

CONSERVATION COMMISSION DETAILED AGENDA

Date: October 6, 2022

Time: 6:00 pm



DECISIONS

I. WETLANDS DECISIONS

1. 33 Breakneck Road – NOI – Driveway for a pre-existing single family house – DEP File #300-xxx

- Owner/Applicant: David Monroe Representatives: M. Farrell, Green Hill Engineering
- Request: Issue Order of Conditions.
- Documents Presented: colored plans & site photos
- Jurisdiction: Buffer Zone
- Performance Standards
 - **10.53(1): General Provisions** "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."
- Project Summary:
 - Construction of a new driveway for an existing single-family home. Parking is currently located along the street in the ROW and the Town has requested that parking be off the ROW.
- 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.**
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - All work is occurring outside of the 50-foot buffer zone.
 - The driveway will be paved along the slope, include a berm at the top by the road and will be gravel at the base and in the parking area. (Additional plan note states: existing paved drive but likely an error). Driveway may include culvert along the ROW to keep road runoff flow path.
 - No tree removal is proposed.
 - Turnaround area requires some grading and will include rip rap on the slope, otherwise, parking area is flat and open. Currently lawn and herbaceous growth.
 - Straw wattle proposed for ECs. Due to slopes, staff recommend including an entrenched silt fence. This can be added as a condition.
- 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 the following special conditions:
 - Standard OOC conditions.
 - Sedimentation controls shall also include an entrenched silt fence in addition to the straw wattle during work.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Standard OOC conditions.
 - Sedimentation controls shall also include an entrenched silt fence in addition to the straw wattle during work.

2. 145 Walker Pond Road –RDA – Septic system repair

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

- Owner/Applicant: Richard Pierce Representatives: M. Farrell, Green Hill Engineering
- Request: Issue DOA
- Documents Presented: colored plans, photos
- Jurisdiction: SWB Buffer Zone
- Performance Standards
- Project Summary:
 - Project includes the repair of septic system for an existing SFH.
- Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Work is located outside of the 100' state buffer zone so no state jurisdiction.
 - Work is located within the SWB buffer zone and subject to review and approval.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - Area of system is just outside of the developed yard but does not require any tree removal for install of the presby system. Area is fairly flat before dropping off on a steep slope.
 - Access would appear to be from the driveway and may require removal of a stone wall and steps. Staff have no concerns as on opposite side of slope to the wetlands.
 - Presby system does not require mounding so no increase of slope or major erosion concerns.
 - 1 double stem oak near new location is declining (one stem dead) and should be included in approval if they decide to remove it.
 - Include ECs (silt fence & wattle) at LOW as slope is steep.
- 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 #4: Area is not an area subject to the Act. Therefore, said work does not require a NOI, unless said work alters an Area subject to protection under the Act.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions:
 - Standard pre-work and sign off conditions.
 - ECs to be installed at LOW as noted above.

3. 94 South Shore Drive-NOI-Shoreline Wall- DEP #300-XXXX

- Owner/Applicant: William Tetreault Representatives: M. Thibeault, Landscape Evolution
- Request: Issue an OOC
- Documents Presented: sketch drawing & photos
- Jurisdiction: Bank
- Performance Standards: Bank:
 - **10.54(4)**: "(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:
 1. the physical stability of the Bank;
 2. the water carrying capacity of the existing channel within the Bank;
 3. ground water and surface water quality;
 4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
 5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60."
- Project Summary:
 - Project includes the removal of a failing concrete shoreline retaining wall and paved boat ramp. The wall will be replaced with a dry laid varied boulder wall. The wall will be stepped back and will include stairs.
- 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.**
- Project site is not located within Priority Habitat. Not in Estimated Habitat so no WPA approval from NHESP required. Required to file under MESA separately.
- Site visit performed.
- Previous engineered plan for property shows MAHW line at the shoreline wall. No BLSF past the wall or BVW. Resource area impacts include Bank only. No work shown or requested on Land Under water (LUW).
- All equipment is proposed to be located within the upland portions of the property.
- Proposing additional shrub plantings on site.
- Appears to require a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
- 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 60 feet.
- As Bank is currently a concrete wall, staff have no concerns with an adverse impact on wildlife habitat and meeting performance standards. Wall will be an improvement over existing conditions providing more wildlife habitat and BLSF capacity.
- Wall will be an improvement over existing conditions. A vegetated shoreline would be preferred, however, it would appear to require more grading which would impact mature vegetation and roots which exists already behind the wall. Restoration with coir logs, erosion control blankets and plantings wouldn't require a Chapter 91 license either. Proposal appears to be a good compromise.
- **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 the following special conditions:
 - Standard OOC conditions.
 - All work shall follow the submitted and approved sketch. The replacement wall shall not exceed the footprint of the existing retaining wall.
 - A drop cloth or similar material shall be placed on the Land Under Water during work. All fallen materials shall be removed at the end of each work day.
 - 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.
 - Toe of boulders and stairs must end at existing extent of wall. Wall will have to conform to existing conditions (height).
 - Prior to the Pre-Activity Meeting, the limits of the existing shoreline shall be staked and photographed. The photographs shall be provided at the pre-activity meeting. Toe of boulders must end at wall. Stakes shall remain in place to guide as a visual locator of the limits of the shoreline. Post-construction photographs shall also be provided.
 - Applicant is required to receive all other permitting including a Chapter 91 license if required. Application to DEP required prior to the start of work.
 - Require plantings as proposed. Landscape plantings must be installed in compliance with the approved plans. Applicant to ensure plantings survive and not covert landscaped areas.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the above noted special conditions.

