CONSERVATION COMMISSION DETAILED AGENDA

Date: February 16, 2023

Time: 5:00 pm



I. WETLANDS DECISIONS

- 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
 - o Request: Issue an Order of Conditions
 - o <u>Documents Presented</u>: n/a
 - o Jurisdiction: Buffer Zone
 - o <u>Project Summary</u>: Project includes the construction of a 7,000 sq. ft. commercial building with associated parking areas and utilities.
 - o Staff Notes:
 - Hearing was continued to allow for vote. See notes from 1-26-23 detailed agenda.
 - <u>Staff Recommendations</u>: Provided that the board is satisfied, staff recommend that the hearing is closed.
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - o Standard OOC conditions.
 - Prior to the start of work, Environmental Monitor designated to monitoring all activity within buffer zones to ensure compliance with this Order of Conditions.
 The Environmental Monitor shall perform site inspections bi-weekly throughout construction and submit regular progress/monitoring reports.
 - Prior to the start of work, a copy of the authorized EPA Notice of Intent and completed Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Conservation Commission.
 - Prior to the start of work, annual O & M budget and signed illicit discharge statement to be submitted.
 - o Perpetual conditions for stormwater structures and fence.
 - Evidence of maintenance of the stormwater management system shall be provided to the Commission on annual basis.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - o 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. \$10,000 for commercial development of this nature required. To be released upon issuance of a Certificate of Compliance.
- 2. 16 Mt. Dan Road -continued NOI Raze and rebuild of a lakefront home DEP File #300-1135
 - o <u>Owner/Applicant</u>: Deborah Weber <u>Representatives</u>: L. Jalbert, Jalbert Engineering
 - o Request: Issue OOC.
 - o Documents Presented: n/a
 - o <u>Jurisdiction</u>: Buffer Zone, Bank
 - o <u>Project Status Summary</u>
 - 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 has been continued to allow the Applicant to address the board's
 comments.



Conservation Agent Rebecca Gendreau

> Administrative Assistant Erin Carson

Commission
Members
Ed Goodwin
Erik Gaspar
Roy Bishop
Ted Winglass
Karsten Stueber

Conservation

308 Main Street. Sturbridge, MA 01566 T 508/347-2506

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o Staff Notes:

- Hearing was continued to allow for vote. See notes from 1-26-23 detailed agenda.
- 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 arborist report demonstrating that the landscape plantings have been installed in compliance with the approved plans. Also, to include a review of health of landscape plantings post installation for success for two growing season after installation. Deceased plants shall be replaced.
 - o Bank Work:
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions (during lake drawdown).
 - Toe of stairs must end at existing toe of Bank.
 - 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 or negative determination.
 - o A phased erosion control plan shall be developed for the various phases of construction.
 - All trees within the work area that are to remain must be protected during work to include root zone protection. Snow fencing or another similar material shall be used. Root zone protection requirements shall be established by a certified arborist.
 - O Documentation of proper patio and stormwater structures, per the plan & manufacturer specifications, must be provided to the SCC. Buried structures must be photographed before backfilling.
 - Perpetual conditions for stormwater structures.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - o 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.

3. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 68 lot manufactured housing community-DEP File# 300-xxxx

- o Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- o Request: Issue an Order of Conditions
- <u>Documents Presented</u>: n/a
- o Jurisdiction: Buffer Zone & Vernal Pool Habitat (SWB only 365-1.4 & 365 5.6)
- o Project Description:
 - <u>Staff Notes</u>: Project continued. Project was previously being reviewed under DEP File #300-1132 and was withdrawn without prejudice then re-filed and was being reviewed under DEP File #300-1150. Project was again withdrawn and re-filed.
 - Proof of abutter notifications required to open hearing. Proof of legal ad received.
 - DEP File # and comments not received.
 - Applicant is requesting to waive requirements for soliciting proposals for peer review as it has been conducted by Oxbow Associates.
 - Board does need to vote to continue w/ Oxbow Associates and Pare Corp. peer reviews. Pare Corp. review is being conducted jointly through the Planning Board.
 - Past peer review reports had been included in the application packet.
 - New materials included:
 - Vernal Pool Monitoring Plan
 - Reduced Salt Application Plan
 - Response to DEP Comments
- Staff Recommendations: Staff recommend a site visit for new members be scheduled and to continue the hearing.
 Supply additional materials and have peer reviewers available for discussion at next hearing. Next meeting is March 9, 2023.

