

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: October 19, 2021

Time: 6:00 pm



DECISIONS

I. PUBLIC HEARINGS

1. 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 recommend to replant as understory contains ample vegetation including tree seedlings.
 - Project is subject to the WPA and the SWB. Stumps and roots should not be removed.
 - Board performed site visit but area was not marked. Requesting to perform another visit when all marked.
- Staff Recommendation: Continue to Nov. 16th meeting and perform site visit on November 9th. Tree or limits of area to be cleared to be marked. Restoration plantings typically required by the board. Should evaluate area and potential need for re-planting.

2. 235 Podunk Road- RDA- Construction of a Single Family Home and associated site work.

- Owner/Applicant: AH & DB Custom Homes Representative: M. Dipinto, Three Oaks Environmental
- Request: Issue a Determination.
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Staff Notes:
 - Proof of abutter notifications received. Proof of Legal Ad verified.
 - Project site is an existing field. Minor grading associated with the septic install proposed within the WPA 100 ft BZ. Majority of work located within the SWB 200 ft BZ.
 - Project includes ECs at the limit of work.
 - Staff performed site visit. Could not locate wetland flags. Based on initial review, it appears that the wetland line may be closer to the field/wooded area line and therefore closer to the development. Flags should be re-hung, area further reviewed and BVW data sheets submitted.
- Staff Recommendations:
 - Take no action at this time, until additional information is presented. Project may require NOI under the WPA. Continue hearing to allow for additional information to be submitted. If information cannot be submitted by Nov. 9th, project should be continued out 2 meetings (Dec. 7th).

3. 235 Podunk Road- Local NOI- Construction of a Single Family Home and associated site work.

- Owner/Applicant: AH & DB Custom Homes Representatives: M. DiPinto, Three Oaks Environmental
- Request: Issue OOC
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland
- Documents Presented: colored site plans
- Project Summary: Construction of a SFH and associated appurtenances to include private septic and well.
- Staff Notes:

Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

308 Main Street.

Sturbridge, MA

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- Proof of abutter notifications received. Proof of Legal Ad verified.
- Project site is an existing field. RDA reviewed at previous hearing. Minor grading associated with the septic install proposed within the WPA 100 ft BZ. Majority of work located within the SWB 200 ft BZ. LOW is approx. 90 feet from the wetland within the gently sloping field.
- Project includes erosion controls at the LOW.
- Staff performed site visit. Could not locate wetland flags. Based on initial review, it appears that the wetland line may be closer to the field/wooded area line and therefore closer to the development. Flags should be re-hung, area further reviewed and BVW data sheets submitted.
- Staff Recommendations: Take no action at this time, until additional information is presented. Project may require NOI under the WPA. Continue hearing to allow for additional information to be submitted. If information cannot be submitted by Nov. 9th, project should be continued out 2 meetings (Dec. 7th).

4. 150 Charlton Road – NOI-Development of a commercial building, truck parking and supporting infrastructure –DEP File #300-1115