4. 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:** n/a
- **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 8-25-2022 Detailed Agenda for original staff notes, performance standards, etc.
 - No new materials received. Project team is working on revisions and would like to discuss revision options with the board.

- Staff Recommendations: Discuss revision options. Continue to next meeting: Oct. 27, 2022.

5. 5 Ladd Road – cont'd NOI – After the fact driveway expansion -- DEP File #300-1140

- Owner: Lorenzo Monaco Applicant/Representative: none
- Request: Issue an OOC.
- Documents Presented: colored plans & site photos
- Jurisdiction: Buffer Zone to BVW and Bank
- Project Status Summary:
 - Hearing was postponed. Project was conducted without wetland permitting. NOI required by board.
- Staff Notes:
 - DEP File # with comments received. See attached.
 - Site visit performed.
 - Proof of abutter notifications required to open hearing. Proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Driveway was expanded, partial rock wall installed and vegetation removed to expand driveway. No grades were changed. Large portion of rock wall was existing from when the house was built. Proposing to remove millings. Stones on trees to be removed and native shrubs proposed as shown on the sketch. Narrative includes 3 options for driveway surface. He would like to pave it but is unsure if that can be accomplished. Other options include: loam and seed for lawn or ¾ inch crushed stone.
- Staff Recommendations: Board should discuss options for driveway. Staff recommend allowing the driveway surfaces as options in the permit which can then be noted in CoC at the end of the project. Once received, staff recommend approval pursuant to the WPA and the SWB with the following conditions:
 - Allow for 3 options for project.
 - Native replacement plantings as shown. Options for native shrubs can be provided to SCC for approval prior to install.
 - Standard OOC conditions.

6. 16 Mt. Dan Road –continued NOI – Raze and rebuild of a lakefront home – DEP File #300-1135

- Owner/Applicant: Deborah Weber Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue OOC.
- Documents Presented: updated landscape plans
- Jurisdiction: Buffer Zone, Bank
 - **Buffer Zone** 10.53(1): General Provisions
 - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - **Bank**: 301 CMR 10.55 (4): General Performance Standard.
 - “(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:
 1. the physical stability of the Bank;
 2. the water carrying capacity of the existing channel within the Bank;
 3. ground water and surface water quality;
 4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
 5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.”

- Project Status Summary
 - Project includes the raze and rebuild of the existing house. The parking area will be expanded to park five cars with a gravel base and stone top on the opposite side of the private road. 2 sets of stairs proposed within the bank of the pond. Project was continued to allow the Applicant to address the board's comments.
- Staff Notes:
 - Revised plan received. Appears changes only to add landscaping details. A separate sheet for landscaping would have been advisable as it becomes hard to read all details.
 - Board requested details on structure coverage within the 50 ft BZ. Staff has requested as it isn't noted on the plan.
 - Landscape plan includes mix of species for herbaceous layer, shrub layer and for canopy. Notes disturbed areas to be mulched. Existing drive to be loamed and seeded. Site to remain natural vs. lawn which is favorable. No grade changes proposed on the lakeside portion of this property.
 - Slope near parking was originally proposed to be rip rap. Other options discussed (EC blanket and seeding). This should be finalized. Not noted on the plan. Final plan can be noted in conditions: submit details prior to start of work. Staff would prefer to see vegetated if possible (EC seed mix). However, not a major concern here.
 - Drainage swale includes check dams as previously shown as an area of mitigation.
 - Shoreline work would appear to meet performance standards for Bank so no anticipated concerns. This work would need to be conditioned to occur when water levels lowered.
 - Property is heavily vegetated. Tree protection during work is necessary.
 - O & M for stormwater structures required. Can be included as a condition prior to the start of work.
- 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 O & M Plan prior to the start of work.
 - Submit tree protection plan prior to the start of work.
 - Submit parking area slope details prior to the start of work.
 - Shoreline work:
 - 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.
 - Toe of stairs must end at existing toe of slope. No work or equipment permitted on Land Under Water.
 - Landscape plantings must be installed in compliance with the approved plans.
 - Perpetual conditions for stormwater structures.
 - 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.

