

# CONSERVATION DEPARTMENT DETAILED AGENDA

SCC Meeting Date: February 15, 2022  
Detailed Agenda Date: February 11, 2022



## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 57 Caron Road- NOI-Shoreline Wall/portions to be repaired and or replaced DEP File #300-1121

- Owner/Applicant: Jesse & Jennifer Casaubon      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Project Summary:
  - Project includes the repair and reconstruction of a shoreline retaining wall.
- Staff Notes:
  - DEP File # issued 2-10-22. Comments included.
  - Proof of abutter notifications required.
  - Proof of legal ad have been received.
  - Cedar Lake is a Great Pond under ownership of the residents of the Commonwealth. Projects and/or activities performed on Great Ponds require approval through MA DEP Waterways Program (Chapter 91). Applicant is responsible to ensure that permitting is received if necessary (either a negative determination of license). DEP has recently asked con coms that this be added as a condition prior to the start of work on a project. See DEP Comments.
  - An OOC was recently issued for work on this property within the Buffer Zone. The condition of the wall was unknown to the new property owners. A new OOC is required for this work. An amendment is not applicable as new resource area impact proposed (Bank).
  - Scope of work includes repointing a majority of the wall which would be minor in scope. Sections of the wall are failing and or failed and require to be rebuilt. Scope of work from contractor provided for SCC review.
  - When shoreline wall replacement projects are proposed, the SCC requests that more nature based wall replacement/stabilization measures be explored and implemented versus hardened banks which better serves Bank interests. An alternative analysis process must be demonstrated. As this is just a repair of a portion of the existing wall and not the replacement of the entity of the wall, this wouldn't appear necessary at this time. Should and when the wall require replacement, alternatives must be explored.
  - Staff requested that the submitted plan include be revised to clearly identify the work proposed versus approved under the previous OOC. A revised plan was received but doesn't distinguish the specific areas for repointing vs. rebuilding. This will be required to quantify Bank impacts for the OOC. Engineer should mark on the plan.
- Staff Recommendation:
  - When appropriate, staff recommend approval of the wall repair with conditions:
    - Standard OOC conditions.
    - Shoreline work to be performed in dry conditions (i.e. during lake drawdown). If this is not possible a plan must be developed to protect resource areas during work. The plan shall be submitted for prior review and approval by the SCC.
    - Require plantings as proposed and to include shrubbery as discussed.
    - Toe of repaired wall section must conform to existing wall conditions.
    - As-built plan to demonstrate no net fill and as-built elevations to document compliance.
    - Applicant is required to receive all other permitting including a Chapter 91 license if required prior to the start of work.

#### 2. 165 Shepard Road-Local Bylaw NOI-New single family home and associated site work

- Owner/Applicant: T. Davidson, Bravidson Realty Trust      Representative: L. Jalbert, Jalbert Engineering
- Project Summary:

**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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- Project includes the construction of a single family house and associated appurtenances to include private septic and well.
  - Staff Notes:
    - Proof of abutter notifications and proof of legal ad have been received.
    - A public hearing was held at the SCC's Jan. 27, 2022 meeting. At that time, the SCC was provided with an affidavit that abutter notifications had been made. The SCC reviewed and approved the project at that hearing. After the hearing, the SCC had been made aware that the hearing time had been listed inaccurately. Due to this concern, the SCC requested that a new hearing be held to allow anyone from the public to comment.
  - Staff Recommendation:
    - Provided the SCC has no concerns, staff recommend closing the hearing.
- 3. 53 Hillside Drive-RDA- *Continued* - New single family home and associated site work**
- Owner/Applicant: John Rowley      Representative: P. Engle, McClure Engineering
  - Project Status Summary: hearing was continued as a peer review was required. Additional proposals needed.
  - Staff Notes: RFPs submitted to 3 additional firms. 1 received. 2 proposals provided for review.
  - Staff Recommendation: Both firms are qualified and the scopes are similar in nature and cost. Oxbow has performed work for the SCC before. Boghunter Ecological has performed work for the SCC under his previous role at GZA indirectly. Select a firm and continue to March. 31, 2022 to allow reviews to commence.
- 4. 150 Charlton Road- *continued 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: Revised project materials including:
    - Summit letter (dated 1-20-22); revised plans (revised 1-20-22), Hydraulic/Hydrological Calculations (revised 1-20-22), presentation plan, turning plan – All received just prior to the last hearing.
    - Summit response letter peer review #1(dated 2-1-22) and revised plan sheet C-3.0 (last revised 1-31-22)
    - 2<sup>nd</sup> peer review report (dated 2-7-22)
  - Project Status Summary: Project was continued from the last hearing to allow for responses to the peer review and staff comments.
  - Staff Notes:
    - Revised materials received based on initial peer review report. RA comments had not been addressed. Additional material received to address peer review comment #70. Comments 61, 64, 65, 66 & 68 have not been addressed.
    - 2<sup>nd</sup> peer review report received. Comments primarily around stormwater management. Revisions and details needed. Comments to be addressed. O & M Plan adjustments required for LUHPL.
    - Staff comments from the last meeting have not been addressed. – See detailed agenda 1-27-22 meeting.
    - Revised Plans:
      - Stormwater structures moved underground to reduce RA impacts. Work still proposed within RA area and at 50' BZ. Snow storage areas are within parking lot, which is required to be in developed areas for treatment, but would appear to present challenges for maneuverability for trucks. Overall appears to be a tight fit to incorporate needs for facility on this site with site constraints.
      - Project includes additional mitigation to include removal of a sand delta within BVW to demonstrate meeting the required 2 to 1 mitigation requirement under the SWB for RA impacts. Mitigation areas should be reviewed. Unclear how delta size was established during snow cover. Mitigation proposal now appears to exactly met the 2:1 requirement. Important to note that the all of the RA performance standards must be documented to have been met.
      - Temporary use of the existing crossing is proposed. The project team should elaborate on the use. Is this for construction of the project or just for access to perform the restoration work? The SCC should consider this use. It may be temporary in nature but should be accounted for in impact even if temporary and any concerns w/ use discussed. This has the potential impacts to wildlife habitat during work.
    - Staff Recommendations:
      - Applicant must fully demonstrate compliance with 321 CMR 10.58
        - 10.58. (4)(a) The application must clarify how the work will contribute to the protection of the interests of the Act.