4. 14 Cedar Lake Drive – continued NOI – Construction of a Garage – DEP File #300-1151

Owner/Applicant: Taylor Stedman Representatives: D. Sadowski, DJ Associates

- Request: Issue OOC.
- o <u>Documents Presented</u>: colored plan
- Jurisdiction:
 - Buffer Zone 10.53(1): General Provisions
 - Sturbridge Wetland Bylaw Regs. 365-1.1E H.; 365-1.2, 365-1.3 (see: https://ecode360.com/35319582)
- o <u>Project Status Summary</u>
 - Project includes the addition of a two bay garage attached single family home on Cedar Lake. Project was continued
 to allow for project modifications based on SCC and staff comments.
- o Staff Notes:
 - Awaiting revised materials. Engineer was away.
- Staff Recommendations: Continue to next meeting for submission of materials. Next meeting is March 9, 2023th.

505 Main Street – NOI – Demo of a commercial building, replace with a multi-family residential building with associated parking – DEP File #300-1152

- Owner: J. Bounphasaysonh Applicant: STL Group Representatives: R. Mendez, Graves Engineering
- o Request: Issue OOC.
- o <u>Documents Presented</u>: colored plans & site photos
- o Jurisdiction:
 - o **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."
 - Sturbridge Wetland Bylaw Regs.: 365-1.1E H.; 365-1.2, 365-1.3 see: https://ecode360.com/35319582)
- Project Status Summary
 - Project includes the demolition of a commercial building and replacement with residential multi-family with increased impervious surface. Project was continued from 1-26-23 meeting w/ no discussion per applicant.
- o Staff Notes:
 - Proof of abutter notifications & legal ad received.
 - DEP file number issued w/ no comments.
 - Project site is not located within Priority & Estimated Habitat.
 - Site is within buffer zone to a Bordering Vegetated Wetland located just off the property. FEMA Map included. Not shown in or near flood zones. Property is outside of Riverfront Area associated with the Quinebaug River.
 - Streams are located east and west of the property. Both are culverted where parallel with the property. The eastern stream is over 200' away and the western one is within 100' at the culvert discharge. Staff checked the topo maps and shown as intermittent. Staff also checked stream stats and this stream doesn't meet criteria as perennial.
 - Site visit performed.
 - OOC previously issued here for different development. OOC has expired. It was recorded and a request for a
 Certificate of Compliance will need to be submitted to release the deed from the title before new project starts
 work.
 - As project includes an increase of impervious surface, the project is considered a new project per MA Stormwater Standards. A peer review for stormwater compliance is needed by a P.E. Staff are pleased to see the use of the bioretention basin for stormwater management. Does the stormwater system include runoff compensation for the entire lot (roof and impervious walkways)? It does not appear that any green space remains on lot outside of the restoration area on the stormwater basin slope.
 - Project includes new impervious surface within the 50' no new structure setback. Per Bylaw Regs definitions a
 structure includes: "Any man-made or man-assembled impervious or partially impervious combination of materials
 and includes but is not limited to buildings, asphalt driveways, retaining walls, patios, swimming pools, sheds (decks,
 porches), framework, or any part thereof existing on, above or below the level of land or water."
 - Project also includes work within the 25' no disturb to include the side slopes of bioretention basin and basin outlet and splash pad within feet of the wetland. LOW shown at 11' closest to wetland.

