CONSERVATION DEPARTMENT DETAILED AGENDA

SCC Meeting Date: March 10, 2022
Detailed Agenda Date: March 4, 2022

DECISIONS

I. PUBLIC HEARINGS

- 1. 144 Lake Road-RDA-Replacement of Utility poles and removal of seven trees
 - Owner/Applicant: MA Electric CO Easement Representative: L. Surette, Epsilon
 Associates
 - o Request: Issue a Determination
 - Project Summary:
 - Project includes the replacement of electric distribution poles and removal of seven trees in the MA Electric easement on Lake Road.
 - o Staff Notes:
 - Proof of abutter notifications required.
 - · Proof of legal ad received.
 - Site is not within Priority or Estimated Habitat.
 - Site visit performed. Site was staked and flagged.
 - Site is a developed SFH lot with significant tree cover. Utility lines bisect the property and are also located along the roadway.
 - OOC recently issued for additional pole replacement project but it did not include these poles and trees.
 - Tree removal includes the removal of 7 trees, most are small hemlocks to install the new pole. Most trees are approx. 150 feet from the lake.
 - Staff have no concerns with the project due to scope of the project and need to remove trees for poles. No replacement recommended as site is fairly covered w/ trees and utility company only has an easement here.
 - Staff Recommendation: Provided abutter notifications and legal ad receipt received, vote to close the hearing and issue a:
 - Negative #5: The work, within the 100 ft. BZ, appears exempt pursuant to utility maintenance provision in the WPA
 - Positive #5 (subject to local bylaw) with the conditions:
 - Sedimentation controls shall be installed and maintained during work as needed.
 - Tree roots not to be removed if not needed.
 - Pre-const. and post-const. conditions to include: post sign, notification of work and completion.

2. 61 River Road- RDA-Construction of a single family home and associated site work

- o Owner/Applicant: Keith Beland Representative: none
- o Request: Issue a Determination
- Project Summary:
 - Project includes the construction of a single family home, well, septic system and all associated site work.
- Staff Notes:
 - Proof of abutter notifications received.
 - Proof of legal ad received.
 - Site is within Priority and Estimated Habitat. Project has been reviewed by NHESP pursuant to the Ma Endangered Species Act. Conditional No Take issued. Conditions:

"The Applicant shall submit a Wood Turtle Protection Plan. Said Protection Plan must be approved in writing by the Division prior to the start of Work. The Division is available for consultation on the development of the plan. If all work can occur between November 1st and April 15th, a Wood Turtle Protection Plan will not be required."



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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- NHESP is requiring entrenched silt fence to keep species out of the work area during construction along the entirety of the limit of work.
- Site contains Riverfront Area, Bordering Land Subject to Flooding (BLSF), BVW, and Buffer Zone.
 Work/development, to include a developed yard, has been cited to be just outside of SCC's 200 ft BZ and resource areas. Originally some work was proposed in BZ but revised to avoid.
- Work shown within ACOE flood easement areas. ACOE has given approval as no fill proposed. ACOE flood easement is not the same as BLSF. ACOE easement more expansive than 100-year floodplain.
- Due to proximity to resource areas and jurisdiction on site, staff requested RDA for official determination from board.
- Staff Recommendation: Provided abutter notifications and legal ad receipt received, vote to close the hearing and issue a:
 - Negative #4, area and work is not within an area subject to the WPA; therefore, work does not require a NOI unless and until the work alters an Area subject to protection under the Act.
 - Negative #6, the area and/or work described in the request is not subject to the SWB.
 - Require erosion controls at the limit of work, between the resource areas and work, to avoid potential for inadvertent work in jurisdiction or runoff impacts to resource areas during work.

3. 380 Main Street- RDA-Construction of two concrete pads with associated site work

- Owner/Applicant: Lynn Cormier Representative: none
- o Request: Issue a Determination
- Project Summary:
 - Project includes site improvements for change of use at an existing developed site to include: the construction a two concrete pads one for a freezer and one for a dumpster, walkway and associated site work.
- o Staff Notes:
 - Proof of abutter notifications required.
 - Proof of legal ad received.
 - Site is not within Priority or Estimated Habitat.
 - Site is located within the 100 ft. WPA and 200 ft. SWB buffer zone. Work is located at or just outside of 50 feet from wetlands located across the road (Rt. 20 jug handle). RA area associated with tributary to the Quinebaug River is just off-site too.
 - Project description includes more specific details during work. ECs proposed during work.
 - Project is minor in scope. Staff have no concerns with the project.
 - DPW Comments: We would like to see where the water line is located in the field exactly. It's very close to this proposed pad. If possible, someone could let us in the building or we could wait until warmer weather but water dept. would like to locate a shut off. Please contact the DPW.
- Staff Recommendation: Provided abutter notifications and legal ad receipt received, 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:
 - Sedimentation controls shall be installed and maintained during work.
 - Stockpiles of excavated material to be immediately removed from the site or protected with a tarp and ECs until removed or used and permanently stabilized.
 - Standard conditions for erosion control measures, pre-construction and post-construction.
 - Positive #5 (subject to local bylaw) with the condition noted above.

