

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: November 16, 2021

Time: 6:00 pm

DECISIONS

I. PUBLIC HEARINGS

1. 81 Paradise Lane. RDA-Proposed Barn

- Owner/Applicant: Representative: P. Engle, McClure Engineering
- Request: Issue Determination
- Documents Presented: site plan
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the construction of a barn within previously developed areas.
- Staff Notes:
 - Abutter notifications and proof of legal ad have been received.
 - The project site is an approx. 12.3-acre site in which portions of the property have been previously developed under DEP File #300-936. The 22' x 26' barn is proposed within an area previously designated for overflow parking which is located outside of the 50' no new structure setback.
 - No additional tree clearing proposed. Minor grading required.
 - Project includes a cultec unit for roof runoff and the applicant proposes extending the exiting boulder demarcated limit of disturbance line.
- Staff Recommendation: Approval of the project through a DOA. Vote to close the hearing and issue a:
 - Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
 - Standard pre-construction conditions.
 - Sedimentation controls shall be installed as shown on the plan and maintained during work.
 - Install cultec unit. Provide proper documentation of install to be verified by P.E.
 - Install boulders as shown on the plan.
 - Final inspection of completed work.
 - Positive #5 (subject to local bylaw) with the condition noted above.

2. 118 Mashapaug Road- RDA- Proposed Addition

- Owner/Applicant: Emilie Gray Representative: none
- Request: Issue a Determination.
- Documents Presented: site plans
- Jurisdiction: Buffer Zone
- Staff Notes:
 - Abutter notifications and proof of legal ad have been received.
 - The project site is an approx. 7.72-acre site in which contains a single family house and associated appurtenances. The rear portion of the property has a Conservation Restriction held by the SCC.
 - Project includes the construction of a 20' x 30' house addition within the developed yard. All work is within the existing lawn and is located outside of the 50' no new structure setback.
 - Project includes digging for a frost wall. Material will be directly removed off site. Erosion controls are proposed.
- Staff Recommendations: Approval of the project through a DOA. Vote to close the hearing and issue a:



Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

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- Negative #3: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
 - Standard conditions prior to work, during work and final inspection.
 - Excavated material to be removed off-site as proposed.
 - Sedimentation controls shall be installed as shown on the plan and maintained during work.

3. 286 Big Alum Road- NOI- Construction of a Permanent Dock-DEP File #300-XXXX

- Owner/Applicant: Hunt Representatives: P. Engle, McClure Engineering Environmental
- Request: Issue OOC
- Jurisdiction: Buffer Zone, Bank
- Documents Presented: site plans
- Project Summary:
- Staff Notes:
 - Proof of abutter notifications received. Proof of Legal Ad verified.
 - DEP has not issued a File # or comments to date.
 - Project site is a developed lakefront lot. The applicant is proposing a 32' x 12' cantilever dock partially over an existing dock and patio area along the shoreline. Dock will extend 20' over the water.
 - Project will require a Chapter 91 license from MA DEP Waterways Program.
 - BLSF shown on plan at elevation 723.4'. Clarification requested on BLSF near/under the dock. Staff requested clarification which was provided. BLSF is below the existing top of the Bank so no BLSF impacts.
 - Engineer should clarify if dock will cover just the existing block capped shoreline wall and stairs or if the dock will extend beyond that. Clarification provided that dock is proposed within patio area.
 - Bank impact needs to articulated and added to the NOI. Regardless, if the dock is solely within the previously developed bank (patio/step area) then it would not appear to have a significant impact on that resource area. It would appear that it should be calculated as Bank impact as the beams will be going through the bank. Appears from the plan detail that the counter-weight will be at the bank. Counter weight should be shown as setback with beams extending through bank based on additional information provided. Due to the current condition of the Bank, it would not appear that the project would not result in a significant impact.
 - Project includes installation of a turbidity curtain if earth work is needed.
- Staff Recommendations: Continue hearing as DEP has not provided a File #/comments and for the submission of impact calculations to be revised to include 12' of bank impact (revised NOI pg. 3) and for plan revisions to show counter weight set back on plan detail. Continue to the next meeting Dec. 7, 2021.

