

# CONSERVATION COMMISSION DETAILED AGENDA

Date: December 5, 2022

Time: 6:00 pm



## DECISIONS

### I. WETLANDS DECISIONS

#### 1. 126 Lake Road – NOI – Raze and rebuild of a lakefront lot– DEP File #300-XXXX

- Owner: N. Dublin & T. Mascuck     Applicant: D. Howard, Pioneer Builders
- Representatives: R. Levesque, Levesque Associates
- 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."
  - SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Project Summary:
  - Applicant is proposing a raze and rebuild of a lakefront cottage with a single family home and associated site improvements.
- Staff Notes:
  - Proof of abutter notifications required to open hearing & proof of legal ad received.
  - DEP has not issued a file # yet.
  - Project is not within Priority or Estimated Habitat.
  - Site visit performed. Revised plan received based on comments (see below)
  - Site contains Bank associated with Big Alum Pond and 2 isolated wetlands bisected by an existing driveway. Entire site is located within the 50' no build setback. No BLSF on site.
  - New structure is within 50' no build setback. Alternative analysis must be shown that all alternatives explored before board can consider.
  - A waiver would be required. A waiver is required to be requested. Waiver must be requested and outline mitigation provided. Mitigation provided on revised plan.
  - All options to meet the SWB standards must be explored and documented in able to be eligible for a waiver.
  - A breakdown of the existing structure and new structure within 25' and 50' of resource areas needs to be shown. – on revised plans
  - Revised plan received based on site visit for preliminary review. Revisions include:
    - Added a 25' buffer zone to the wetlands
    - Propose to remove shed and added mitigation plantings there (Red maple and winterberry)
    - Rotated house and shifted it outside the 25' wetland buffer. The house is now located farther than the existing house and I have updated the zoning setbacks table. The proposed house is located within the building setback lines.
    - Added a proposed patio at rear of house
    - Added proposed roof leader drywells to infiltrate roof runoff
    - Trim multiflora rose along west side of driveway
    - Two dead hemlock trees on west side of house to be removed (cut flush to grade)

**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

Roy Bishop

Erik Gaspar

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

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- Tie in sewer line from new house to existing pump chamber
  - Show connection to existing well
  - Shifted silt fence around east side of house to preserve existing vegetation
  - Small clump of birches near the shed are to be cut which are in conflict with overhead electric wires
  - Added a buffer zone impervious calculation table
  - Added construction sequence notes
  - Options discussed to remove full foundation to minimize disturbance. House was shifted outside of the 25' no disturb. Option discussed to include a partial foundation for mechanical room and to have the rest of the house on helical pilings to minimize disturbance. Has this been explored? Patio should be shown as pervious.
  - Staff support the revisions. Need to submit waiver request.
  - Staff Recommendations: As the DEP file # has not been provided, the hearing shall be continued. Continue to Jan. 5th, 2023.
2. **Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-XXXX**
- Owner: M. Sosik      Applicant: Justin Stelmok      Representative: B. Madden, LEC Environmental
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone & Vernal Pool Habitat (SWB only 365-1.4 & 365 5.6)
  - Project Summary: Project under DEP File #300-1132 was withdrawn without prejudice and re-filed.
    - Staff Notes: DEP File # and comments not received to date.
    - Application package includes responses to SCC, peer review and staff comments to date.
    - Pare Corp. peer review received. Mr. Shevlin will present at the 1-5-23 meeting. He's not available to attend this meeting.
    - New proposal received from Oxbow Associates for wetlands/wildlife review. Peer review was conducted for past project. No changes to scope of proposal to continue the review.
    - Revised project includes limiting salt use, a wildlife crossing structure and reduced development in the 200-foot vernal pool buffer. Work proposed within the 100-200' VP buffer zone. Crossing structure noted in application package to be same as used by NHESP for rare species. However, that was a 3-sided box culvert. This is a 4 sided. Is there any current documentation which can be provided to support the use of this structure for amphibian use? Applicant should demonstrate why a bridge or 3-sided structure cannot be used. They are proposing to add a natural surface inside the structure, however, that will require continual maintenance to function. Imperative that the crossing structure work to keep populations viable as development bisects and fragments the habitat.
    - It has been requested on multiple occasions that the documented vernal pools to be certified. Recommend board require this now. Has this been done to date?
    - Peer review notes concerns with road grades shown at driveway entrance from Berry Farm Road. Are plan changes anticipated?
  - Staff Recommendations: Approve proposal from Oxbow for review to be initiated. Continue hearing to next meeting, Jan. 5<sup>th</sup> to allow for peer reviews and presentations.
3. **698 Main Street– NOI-Construction of a commercial building with associated parking and utilities-DEP File# 300-1144**
- Owner/Applicant: J. Procon, Interstate Towing      Representative: G. Krevosky, EBT Environmental
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Summary: Project includes the construction of a 7,000 sq. ft. commercial building with associated parking areas and utilities.
  - Staff Notes:
    - Hearing was continued to allow project revisions to address peer review comments. Minor revisions to plans required.
    - New information to be provided on 12-1-22. Needs to be reviewed by peer review.
  - Staff Recommendations: Continue to Jan. 5, 2022 to allow for peer review.
4. **63 Beach Ave – NOI – Raising the existing house, addition and associated site work– DEP File #300-1145**
- Owner/Applicant: Sean and Johanna Doyle      Representatives: L. Jalbert, Jalbert Engineering
  - Request: Issue Order of Conditions.