7. 86 & 88 South Shore Drive – continued NOI – Raze and rebuild of a single family home and associated site work – DEP File #300-1127

- Owner/Applicant: Steven and Marcy Reed Representative: L. Jalbert, Jalbert Engineering
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
- Project Status Summary:
 - Project was continued for further revisions.
- Staff Notes:
 - Written continuation request received from the Applicant.
- Staff Recommendation: Continue to Nov. 17, 2022 meeting as requested.

8. 235 Podunk Road –continued NOI-Construction of a Single family home – DEP File #300-1134

- Owner/Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental

- Request: Issue OOC
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
 - **Buffer Zone** 10.53(1): General Provisions
 - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Project Status Summary: Project was continued to allow for site staking, wetland flagging, review of wetland line and revised plans.
- Staff Notes:
 - See 8-25-22 detailed agenda for previous staff notes.
 - Site visit performed.
 - Additional information on wetland line on this property received. Supports wetland flagging.
 - Revised plans received showing wetland boundary (was not shown on previous plan).
 - Lot lines have been revised to reconfigure the 2 lots to meet the zoning upland/wetland requirements. Shown on plan to now meet this.
 - Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.
- Staff Recommendation: 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.
 - Lot line changes must be implemented prior to the start of work and BOH approval on systems received prior to start of any work.
 - 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.

9. 237 Podunk Road – *continued* NOI Construction of a single family home– DEP File #300-1138

- Owner/Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental
- Request: Issue OOC
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
 - **Buffer Zone** 10.53(1): General Provisions
 - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Project Status Summary: Project was continued to allow for site staking, wetland flagging, review of wetland line and revised plans.
- Staff Notes:
 - See 8-25-22 detailed agenda for previous staff notes.
 - Site visit performed.
 - Additional information on wetland line on this property received. Supports wetland flagging.
 - Revised plans received showing wetland boundary (was not shown on previous plan).
 - Lot lines have been revised to reconfigure the 2 lots to meet the zoning upland/wetland requirements. Shown on plan to now meet this.
 - Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.

- Staff Recommendation: 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.
 - Lot line changes must be implemented prior to the start of work and BOH approval on systems received prior to start of any work.
 - 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.

II. WETLAND DECISIONS

10. 104 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-1099

- Applicant: Steven Hennigan Permit Holder: same
- Request: Issue COC
- Staff Notes: Site visit performed, plantings in and met growing season requirement.
- Staff Recommendations: Issue complete CoC with perpetual conditions: 45-47.

11. 17 Bennetts Road –Request for a Certificate of Compliance-DEP File#300-948

- Applicant: Patricia Kritzman Permit Holder: same
- Request: Issue COC
- Staff Notes: Site visit performed and letter of substantial compliance and as-built plan (last revised 9-15-2022) received. Plan shows location of required plantings which have been completed.
- Staff Recommendations: Issue complete CoC with perpetual special conditions: 22.

12. 96 Gladding Lane – Request for Certificate of Compliance

- Applicant: Mark & Laurie Palmer Permit Holder: same
- Request: Issue COC
- Staff Notes: Site visit performed and letter of substantial compliance received.
- Staff Recommendations: Issue complete CoC with perpetual special conditions: 47-52.

III. ADMINISTRATIVE DECISIONS

13. Minutes of 9/15/22 to be approved

- Documents Presented: draft minutes
- Staff Recommendations: Vote to accept the 9/15/22 minutes.

IV. OLD BUSINESS

14. 100 Breakneck Road-Unpermitted work

- Documents Presented: colored existing conditions plan
- Staff Notes: Existing Conditions plan submitted for review. Some work occurred within local jurisdiction based on plan if resource areas correctly delineated. An engineer has been retained to assist with plan development and application submittal. Concept plan was to be submitted.
- Staff Recommendations: Discuss next steps and set reasonable deadline for application submittal to ensure that it is done to avoid any enforcement actions.