4. 64 Shattack Road – NOI-Proposed Garage –DEP File #300-XXXX

- Owner/Applicant: D. Mercurio Representative: L. Jalbert, Jalbert Engineering
- Request: Issue OOC
- Documents Presented: site plans
- Jurisdiction: Riverfront Area
- Project Summary: Project includes the construction of a 32' x 26' garage.
- Staff Notes:
 - Proof of abutter notifications received. Proof of Legal Ad required.
 - DEP has not issued a File # or comments.
 - Project will result in 3,656 sq. ft. of impact to Riverfront Area. Areas of work are only within the outer RA. A portion of the area was previously developed and part of a parking area.
 - The area has already been altered as the homeowner was unaware of the WPA requirements. Representative included RA alternative analysis and revised plan showing outer RA.
 - The property was developed prior to the River's Act. The property is fairly steep near the road and slopes down to the developed area. The garage was cited to avoid working on the steep slopes which would result in additional grading/clearing and to provide access from the driveway. Some area was parking already. Disturbance is under permissible threshold (5,000 sq. ft. or 10% of lot whichever is more) provided that there is no significant impact and standards are met (see 321 CMR 10.58(4) for details). Project includes erosion controls. Project does not impact the 100 ft. RA. 100 ft RA is primarily undeveloped on the site. Therefore, the project does not appear to be a significant impact to RA.
- Staff Recommendations: When appropriate (after DEP comments and file # issuance, staff recommend issuance of an OOC with the following conditions:

- Standard OOC conditions.

5. 24 Hamilton Rd. RDA-Removal of 40 trees

- Owner/Applicant: Hamilton Rod and Gun Club Representative: none
- Request: Issue Determination
- Documents Presented: sketch plan
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the removal of 40 dead or declining red pines.
- Staff Notes:
 - Abutter notifications have been received. Proof of Legal Ad verified.
 - Project locus is on the eastern side of the first pond. Report received from Jim DiMaio. Trees appear to be dead or in decline due to a fungus. Mr. DiMaio does not recommended to replant as understory contains vegetation including tree seedlings.
 - Project is subject to the WPA and the SWB. Stumps and roots should not be removed.
 - This portion of the property is not mapped as Priority or Estimated Habitat.
 - Board performed site visit.
 - Tall pines are located on the eastern side of the pond and the canopy does provide shade on the pond. Area does have tree saplings growing, however, they are very small. Most of the other sides of the pond lack trees and are maintained as mowed lawn. It would be beneficial for some trees to be placed along the shoreline which would provide canopy and wildlife habitat. The club has indicated in the past that the pond is for recreational uses and that is why the vegetation is maintained. It would seem possible to find a balance to add some trees which could be spaced out to allow recreational use but also provide necessary benefits which will ensure that the pond can continue to support aquatic life and ultimately thrive for their recreational uses.
- Staff Recommendation: The board should discuss what they think would be appropriate for replacements if they see the need and see if trees can be spaced out along areas to allow for recreational areas but still provide a future canopy along the pond.

6. 91 Clarke Road- continued NOI- New Single Family Home with associated site work- DEP File #300-1112

- Owner/Applicant: S. Noyes Representative: Scott Morrison, EcoTec
- Request: Issue OOC
- Documents Presented: colored plan
- Jurisdiction: Buffer Zone
- Project Status Summary:
 - Project includes the construction of a single family house, barn, driveway and associated site work to include a well and septic system. Project was continued to provide time to make plan revisions and to allow for the submission of additional information in form of soil analysis for the A series wetland in vicinity of Flag # A11 to A3.
- Staff Notes:
 - Written request for an extension to December 7, 2021 received. Additional time needed to make plan revisions and provide materials.
- Staff Recommendations: Continue to December 7, 2021 meeting as requested.

7. Lot 3 - 30 Main Street – ANRAD (Abbreviated Notice of Resource Area Delineation)-DEP File #300-1113

- Owner/Applicant: J. Stelmok Representative: P. Engle, McClure Engineering
- Request: Issue an ORAD
- Documents Presented: n/a
- Project Status Summary: SCC requested additional information in form of a peer review. Project was continued to allow time for contract arrangements to be made and for review.
- Staff Notes: Contract was finalized and peer review can now be conducted. Review has not been completed yet. Continuance request to Dec. 7, 2021 meeting received.
- Staff Recommendations: Continue to December 7, 2021 meeting as requested.

8. 650 and 680 Route 15 – cont'd NOI – Proposed development of a Nursery and Tree Farm to include a perennial stream crossing-DEP File #300-1092

- Owner/Applicant: Mark Kubricky, Landing Rock LLC Representative: P. Engle, McClure Engineering
- Request: Issue OOC
- Documents Presented: n/a

- Project Status Summary: Project has been continued since the 6-1-2021 meeting to allow the proponent to work to address the peer review comments, staff comments and the board's comments.
- Staff Notes:
 - The SCC last granted a continuance on 9-21-21. At that time, the commission stated that they will not be favorable to additional continuations without substantial information presented to review for the next hearing date. Continued out to 11-16-21. Approx. 51/2 months was provided to address the comments.
 - No new information has been submitted. Additional information was required to complete this review pursuant to the WPA and the SWB which has not been submitted.
- Staff Recommendations: As no new information has been submitted, staff would have to recommend that the project is denied pursuant to the WPA and SWB for lack of information and failure to meet performance standards.