- Owner/Applicant: Interstate Towing Representative: G. Krevosky EBT Environmental
- Request: Issue OOC
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone to BVW, Bank, LUW, IVW (SWB only) and Riverfront Area
- Project Summary: Project includes the construction of a 7,000 sq. ft. commercial office/garage building, truck parking and associated infrastructure for a towing facility. Site to be serviced by municipal water and sewer.
- Staff Notes:
 - Proof of abutter notifications received. Proof of Legal Ad verified.
 - DEP File #issued with comments: “MassDEP recommends the applicant update WPA Form 3 to include restoration values for LUW and Bank as culvert removal efforts will result in the restoration of these resource areas. MassDEP recommends the applicant identify the type of seed mix and if applicable shrubs to be implemented within areas of Bank and RFA restoration for Commission review.”
 - ORAD recently issued for resource area delineation.
 - Some of the plans show RA area as 100 & 200 foot offset. These should be relabeled to state 100-foot Inner Riparian and 200-foot Outer Riparian
 - EO had been issued as restoration work required by DEP File #300-665 had not been completed as discovered when a Request for CoC had been submitted. Issuance of the EO was agreed upon to facilitate the restoration activities. NOI narrative notes that work was completed on 8-4-2021. Reporting requirements have not been received as required in the EO. Report to be submitted to include findings under historic material pile (hydric versus non-hydric soil) for board’s review. This needs to be completed and submitted. CoC not to be issued until conditions met. EO order included:
 - “Implement the approved restoration plan as approved. The restoration plan shall be completed by October 1, 2021. Work must be overseen by a competent wetland scientist. A report shall be submitted by the wetland scientist within 2 weeks of completion of the work to include documentation of the review under the spoil pile for hydric soils and to include photographic documentation and certification that work was done in compliance with the plan and conditions. Follow up monitoring and reporting shall be conducted to ensure that the restoration plan has been successful and that the area is stabilized if necessary. This may include a review in Spring/early Summer to ensure that woody vegetation has survived. If wetland replication is deemed required, a plan must be developed and submitted to the SCC for review and approval.”
 - Project will result in direct impacts to Riverfront Area and proposes restoration within the Riverfront Area and perennial stream. Work proposed at the 25 ft BZ in some areas.
 - Restoration proposed includes the removal of the 36” pipe in the stream and off site removal of spoil piles. Also noted that applicant is willing to mow field to maintain as habitat for Eastern Meadowlark and Bobolink. Maintaining the habitat would appear to be beneficial as it is in decline however the close proximity of the proposed use may be a deterrent for these species. Staff support the removal of the pipe and restoration of the stream. A protocol will be required for review and approval.
 - Riverfront Area Presumption 321 CMR 10.58(3): “Where a proposed activity involves work within the riverfront area, the issuing authority shall presume that the area is significant to protect the private or public water supply; to protect the groundwater; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and to protect fisheries. The presumption is rebuttable and may be overcome by a clear showing that the riverfront area does not play a role in the protection of one or

more of these interests.” This has not been demonstrated but an alternative analysis has been provided which suggests that that the presumption stands.

- RA alternative analysis included. States no other locations in town for project and includes alternative designs. Stating that there are no other locations in town for this use would not appear may relevant. Important that other areas reviewed but would not appear to qualify for allowance of RA impacts. Important that full alternative analysis is demonstrated for this site. RA area impact calculations exclude stormwater structures as stated that there are no alternatives in narrative and demonstrated in the filing. These structures *may* be allowed provided no alternative. Recommended that alternative analysis look at/include minimum amount of parking and building space, alternative stormwater structure designs to demonstrate that they have minimized site alteration. What are the minimum parking requirements and building sizes for this use? Provided that alternatives are successfully demonstrated and provisions of 321 CMR 10.58(4)(d)1 are met a wildlife habitat evaluation may not be required. A review of alternatives should be conducted first to make such determination. As stated, stormwater structures may be allowed provided no alternative. Alternate designs for systems should be reviewed.
- Unsure if towing facility/storage of damaged vehicles would be a Land Use with a High Pollutant Load. Not noted as such on Checklist. This should be verified.
- Board should see if they want to perform a site visit next week as it was missed or if they want to wait at this time. Site is staked for review.
- **Staff Recommendations:**
 - Require additional information in the form of a peer review by a Professional Engineer for compliance with the applicable stormwater regulations (MA DEP Stormwater Policy and the Town of Sturbridge Stormwater Management Regulations) and for compliance with the applicable Riverfront Regulations (under the Sturbridge Wetland Bylaw and 321 CMR 10.58) to include a review of the alternative analysis and include a review of all shown calculations and potential project revisions which could minimize impacts.
 - Require submission of EO restoration activities report asap and before any formal actions except maybe requiring peer review. Review for additional hydric soils at the ILSF.
 - Continue public hearing to allow sufficient time to solicit proposals. Staff recommend at least to Dec. 7th.

5. 29 Valley Road & 31 Caron Road- NOI- Parking Area Improvements-DEP File #300-1117

- **Owner:** 29 Valley Road-John and Richard Brogan, 31 Caron Road-Cedar Lake LLC **Representative:** G. Krevosky EBT Environmental
- **Request:** Issue an OOC
- **Documents Presented:** colored site plan
- **Project Summary:** Level driveway area by cutting into the slope and proposed parking area.
- **Staff Notes:**

- Proof of abutter notifications received. Proof of Legal Ad verified.
- DEP File # issued with w/ comments:

“ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Site appears to be in Bordering Land Subject to Flood and this is not depicted on the site plan, please revise with BLSF delineated on plan. If proposed work is in BLSF, the applicant should demonstrate how work complies with 310 CMR 10.57.