- Project does include buffer restoration area, however, it is all within areas needed for grading associated with the side slope of the stromwater basin. O & M Plan should include no mow area for restoration area.
- The applicant should clarify the extent of grading which would appear required in order to remove slope in between the existing building and rear parking area. Also appears fill required for basin and back parking area. All of this is within the 25 and 50' setback. No change of grading shown in the rear parking rea. Modular block wall proposed along the side of parking lot. Appears there will be a grade change proposed here. There is a sloped lawn area here currently.
- Plan shows asphalt pavement covered with brush. This area has a significant amount of Japanese knotweed growing within it. It would appear that the pavement is substantially compromised as it is heavily vegetated. The proper removal of the invasive would be recommended.
- Project isn't in compliance with local setbacks. Alternatives must be explored. It would appear that there is an opportunity here to redevelop this site and provide wetland setbacks. The new building will be larger and noted as 8 units that is an expansion which results in the increase of impervious surfaces on the property and need to work within 11' of the wetland. A reduction of units would minimize parking needs and allow for greater setbacks. It would also appear to assist with conformance w/ zoning setbacks if the building envelope was then modified. Removal of impervious in the rear of the building would allow for a modified stormwater basin design which would provide a greater setback from the wetland.
- Staff Recommendations: Staff recommend voting to require the peer review for stormwater. Continue hearing to allow applicant time to address items listed above & to receive peer review proposals. Continue to the next meeting: March 9th.

6. 130 Lane Nine-NOI- Site improvements to an existing lakefront property -DEP File# 300-1153

- o <u>Owner/Applicant</u>: J. Procon, Interstate Towing <u>Representative</u>: M. Thibeault, Landscape Evolution
- o Request: Issue an Order of Conditions
- Documents Presented: colored plans & site photos
- o Jurisdiction:
 - **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."
 - Sturbridge Wetland Bylaw Regs.: 365-1.1E H.; 365-1.2, 365-1.3 see: https://ecode360.com/35319582
- Project Summary: Project includes the removal and replacement of existing timber steps with stone steps. Project also includes terracing the hillside to construct a pervious patio with rock wall. Native plantings will be transplanted and invasive species removed.
- o Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - DEP file number issued w/ no comments.
 - Project site is located within Priority Estimated Habitat.
 - Project filed within NHESP. Awaiting MESA Letter. Not within Estimated Habitat just Priority Habitat.
 - Site includes timber and block stairs to the lake's edge. Site is within buffer zone to Bank associated with South Pond. Project site includes Bordering Land Subject to Flooding (BLSF). The FEMA 100-year flood elevation for South Pond previously noted at 605'. This needs to be determined on site for extent of Bordering Land Subject to Flooding (BLSF). Wall associated with the patio may be within BLSF. An engineer shall be consulted to determine BLSF. Compensatory storage could be required per 310 CMR 10.57(4)(a)(1) if fill within BLSF.
 - Project located on Bank as observed at the site visit. Bank impacts need to be articulated and shown that performance standards are met. Another set of stairs on Bank observed. Will need to show meet WPA Bank standards. New steps should be set back as to not fill Land Under Water.
 - Project includes new impervious surface within the 50' no new structure setback and includes work within the 25' no disturb. Pervious patio is located within the 50' no new structure setback. Slope is steep and addition of sitting area decreases erosion on slope as areas are currently utilized by existing home. Work within the 25' no disturb includes replacement of steps and new plantings. Wall located at 25' buffer. Should be cited outside of 25' buffer and may need to be if within BLSF.

- South Pond is a Great Pond. Work within the Mean High Water Line (601.5' previously noted for South Pond). May require a filing with the Waterways Program as the work may be proposed on public lands. The applicant is responsible to check with DEP Waterways on any potential permitting requirements.
- Historic OOC on property has not been closed out DEP File #300-715. Applicant must complete a Request for a Certificate of Compliance as required in the permit. Staff recommend adding this as a pre-construction condition.
- Staff Recommendations: Continue to next meeting to allow applicant to determine BLSF elevations and resource area impacts. Next meeting is March 9th.