UPDATES

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

15. Mullins rules and Voting Procedures WPA and SWB

16. Agent's Report

17. Next Meeting-Tuesday October 27, 2022 and Site Visit Schedule-October 18th, 9 AM

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN

33 Breakneck Rd. NOI



145 Walker Pond Rd

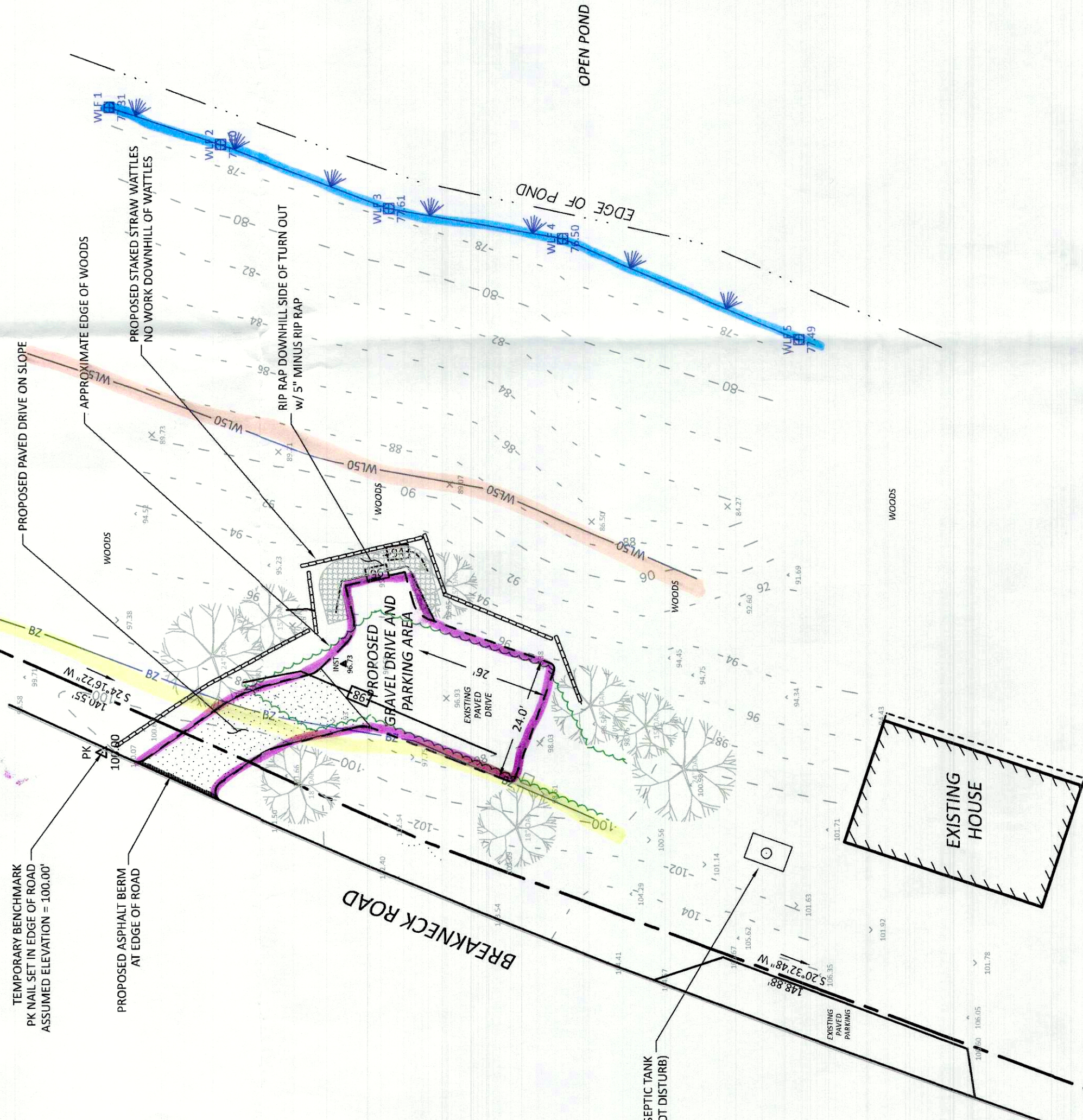