- Documents Presented: revised plans (dated 11-29-22) & Architectural Insights Memo (dated 11-23-22)
- Jurisdiction: Buffer Zone
- Performance Standards
- Project Summary:
  - Project includes raising the existing house to provide a full basement. It also includes an addition, pervious paver walkway, a drip strip, landscaped areas, retaining walls and other landscape improvements.
- Staff Notes:
  - Project was continued to address comments.
  - Revised plan and narrative received to address comments.
  - Narrative includes a construction sequence plan, waiver request and demonstrates alternatives. Effort will be made to save the adjacent trees. If not, they will be mitigated 2 to 1 if necessary. Locations of replacements shown on plan.
  - Plan changes include removal of a portion of the patio as additional mitigation to what was previously proposed.
- 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 maintenance plan/requirements for drainage structures (drip strip) and pervious patio and walkways prior to the start of work.
    - Documentation of proper patio and drip strip installation, per the plan & manufacturer specifications, must be provided to the SCC.
    - Any trees required to be removed shall be replaced 2 to 1 w/ a red maple as noted in application. Trees shall be at least 1.5" caliper. Required to demonstrate that trees succeed for at least one growing season after installation. Deceased plants shall be replaced.
    - 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 SFH projects has been previously required. To be released upon issuance of a Certificate of Compliance.

**5. 72 & 72A Paradise Lane- continued NOI- Raze and Rebuild on a lakefront lot-DEP File #300-1148**

- Applicant: Robert & Lisa Muscaro      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue a Determination
- Documents Presented: Jalbert Engineering Memo & Bob Muscaro Letter
- 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 a new house.
- Staff Notes:
  - Project was continued as DEP File # had not been received.
  - DEP File received. No comments issued.
  - Updated arborist report received. Includes trimming some additional oaks of dead wood.
  - An alternative analysis has now been provided for the waiver. Please see Jalbert Engineering letter and applicant letters. Project revised from original proposal to move out of the 25' BZ. Doing such requires trees to be removed. Trees to be removed are either dead or declining and only provide limited canopy. Applicant proposing to convert a portion of lawn to include shrubs and trees of varying canopies. This will be an improvement for wildlife. Also, proposing to make improvements to an existing oak by the shoreline to aid in its health. Stormwater BMPs proposed for roof runoff and driveway runoff.
- 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.
    - Submit arborist report demonstrating that the landscape plantings have been installed in compliance with the approved plans & confirming that tree trimming and improvements have been made. Also to include a review of health of landscape plantings post installation for success at least one growing season after installation. Deceased plants shall be replaced.