7. 88 McGargle Road – RDA- Site improvements to an existing lakefront property

- o Owner/Applicant: James Yiznitsky Representative: Property Owner
- o Request: Issue a Determination
- o Documents Presented: colored plans & site photos
- o <u>Jurisdiction</u>: 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 Summary: Project includes the repair/replacement of footings under an existing lakefront seasonal cottage, rebuilding of existing deck in the same location, repaving and widening of an existing paved driveway, relocation of a shed, grading and removal of dead trees.
 - Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority Estimated Habitat.
 - Site visit performed.
 - Property is located on Leadmine Pond and there are wetlands to the west of the property across McGargle.
 - Deck to be rebuilt as necessary to allow footing replacement. Deck is within 50' no new structure but is not expanding. Required to be temporarily moved to fix footing issue.
 - Other work is approx. 75' or so from resource areas.
 - Trees are dead or severely declining and were reviewed on site. No stump/root removal is typically requested.
 - Tree replacement discussed on site. 2 trees would appear appropriate for replacements to be located within 25' of lake.
 - Staff see no concerns with footing work, shed relocation and driveway repairs and expansion. These activities will just require some protections during work to prevent sediment migration during work.
- Staff Recommendations: Provided that the legal ad and abutter notifications are received, staff recommend closing the hearing and issue a DOA:
 - Negative #3 with conditions:
 - o Standard pre-work and sign off conditions.
 - Straw wattle install at LOW.
 - No stump/root removal.
 - 2 deciduous trees to be planted within 25' of lake. Standard has been at least 1.5" dimeter at breast height.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

8. 120 Breakneck Road – SWB Notice of Intent-Construction of a single family home, barn and associated site work

- o Owner/Applicant: Old Green Acres, LLC Representative: N. Jackson, J & P Engineering Services
- Request: Issue an OOC (under the Bylaw)
- o Documents Presented: colored plans & site photos
- o <u>Jurisdiction</u>: Buffer Zone
- o Project Summary: Construction of a SFH and associated site work to include a barn and paddock.
- o Staff Notes:
- Proof of abutter notifications & proof of legal ad received.
- Property includes Riverfront Area, Bank, Land Under Water and an Isolated Wetland. No work shown within areas subject to state jurisdiction. NOI only under local bylaw.

- Property was harvested under a state issued FCP prior to new ownership. Lot recently divided off of current parcel at 100 Breakneck. Additional lots previously subdivided and developed.
- Project initiated without wetland permitting. Work stopped and application received.
- Application did not include supporting wetland delineation forms. This must be provided to confirm lines. Staff had requested and have not been received.
- Staff did walk site. Bordering Vegetated Wetland and Isolated Wetland reflagged. Staff had questions in regards to WF W8 based on visual observations. It should include more area of BVW. These are just based on visual observations as we are outside of the growing season. Location of this flag would not affect the buffer zone on the project. This delineation was done in Feb. 2018 outside of the growing season. Regardless, staff only recommend that the BVW line and IVW line (flags) which project a buffer zone on project area be approved when appropriate.
- Isolated wetland done in August 2019. Staff would like to see the report here also for test pit data and locations. This wetland does not appear to support vernal pool activity. No evidence of sufficient water depth seen on trees or rocks, etc.
- Staff noted a stream crossing that appears to be actively used. Logging roads are remnant of past forestry activities. DCR FCP allow temporary impacts (crossings, wetland tree harvesting, landing areas, etc.) for forest management. A crossing was permitted under the FCP and noted to be poled. It may have been from forestry activities, however, it was temporary and under the forestry agreements was to be restored after use. ATVs should not be crossing the brook. The applicant may request a small bridge for crossing. The banks in this area are high and a simple structure could span the width. The board should discuss this (picture provided). Bridge would require a NOI under the WPA. If not, the crossing should be abandoned and blocked.
- The property owner must be made aware that a potential hardship could be made if further subdivision of the properties is made which would require either a future wetland crossing or Riverfront Area impacts for access.
- Manure should be stored and or composted in areas that do not runoff towards the isolated wetland.
- Staff Recommendations: Data sheets for wetland reviews required. Staff recommend that only the BVW line and IVW line which project a buffer zone on project area be approved when appropriate. Applicant should discuss stream crossing w/ board and plan a path for this crossing. Continue to next meeting March 9th to provide additional materials.

II. WETLAND DECISIONS

III. ADMNISTRATIVE DECISIONS

- 9. Minutes of 12/5/22, 1/5/23 & 1/26/23 to be approved
 - o <u>Staff Recommendations</u>: Vote to accept the 12/5/22, 1/5/23 & 1/26/23 minutes.

IV. OLD BUSINESS

- 10. Empire Buffet
- o <u>Staff Notes:</u> An update is to be provided on the status of the site review and development of beaver management plan.