94 South Shore Drive NOI

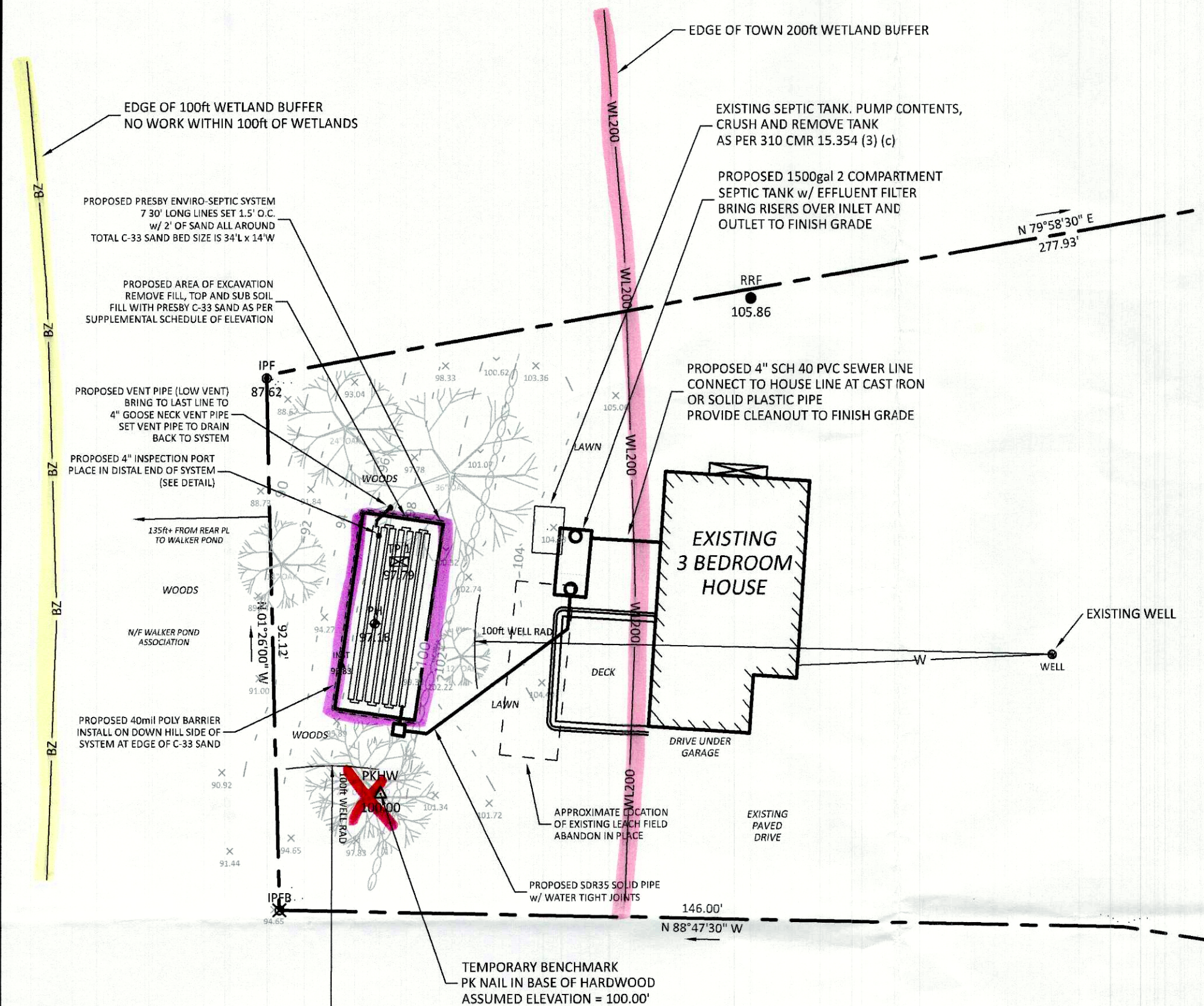


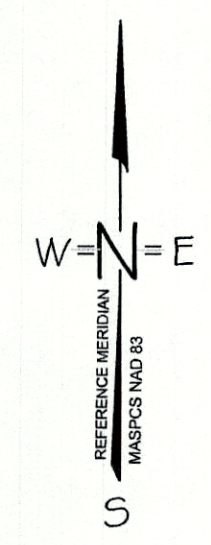
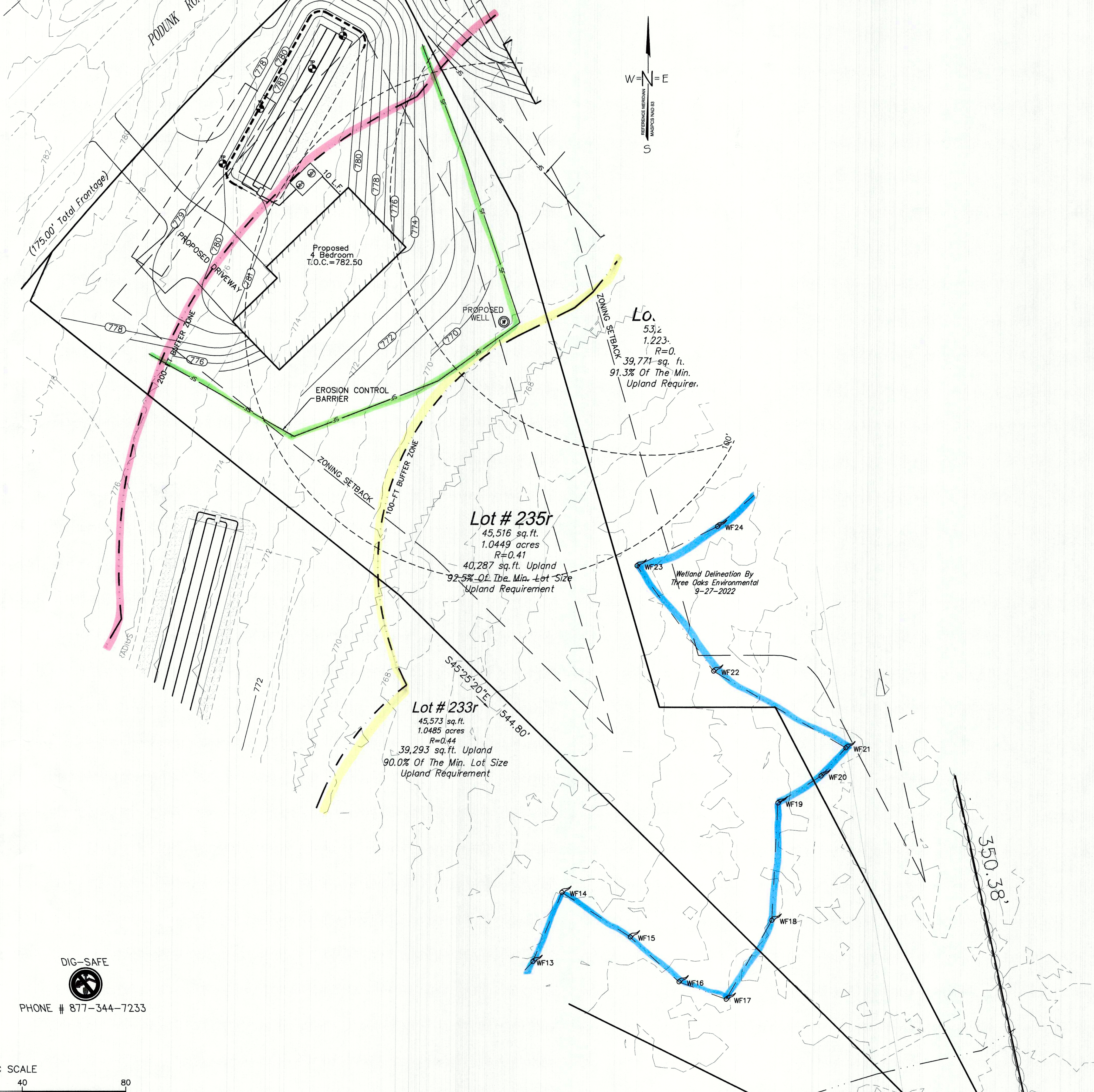


No 33
8.51 AC. ±



THE PURPOSE OF THIS PLAN IS PERMIT THE CONSTRUCTION OF A DRIVEWAY TO SERVE AN EXISTING SINGLE-FAMILY HOME. CURRENTLY THE HOME USES ON STREET PARKING. THE WORK IS WITHIN 100FT TO A WETLAND.





Lo.
53.2
1.223.
R=0.
39,771 sq. ft.
91.3% Of The Min.
Upland Requirement.

Lot # 235r
45,516 sq. ft.
1.0449 acres
R=0.41
40,287 sq. ft. Upland
92.5% Of The Min. Lot Size
Upland Requirement

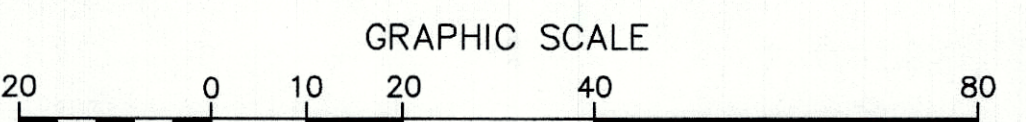
Lot # 233r
45,573 sq. ft.
1.0485 acres
R=0.44
39,293 sq. ft. Upland
90.0% Of The Min. Lot Size
Upland Requirement