- Documentation of proper patio and drip strip installation, per the plan & manufacturer specifications, must be provided to the SCC.
- 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 SFH projects has been previously required. To be released upon issuance of a Certificate of Compliance.

**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: n/a
- Jurisdiction: Buffer Zone, Bank
- 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:
  - No new information has been received.
- Staff Recommendations: Continue to allow the project team to continue to work on project revisions. Continue to Jan. 5<sup>th</sup> or later depending on when they plan to submit.

**II. WETLAND DECISIONS**

**7. 77 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-0913**

- Applicant: Jalbert Engineering    Permit Holder: Mark & Jodie Gosselin
- Request: Issue COC
- Documents Presented: colored plan & site photos
- Staff Notes: Filing fee needs to be received. Staff site visit performed. Letter of substantial compliance and as-built received. Project was not executed in full compliance with the plan. Restoration work required was completed though. Cultec not installed however downspouts directed to crushed stone areas. No erosion noted. Additional area along stream appears to have been created for a use area. This is partially within the 25 ft no disturb and outside of the approved LOW. New owners at property. Recommend area is either left to naturalize or is re-planted. Area and portion of the fence is also on adjacent property.
- Staff Recommendations: Board to discuss if they have any concerns with the area and see if they think it should be restored. Hold off on issuance until area is restored.

**8. 77 Westwood Drive –Request for a Certificate of Compliance-DEP File#300-0477**

- Applicant: Jalbert Engineering    Permit Holder: Kimberly Drury
- Request: Issue COC
- Staff Notes: Filing fee needs to be received. Site visit performed and letter of substantial compliance. This was an older OOC from before the new the Gosselin's owned the property. Project included site work to increase the back yard. LOW was revised to stay out of the 25' BZ. This OOC can be closed.
- Staff Recommendations: Issue complete CoC if filing fee has been received. No perpetual conditions noted.

**III. ADMINISTRATIVE DECISIONS**

**9. Minutes of 11/17/22 to be approved**

- Staff Recommendations: Vote to accept the 11/17/22 minutes.