11. 71 Mashapaug Road

- Staff Notes: Property owner to return with a plan to move forward to discuss with the board.
- Staff Recommendations: Establish timeline moving forward and outline that in an EO so that there is a formal requirement set for these actions to address violations. Schedule site visit the property. Board of Health Agent has requested to attend.

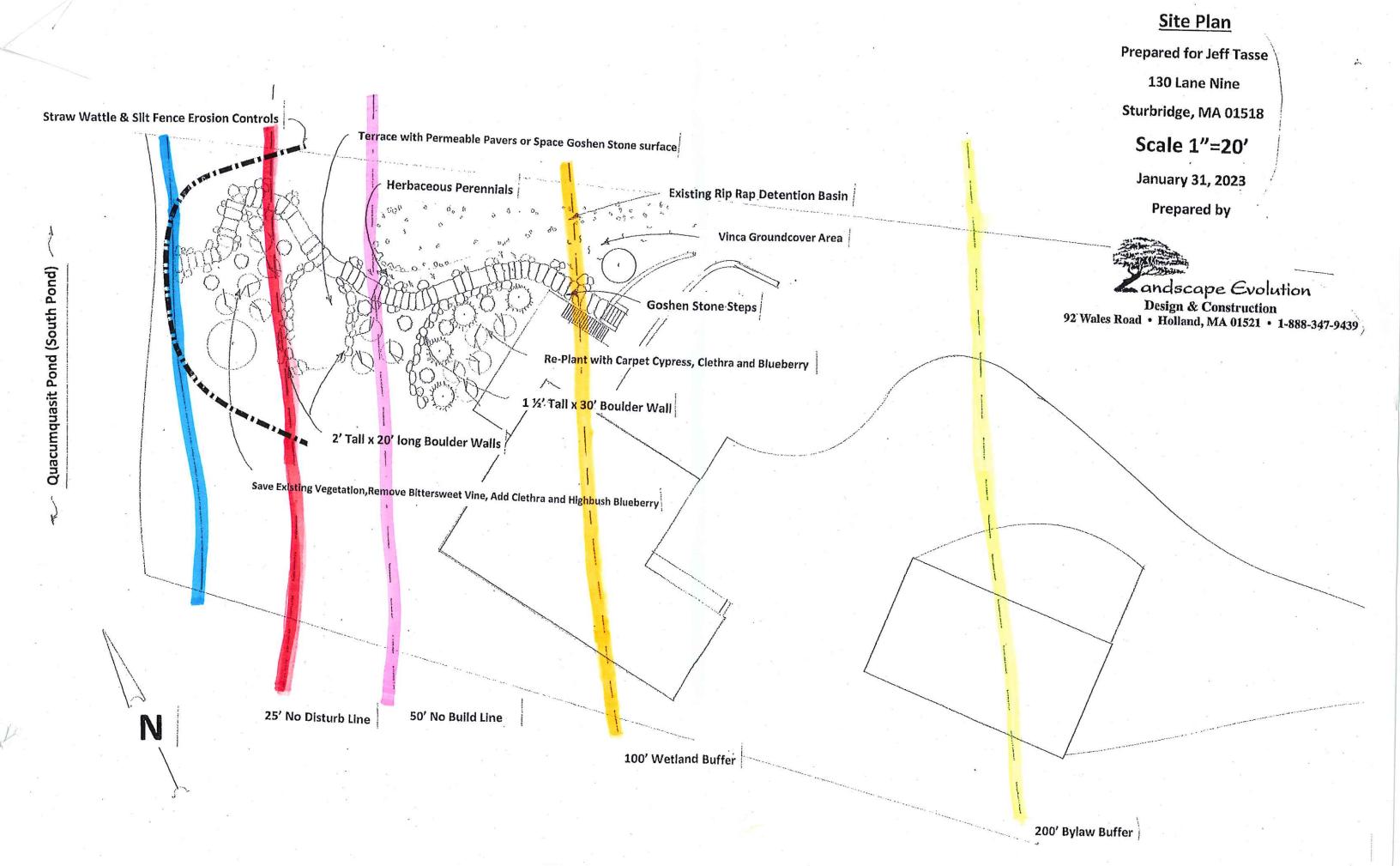
V. ADMINISTRATIVE UPDATES

o <u>Committee Updates</u>: CPA, Trails, Open Space, and Lakes

VI. CORRESPONDENCE

VII. NEW BUSINESS

- 12. Agent's Report
- 13. Next Meeting-Thursday March 9, 2023 and Site Visit Schedule-Tentative-TBD