- 10.58(4)(c) The application must present alternatives. There must be no practicable and substantially economic alternative to the proposed project with less adverse effects on the interests. The applicant must fully demonstrate compliance with this. Some on site alternatives have been shown but no alternatives within the area. There is appropriately zoned land (698 Main St.) for sale in town which would allow this use.
- If full compliance can be demonstrated and if the board considers the allowance of some RA impact w/ appropriate mitigation, the SCC should consider:
  - Requiring fencing around the facility that blocks light, sound and activity into the RA and buffer zone areas. This proposed use will have an impact on adjacent wildlife habitat.
  - Permanent protection of remaining RA area to ensure that no future cumulative impacts to RA (i.e. deed restriction). The exact area of the Verizon lease area must be confirmed and shown on the plan and confirmed that the area is outside of RA. What's shown on the plan does not appear accurate when compared to the aerial photos. It may just be outside of RA but should be confirmed as any RA impact associated with that use need to be accounted for. RA shown on this portion of the site is still shown as "offsets" this needs to be revised.
  - Adjacent property mitigation area: the SCC should evaluate if this is sufficient for RA impacts mitigation. This is a significant portion of the mitigation at 3,840 sq. ft here proposed by removing soil/rock piles that are primarily vegetated. This area is within the 100 ft. RA no disturb. It may not be sufficient for mitigation and should be evaluated on site. All work on adjacent properties must be included in additional permitting including temporary access and storage within RA on the adjacent parcel. NOI is only for 150 Charlton Rd.
- The SCC needs to perform a site visit to review the proposed mitigation to evaluate if that is appropriate for allowance of RA impacts once full compliance is documented.
- Continue hearing to allow applicant to address all comments as noted above. Continue to the next meeting March 10, 2022.
- The SCC should still perform a site visit. Next site visit day is 3-1-22.

## II. WETLANDS DECISIONS

### 5. 400 Haynes Street Pilot—Request for Certificate of Compliance – DEP File #300-1063

- Original Applicant/Permit Holder: Brad Alsup      Requester: Core States Group, Alan Roscoe
- Request: Issue a COC
- Staff Notes: Permit was issued for the re-construction of a truck stop. Staff reviewed the OOC conditions and it's not clear that the conditions have been fully met. Condition #46 was related to the fire line replacement and required restoration monitoring. There are additional conditions related to revisions to the O & M plan too (see conditions 65-68). Additionally, there is still potentially an issue regarding the hotel driveway slope which had not been resolved. This is where the silt fence was holding up stone. Project required plantings.
- Staff Recommendations: Staff recommend holding off on issuance until the applicant addresses the outstanding conditions and until the growing season to ensure site stability and to ensure the success of the plantings.

## III. ADMINISTRATIVE DECISIONS

### 6. Minutes of 1/27/22 to be approved

## UPDATES

### IV. OLD BUSINESS

#### 7. DEP File #300-929 70 Paradise Lane Reardon

Staff Notes: Discussed at the SCC's Jan 6, 2022 meeting. OOC expired and not closed out. Some of the work wasn't completed drainage BMPs not implemented. SCC request to send letter stating the need for a revised plan to be submitted for compliance. Request for Jan. 27th meeting for discussion. As-built plan submitted. They note that they may be able to implement some BMPs across the street but none planned for downspouts. Project is not in compliance. Impervious surfaces cover a majority of the site and runoff appears to be a concern here.

Staff Recommendations: The board should require that the runoff is addressed. Permit is expired and project is technically in violation for not following the plan.

### V. ADMINISTRATIVE UPDATES

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

### VI. NEW BUSINESS

#### 9. Agent's Report

#### 10. Next Meeting-March 10, 2022 and Site Visit Schedule- March 1, 2022 9 am-12 pm

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***OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR***  
***ADJOURN***