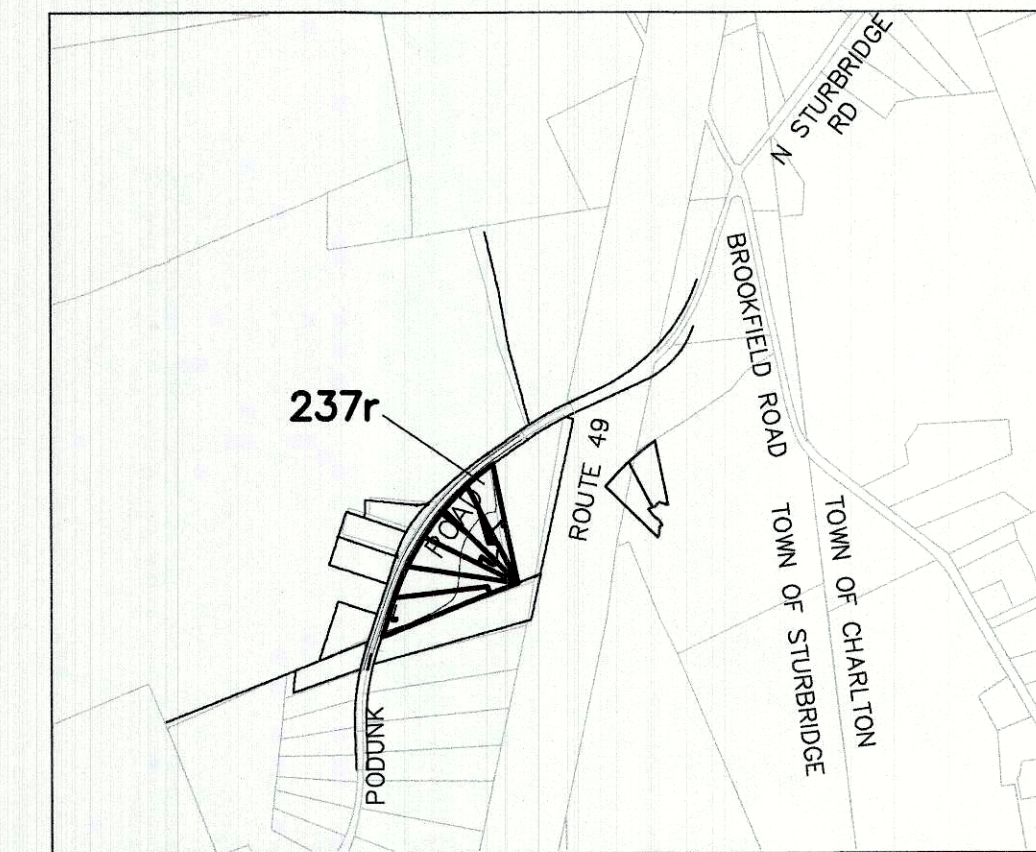
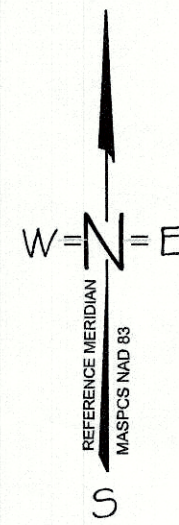
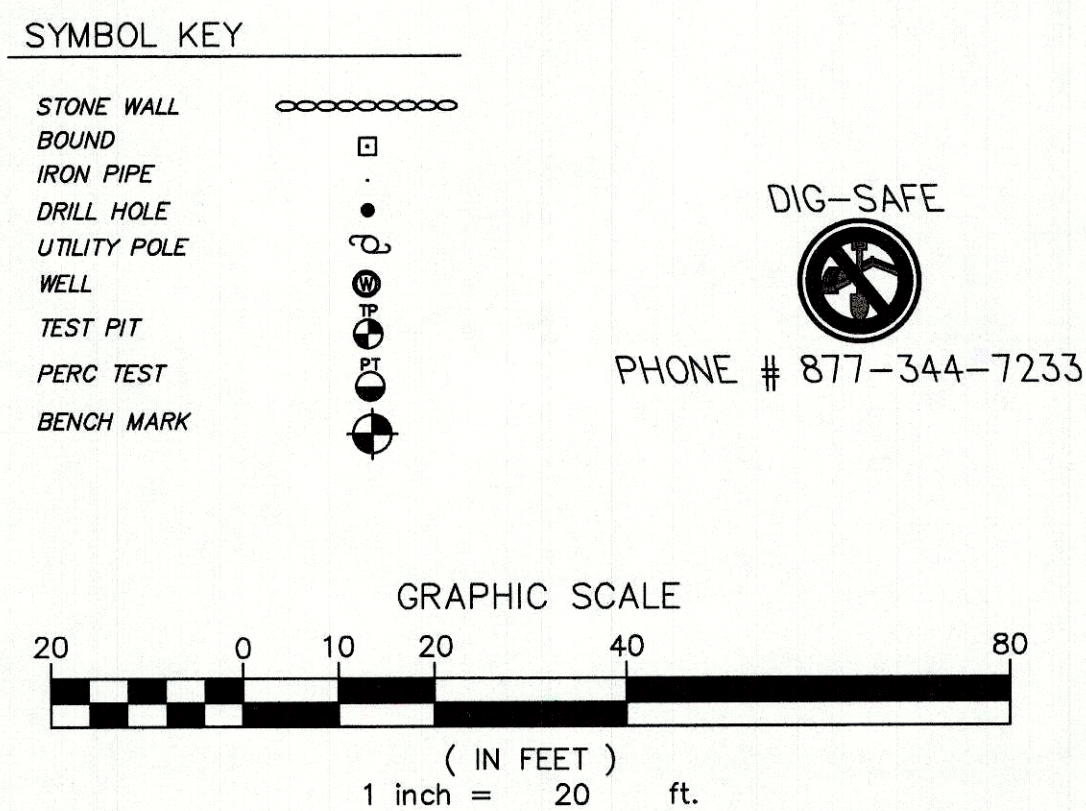
Wetland Delineation By
Three Oaks Environmental
9-27-2022