**IV. OLD BUSINESS UPDATES**

**V. ADMINISTRATIVE UPDATES**

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

**VI. CORRESPONDENCE**

**VII. NEW BUSINESS**

**10. Agent's Report**

**11. Next Meeting-Thursdays January 5, 2023 and Site Visit Schedule-Tentative-December 27, 2022, 9 AM**











## 126 Lake Road Site Photos

















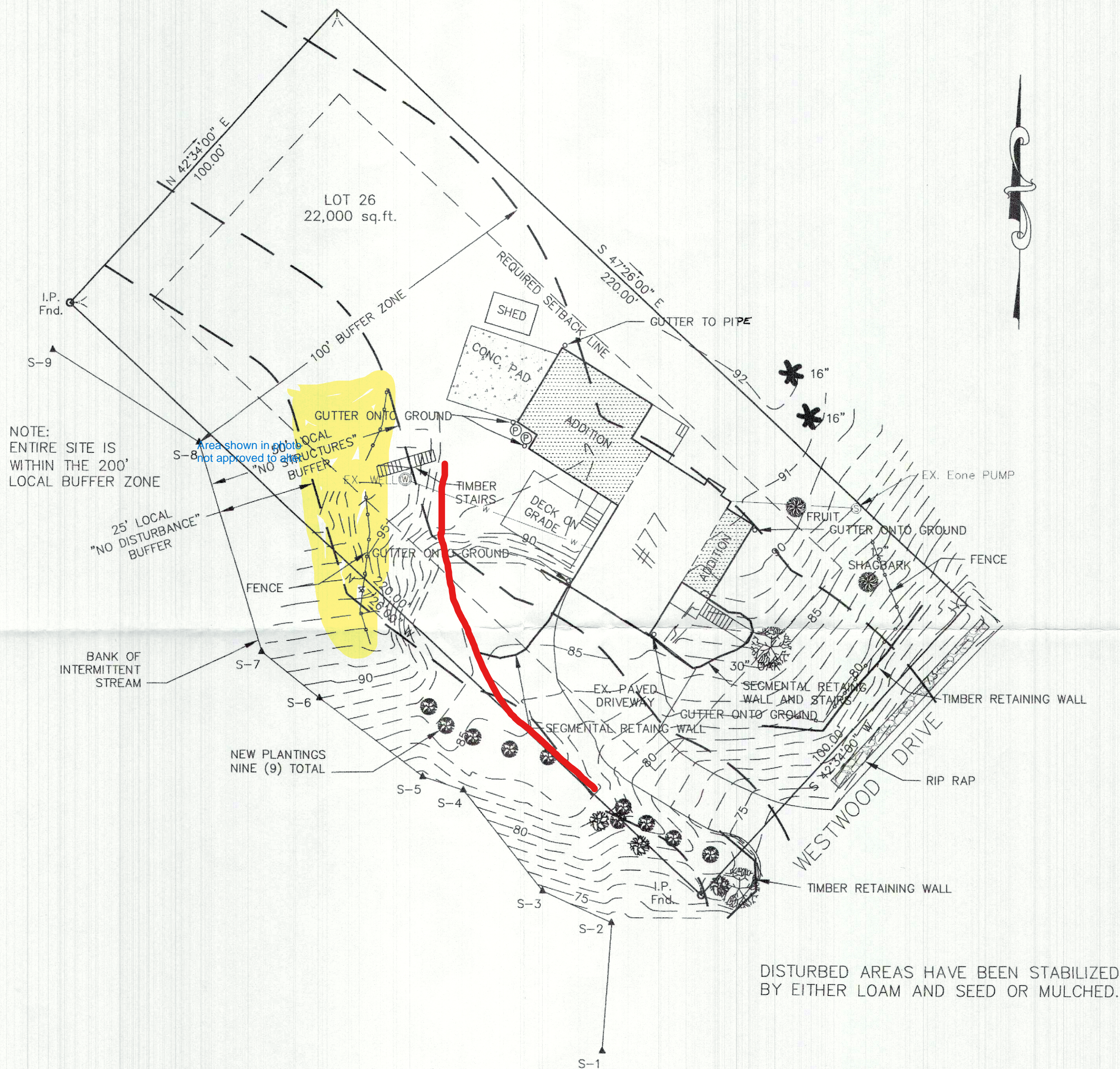
## 77 Westwood Drive – Site Photos



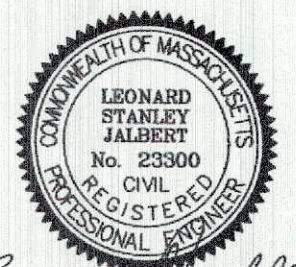








DISTURBED AREAS HAVE BEEN STABILIZED BY EITHER LOAM AND SEED OR MULCHED.



*Leonard Stanley Jalbert*

**AS-BUILT**  
 DEP. FILE No. 300-0477  
 DEP. FILE No. 300-0913

ORIGINAL			REVISIONS				
DATE	BY	REV.	DATE	DESCRIPTION	MADE	CHK'D	APV'D
10/15/14	AMT	3	11/17/22	AS-BUILT/COC	AMT	LSJ	LSJ
DRAFTED BY:	AMT						
CHECKED	LSJ						
SUPERVISOR	LSJ						
REVIEWED	LSJ						
REVIEWED							
REVIEWED	LSJ						



**JALBERT ENGINEERING, INC.**

CIVIL ENGINEERS & SURVEYORS

54 Main Street  
 Sturbridge, Massachusetts 01566-1244  
 Telephone: (508) 347-5136 • Toll Free: 1-800-339-5136  
 Fax: (508) 347-7962

**SITE PLAN**  
 MARK E. & JODIE M. GOSSELIN  
 77 WESTWOOD DRIVE  
 STURBRIDGE, MASSACHUSETTS

( IN FEET )  
 1 inch = 20 ft.

PLAN DATE: 10/15/14

DWG NUMBER

14144

REV. 3