As Cedar Pond is a listed Great Pond, if existing concrete wall falls within the Mean Annual High Water line, i.e. the wall will be in contact with the waterline during a typical year, the wall may require a Ch. 91 license. Existing dock(s) may also require Ch.91 licenses if they do not already exist.

ADDITIONAL REQUIREMENTS:

A Chapter 91 license may be required. Application and transmittal forms are available on the MassDEP website <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. For additional information, contact MassDEP Waterways Program by email at dep.waterways@mass.gov or visit <https://www.mass.gov/waterways-program-chapter-91>.”

- Staff met w/ homeowner previously to review site and board recently visited site.
- Project is proposed as recent changes in the area have changed site access which is challenging for the homeowners.
- Parking and driveway would appear to be a benefit as will be crushed stone w/ filter fabric liner versus dirt.

- Staff would recommend asking if there are any alternatives to rip rap on the slope? Can this be seeded and covered w/ an erosion control blanket?
- Revised plan received with BLSF. Work is not within.
- Staff Recommendations: Provided no viable alternative to the rip-rap as noted above, staff would recommend closing the public hearing and approving the project through the issuance of a OOC with the following conditions:
 - Standard OOC conditions
 - Include an entrenched silt fence with the straw wattle on the plan.
 - No stockpiling of excavated materials on site.

6. 76 Stallion Hill Road – NOI – Replacement of a failed septic system– DEP File #300-1116

- Owner/Applicant: Jared Hamre Representatives: M. Farrell, Green Hill Engineering
- Request: Issue Order of Conditions.
- Documents Presented: colored site plan
- Project Summary: Repair of a failed septic system.
- Staff Notes:
 - Proof of abutter notifications received. Proof of Legal Ad verified.
 - DEP File # issued with no comments.
 - Similar septic replacement previously approved here under DEP File #300-813. Work was not completed and permit has expired. System was proposed in different location (SE side of site) which is further from the wetlands. Was within 100 ft well setback for this property’s well.
 - There is an existing swale shown from road which discharges into the wetland. Staff looked at to see if jurisdictional. Swale feeds out of a wetland on opposite side of the road. This would be jurisdictional. Plan should be revised to flag this area. The LOW is 3 feet of this area. Citing of septic would appear to be of concern due to proximity to the wetlands.
 - Project would appear to meet exemptions from Riverfront Area requirements under 321 CMR 10.58(6)c. Still jurisdictional within the buffer zone.
 - Plan requires review with BOH and appears to require a variance as it does not meet 50 ft setback from wetlands. System proposed is a ELJEN GSF System. System requires a pump. BOH should be consulted on system location prior to SCC closing the hearing.
 - Deck over the brook requires footing repairs. This deck was likely installed without permitting. Staff spoke to new owners and recommended looking at removal of this section. Staff reviewed on site and recommend removal. Staff also recommend removal of the dilapidated bridge over the stream and removal of trash in and around the wetlands from former owners. The board should weigh in on this.
 - Board should see if they want to perform a site visit next week as it was missed or if they want to wait at this time. Site is staked for review.
- Staff Recommendations: Alternatives to move the system further from the wetlands should be explored, plan revised to reflect stream (flag Bank), and BOH consulted. Silt fence should be installed vs. just wattles. Continue the hearing to address comments. If information cannot be submitted by Nov. 9th, project should be continued out 2 meetings (Dec. 7th).

7. 231, 233, 235 Cedar Street- Local NOI--continued ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1090

- Owner/Applicant: Michael and Gail Young Representatives: P. McManus, EcoTec
- Request: Issue ORAD
- Documents Presented: site plans
- Project Status Summary: Resource area approval for 3 parcels, continued to allow time to restore the wetlands.
- Staff Notes:
 - Staff had performed a preliminary pre-construction meeting for this project. Staff have not been made aware that the project has been started.
- Staff Recommendations: Status of project needs to be updated. If restoration work is not to be completed this Fall, then the public hearing should be continued to the Spring or after work is anticipated to be completed as ORAD cannot be issued until work completed and revised plan received.

8. 180 Breakneck Road & 16 Cross Street- --continued ANRAD (Abbreviated Notice of Resource Area Delineation) – 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
- Project Status Summary: WPA public hearing was opened and continued. SWB hearing was not opened as proper abutter notifications had not been issued.
- Staff Notes:
 - No new information received. Staff have been made aware that the correct abutter list was requested and abutter notifications issued. Proof of abutter notification required.
 - DEP has informed that abutter notification should follow the regulations regardless of state lines because the regs don't specify. Staff recommend that this is followed for SWB notifications as our regs are silent on the matter too.
- Staff Recommendations: Not to open the SWB public hearing until proof of abutter notification provided. Postpone to the next meeting. Continue the WPA public hearing.

