLT.org](mailto:info@opacumLT.org) • [www.opacumLT.org](http://www.opacumLT.org)