130 Lane Nine Site Photos





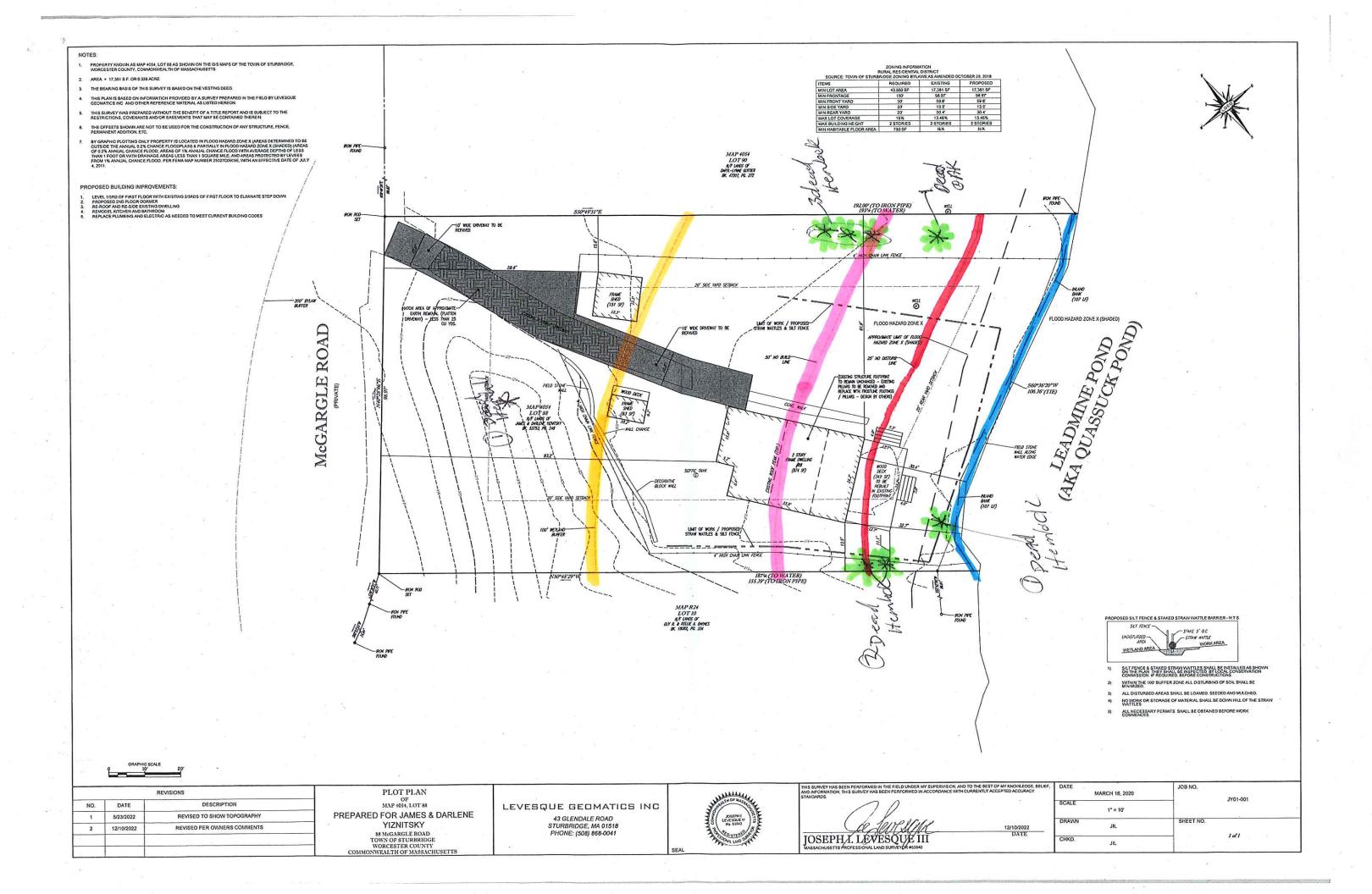












88 McGargle Road Site Photos