9. 30 Woodlawn Drive – continued NOI – Replacement of a failed septic system– DEP File #300-1110

- Owner/Applicant: Hibbard Family Trust Representatives: J. Dubois, DC Engineering
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Project Status Summary: Project was continued as board and staff had concerns with the wetland delineation. Site visits held.
- Staff Notes: Staff met with PWS & PE. An agreement on the delineation could not be reached. Ultimately, the BVW line was modified to include some additional areas within the developed yard/access pathway and BVW within the forested areas which staff had concerns with. Revised plan received w/ staff feedback which includes a restoration plan for impacted wetlands and 25' no disturb buffer zone. Permanent demarcation included: boulders placed to prevent use of that area to include blocking it by the road. Board members also performed a site visit afterwards and still have concerns w/ additional areas not delineated. Disturbed areas may require additional review by a soil scientist for another opinion as staff and the PWS varied greatly on the wetland line and a compromise was delineated.
- Staff Recommendations: If the board is still not satisfied with the revised wetland line than it would be necessary to have a separate entity review. A specialist or experienced PWS for disturbed areas may be required.

II. WETLANDS DECISIONS

10. 2 Ladd Road- Request for Certificate of Compliance-DEP File #300-1049

- Permit holder: Andrew & Erika Rivers Requester: same
- Request: Issue a COC
- Staff Notes: Site visit performed. Site is in compliance with permit and restoration plan.
- Staff Recommendations: Issue complete CoC for this property w/ ongoing condition's SC#21 & 22.

11. 82 Paradise Lane- Request for Certificate of Compliance-DEP File #300-1075

- Permit holder: Glen Ellis Requester: same
- Request: Issue a COC
- Staff Notes: Site visit performed. Site is in compliance with permit and plans.
- Staff Recommendations: Issue complete CoC for this property w/ on-going condition's #15-18.

III. ADMINISTRATIVE DECISIONS

12. Minutes of 10/19/21 to be approved

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

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

VI. NEW BUSINESS

14. Agent's Report

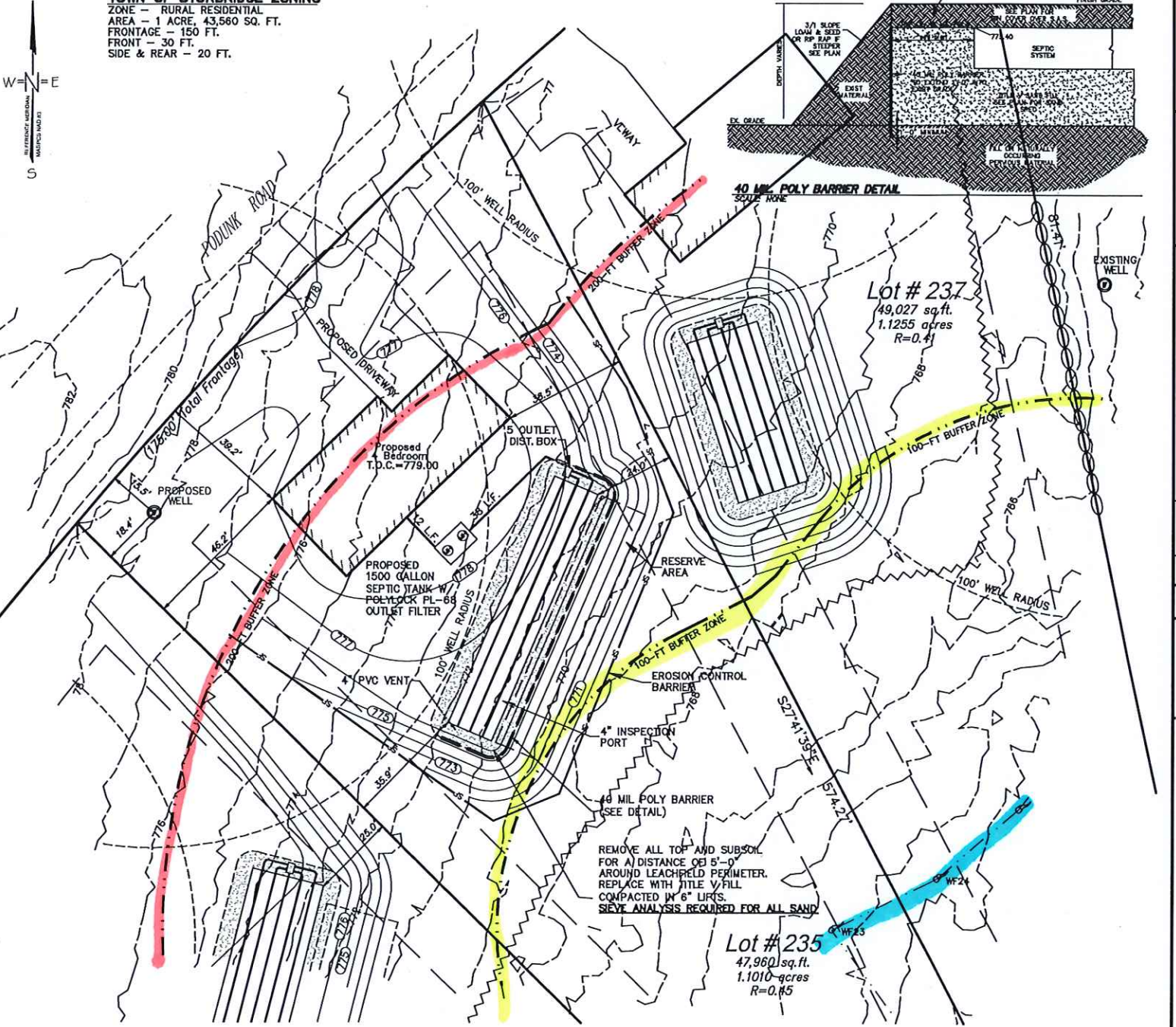
15. Next Meeting-November 16, 2021 and Site Visit Schedule-November 9, 2021 9-12 pm