350.38'

- SYMBOL KEY**
- STONE WALL
 - BOUND
 - IRON PIPE
 - DRILL HOLE
 - UTILITY POLE
 - WELL
 - TEST PIT
 - PERC TEST
 - BENCH MARK

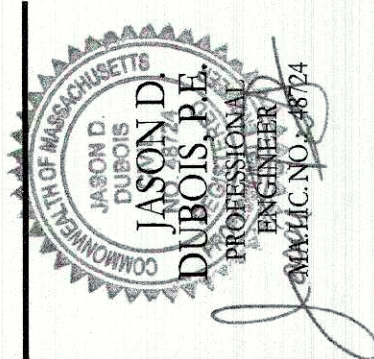
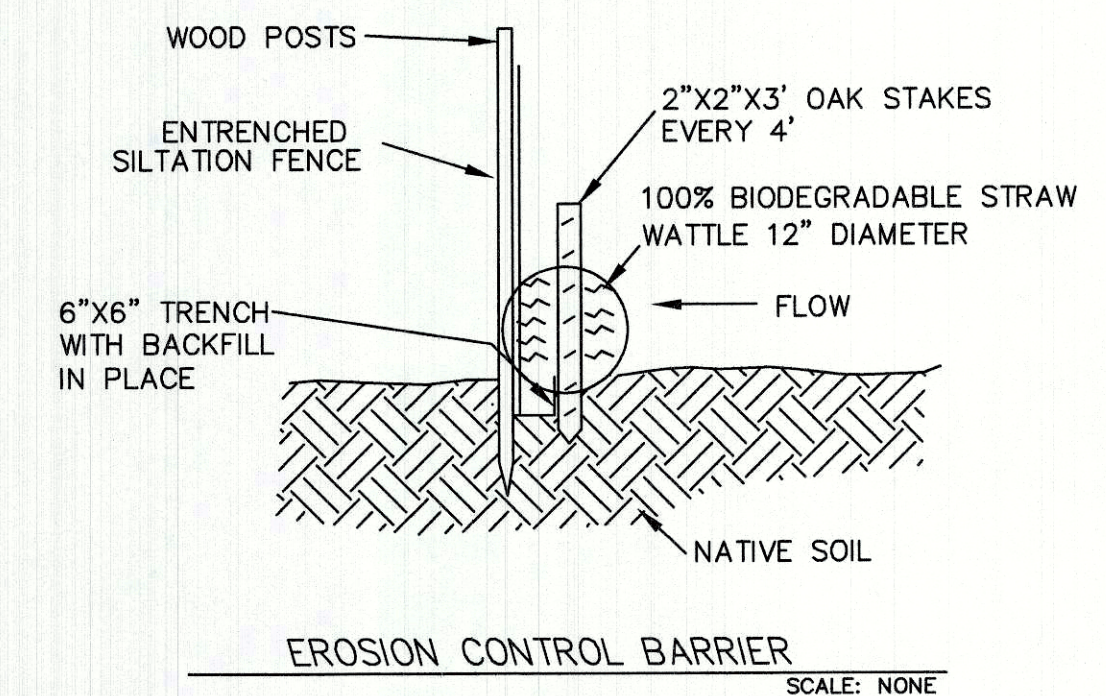
DIG-SAFE
PHONE # 877-344-7233





LOT LOCUS
SCALE: 1"=1000'

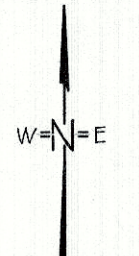
TOWN OF STURBRIDGE ZONING
ZONE – RURAL RESIDENTIAL
AREA – 1 ACRE, 43,560 SQ. FT.
FRONTAGE – 150 FT.
FRONT – 30 FT.
SIDE & REAR – 20 FT.



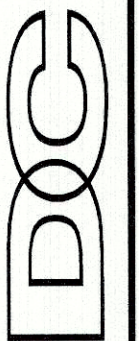
JEREMY S.
ROTEAU, P.L.S.
PROFESSIONAL
LAND SURVEYOR
MA.LIC. NO.: 48722

[illegible]

NORTH



**ENGINEERING
& SURVEYING INC.**



508-769-6659
508-341-2127

CLIENT: **David Brunelle/Andy Helgerson**
1105 Princeton St
Holden, MA

SITE PLAN
SITE ADDRESS:
Lot 237r Podunk Road
Sturbridge, MA

DRAWN BY:		JDD
CK'D BY	JDD	REV #: 1
DATE:	8-9-2022	SCALE: 1'=20'
PROJECT #:	20-164	DWG. NO.: S-1