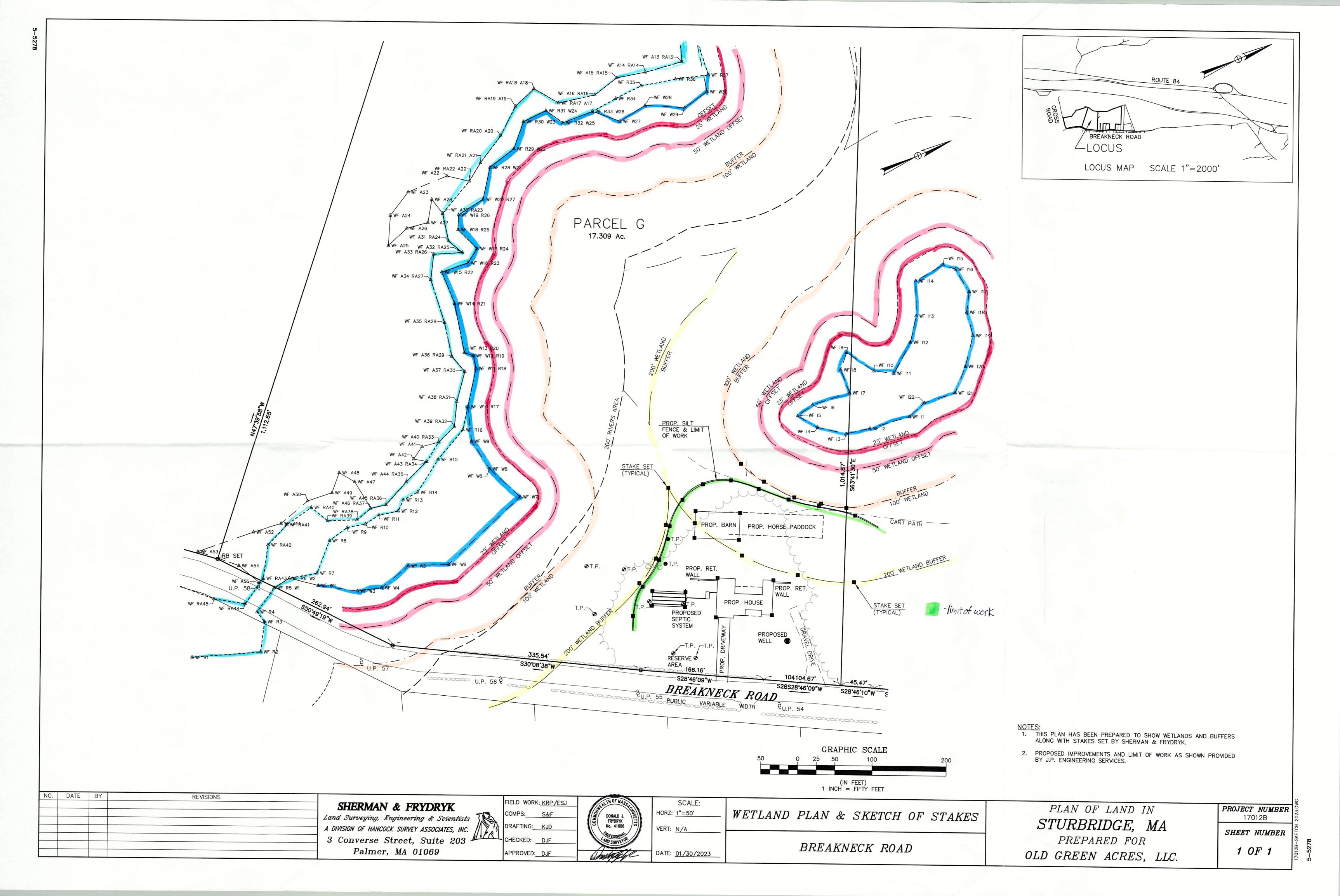












120 Breakneck Rd. Site Photos