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR

ADJOURN

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

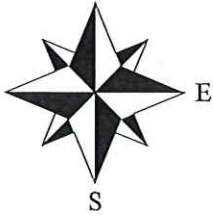
235 Podunk Road



ALL NOTE: ANY DISERS TO GRADE

1. STORMWATER DRAINAGE IS SHOWN WHERE ANY EXISTS NEAR THE SITE

29 Valley Road

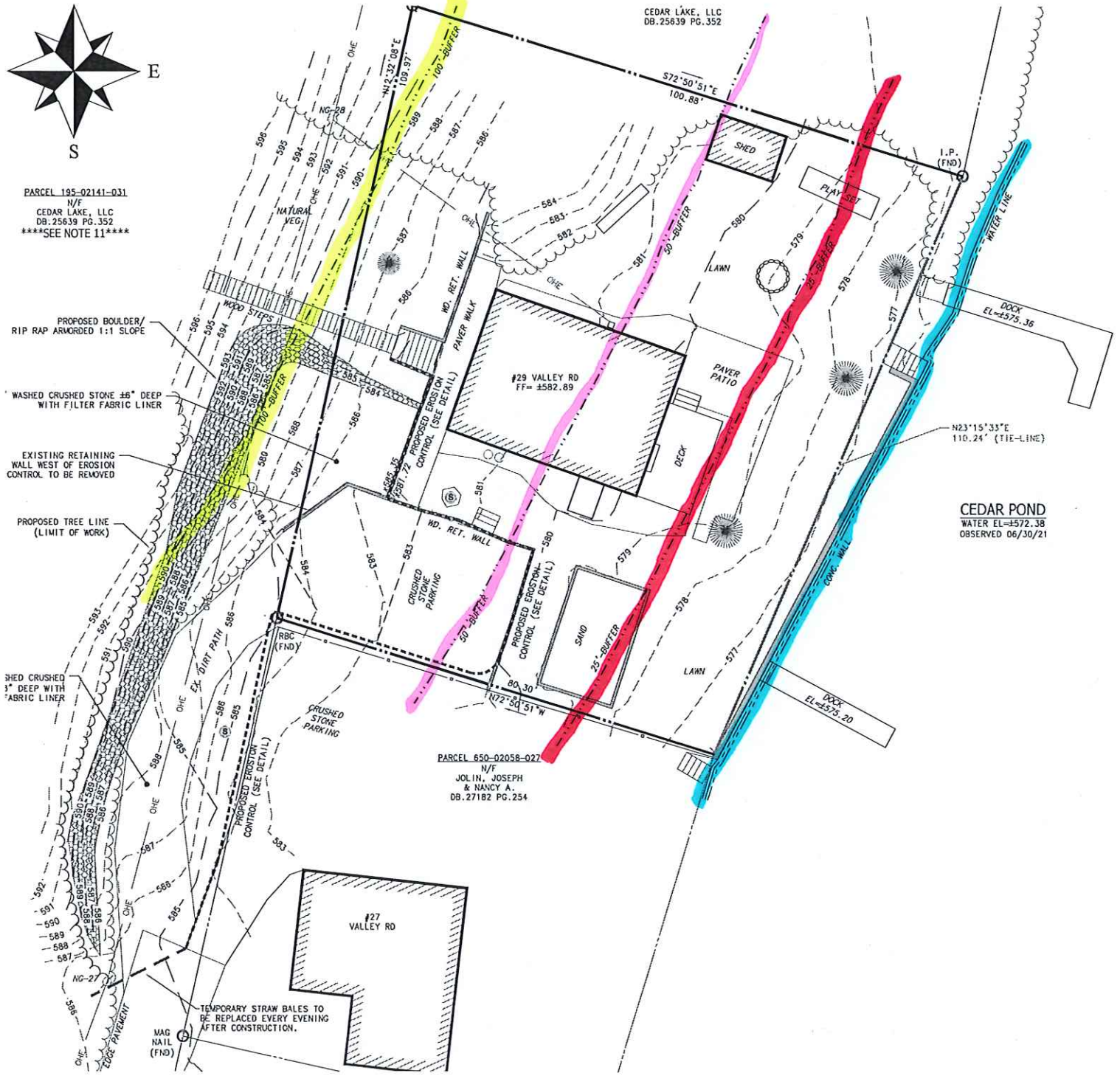


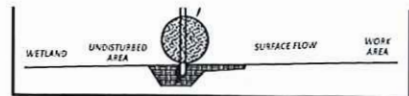
PARCEL 195-02141-031
N/F
CEDAR LAKE, LLC
DB. 25639 PG. 352
****SEE NOTE 11****