9. 180 Breakneck Road and 16 Cross Street – ANRAD – Proposed Equine Center– DEP File #300-XXXX

- Owner: 16 Cross Street-Breakneck Ridge Inc, 180 Breakneck Road-Leon, Doris, Edward, Roger, George, Madeline, and Paul Pontbriand
- Applicant: Sturbridge Equine and Agricultural Property, LLC Representatives: C Wagner, VHB
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary: Resource area approval for 2 parcels of land totaling 298.50 acres. Project has been continued from the last hearing as the project team requested time before the SCC voted on the project.
- Staff Notes:
 - DEP has not issued a file # or comments to date.
 - No new information has been provided nor has a request for a continuance received.
- Staff Recommendations: Recommend additional information in the form of a peer review of the wetland delineation. Continue the public hearing w/ applicant's consent to allow for RFP submittal and review of proposals. Staff would recommend that the hearing is continued out 2 meetings (1-6-22) to allow enough time to solicit proposals. If a continuation is not granted, then staff would have to recommend that the public hearing is closed and denied for lack of information.

II. WETLANDS DECISIONS

10. 4 Birch Street –Tree Removal Application

- Owner/Applicant: K. & J. Nye Representatives: n/a
- Request: Issue letter permit
- Documents Presented: n/a
- Project Summary: Removal of 1-2 trees noted for health and threat concerns.
- Staff Notes: Trees were not flagged prior to the site visit by board members. Unclear which trees were requested to be removed. Staff have been informed that the trees have been flagged and a map provided. Staff reviewed site. One oak does have a slight lean over the house and the other is a split oak in which one half is dead. Trees are approx. 90-100 feet from the lake.
- Staff Recommendations: Recommend removal as one tree leans over house and second half of other tree is dead and connected at the base. There are additional oaks in immediate vicinity and hemlocks. House was recently built and contains a vegetated shoreline to 25'. It would not appear necessary to replant in this area.

11. 16 Hunter Lane- Request for Certificate of Compliance-DEP File #300-1022

- Permit holder: J. Weaver Requester: same
- Request: Issue a COC
- Staff Notes: As-built plan received and letter of substantial compliance received. Staff performed a site visit to review plantings. 5 trees and 15 winterberries were planted and located. Additional sweet fern has colonized on the slope and the seeding has stabilized the slope.
- Staff Recommendations: Recommend issuance of a complete CoC for this property w/ on-going condition's #45-49.

III. ADMINISTRATIVE DECISIONS

UPDATES

IV. OLD BUSINESS

13. 30 Woodlawn Drive –Notice of Intent DEP File #300-1110

- Project Status Summary: Project was discussed during a public hearing at the last meeting. The SCC requested a peer review of the wetland delineation as there were concerns with the delineation. The applicant informed the SCC that

he would not provide the additional information. The hearing was closed and a motion was made to approve the project. The motion failed.

- Staff Notes: An additional motion is required to finalize the review of the project as that was not completed.

14. 69 & 70 Paradise Lane – SCC#20-92 & DEP File #300-929

- Project Status Summary:
 - SCC#20-92: The SCC approved the removal of 8 trees in 2020. As part of the approval, the SCC informed the applicant that replacement trees may be required and that the board would like to review the area after removal to make that determination. The applicant was instructed to inform the SCC after removal. Staff were in the area recently and noted that the trees had been removed and informed the property owner that we would be adding this to our site visit schedule and agenda.
 - DEP File #300-929: Permit expired in 2018. A request for a CoC was requested back in 2020 when the tree removal permit was issued. A reminder was recently given and not received. From a quick review of the plan and site, it appears that the site has been significantly raised beyond the proposed grading shown on the plan. The plan included a leach pit system for roof stormwater collection. It does not appear that the roof downspouts are connected to any system. It is required that a CoC is requested when the project is completed. This should be completed with a review by a P.E. for substantial compliance as required.
 - Staff Recommendations: Discuss need for replacement plantings and require CoC request and see if work was completed as proposed/required. If the leaching pit has not been installed, then it would appear to need to be.
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V. ADMINISTRATIVE UPDATES

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

VI. NEW BUSINESS

- 16. Agent's Report**

- 17. Next Meeting-December 7, 2021 and Site Visit Schedule-November 30, 2021 9-12 pm**

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR

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