CEDAR LAKE, LLC
DB. 25639 PG. 352

PARCEL 650-02058-027
N/F
JOLIN, JOSEPH
& NANCY A.
DB. 27182 PG. 254

CEDAR POND
WATER EL=4572.38
OBSERVED 06/30/21

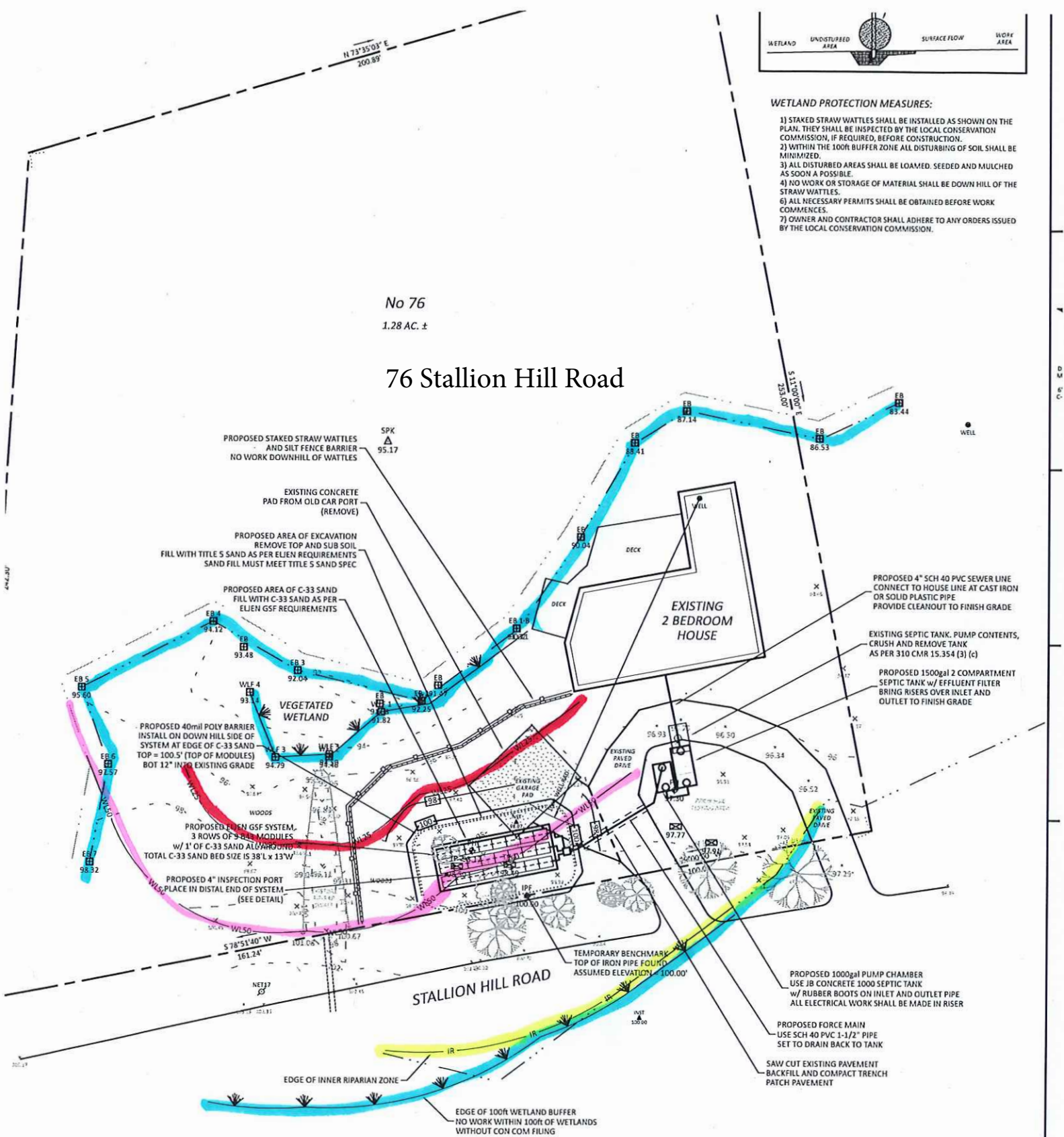




- WETLAND PROTECTION MEASURES:**
- 1) STAKED STRAW WATTLES SHALL BE INSTALLED AS SHOWN ON THE PLAN. THEY SHALL BE INSPECTED BY THE LOCAL CONSERVATION COMMISSION, IF REQUIRED, BEFORE CONSTRUCTION.
 - 2) WITHIN THE 100ft BUFFER ZONE ALL DISTURBING OF SOIL SHALL BE MINIMIZED.
 - 3) ALL DISTURBED AREAS SHALL BE LOAMED, SEEDED AND MULCHED AS SOON AS POSSIBLE.
 - 4) NO WORK OR STORAGE OF MATERIAL SHALL BE DOWN HILL OF THE STRAW WATTLES.
 - 5) ALL NECESSARY PERMITS SHALL BE OBTAINED BEFORE WORK COMMENCES.
 - 6) ALL NECESSARY PERMITS SHALL BE OBTAINED BEFORE WORK COMMENCES.
 - 7) OWNER AND CONTRACTOR SHALL ADHERE TO ANY ORDERS ISSUED BY THE LOCAL CONSERVATION COMMISSION.

No 76
1.28 AC. ±

76 Stallion Hill Road



- LEGEND**
- PROPERTY LINE
 - EROSION CONTROL
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - WATER LINE
 - EDGE OF WETLAND

- PROPOSED 4" SCH 40 PVC SEWER LINE CONNECT TO HOUSE LINE AT CAST IRON OR SOLID PLASTIC PIPE PROVIDE CLEANOUT TO FINISH GRADE
- EXISTING SEPTIC TANK. PUMP CONTENTS, CRUSH AND REMOVE TANK AS PER 310 CMR 15.354 (3) (c)
- PROPOSED 1500gal 2 COMPARTMENT SEPTIC TANK w/ EFFLUENT FILTER BRING RISERS ON INLET AND OUTLET TO FINISH GRADE
- PROPOSED 1000gal PUMP CHAMBER USE JB CONCRETE 1000 SEPTIC TANK w/ RUBBER BOOTS ON INLET AND OUTLET PIPE ALL ELECTRICAL WORK SHALL BE MADE IN RISER
- PROPOSED FORCE MAIN USE SCH 40 PVC 1-1/2" PIPE SET TO DRAIN BACK TO TANK
- SAW CUT EXISTING PAVEMENT BACKFILL AND COMPACT TRENCH PATCH PAVEMENT