4. 263 New Boston Road- RDA-Site inspection to confirm jurisdictional areas on site

- o Owner/Applicant: Kenneth Leblanc Representative: G. Krevosky, EBT Environmental Consultants, Inc.
- Request: Issue a Determination
- Project Summary:
 - No work is proposed at this time.
- o Staff Notes:
 - Proof of abutter notifications received.
 - Proof of legal ad received.
 - Site is within Priority and Estimated Habitat.

- Requesting if area/work is subject to the WPA and the SWB. The applicant is requesting that his representative visit the site every 4 days during the month of March to view for obligate VP species.
- The site contains wetlands and one which is mostly located on an adjacent property is identified as a Potential Vernal Pool.
- This RDA was filed last year and site examined by the SCC.
- At that time, the SCC made the following determination: "The Sturbridge Conservation Commission (SCC) has received your Request for Determination of Applicability for the above referenced property. At the June 1, 2021 Sturbridge Conservation Commission meeting, the SCC discussed the application and your request. The SCC determined that the area is subject to the protection of the MA Wetland Protection Act (WPA). Proposed work would require review pursuant to the WPA. Therefore, said work would require the filing of a Notice of Intent. The area and/or work is also subject to review and approval by the Sturbridge Conservation Commission pursuant to the Sturbridge Wetland Bylaw (SWB). Additional documentation supporting that the wetlands do not support vernal pool habitat would be required for a determination on the status of vernal pool habitat on the property. Please see the attached Determination of Applicability."
- At that time, the starting time period to review for verbal pool habitat had passed and the area as stated in the SWB Regs would be presumed to be VP Habitat unless demonstrated otherwise. At that time, the applicant's representative did not see that the area supported VP Habitat.
- Appears he is primarily asking to demonstrate if the PVP is a VP. As we know the entirety of the site regardless of VP Habitat is subject to both the WPA and the SWB.

Staff Recommendation:

- Time period may include review during April depending on weather, etc. Should not just be limited to March. Protocol must include review for facultative species too as that method is allowed for certification.
- Reporting should include date stamped photos of the pool and level of water if present for each visit. Staff would like to be present at some of the inspections. Polarized sunglasses must be worn while looking in water.
- The PVP is primarily located on an adjacent parcel 269 New Boston Road. The SCC cannot authorize access to this property. Landowner permission would be needed.
- The site appears to have additional challenges beyond the presence of the PVP. The entirety of the road frontage area is very steep and contain wetlands below the area. It would seem challenging to have access to this site with these constraints meeting the SCC's requirements and the DPWs. It would also seem challenging to access the rear portion of the site (uplands) with a driveway through the site meeting the SCC's' standards.
- It appears that this parcel has been subdivided over time, most recently in 2007, with parcels or a parcel where the rear portions of the site would have had access without impacting wetlands. A self-imposed hardship could have been created by the former owner.
- The site is also mapped as Priority and Estimate Habitat. Early coordination is strongly recommended as they may have concerns.
- Additional site due diligence should be conducted beyond reviewing the PVP. A wetland delineation should be conducted and some initial site survey to assist with evaluating if this site can even meet permitting standards. A review of sub-division history of the land seems warranted too.
- Allow for review of PVP but property owner permission needed. Documentation must be included in results and staff
 contacted to schedule visiting the site jointly.

5. 150 Charlton Road- *continued NOI*- Development of a commercial building, truck parking and supporting infrastructure-DEP File #300-1115

- o <u>Applicant</u>: Interstate Towing <u>Representative</u>: G Krevosky, EBT Environmental
- Request: Issue OOC
- Project Status Summary: Project was continued from the last hearing to allow for project team to respond to the peer review and staff comments and to allow for a site visit.

o <u>Staff Notes</u>:

- The site visit was postponed due to snow cover.
- Revised materials received on 3-2-22. Staff provided the materials to the peer reviewer. As the project requires peer review, there isn't sufficient time for peer review, staff review and board review prior to the meeting.
- A full documentation of compliance with 321 CMR 10.58(40 a through d. is required. The project team must outline each section and provide a response/narrative for the SCC.
- Staff Recommendations:
 - Continue the hearing to next meeting 3-31-22.

Reschedule the site visit. The next scheduled site visit date is 3-22-22.

6. 235 Podunk Road-continued RDA- Construction of a Single family home and associated site work

- Owner/Applicant: AH & DB Custom Homes
 Representative: M DiPinto, Three Oaks Environmental
- o Request: Issue a Determination
- Project Status Summary: Project review has been continued since the Fall of 2021.
- Staff Notes:
 - No new information has been received.
- Staff Recommendations: Discuss with the applicant where this stands to establish review path moving forward.

7.235 Podunk Road-continued Sturbridge Bylaw NOI- 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
- Project Status Summary: Project review has been continued since the Fall of 2021.
- o Staff Notes:
 - No new information has been received.
 - Staff Recommendations: Discuss with the applicant where this stands to establish review path moving forward.

II. WETLANDS DECISIONS

8. 6 Hall Road—Request for a Certificate of Compliance – DEP File #300-0641

- Original Applicant/Permit Holder: Thomas Earls Requester: Jeffrey Chase
- Request: Issue a COC
- Staff Notes: OOC was for the development of a SFH lot. Work was not completed and order has lapsed.
- o <u>Staff Recommendations</u>: Issue Invalid CoC to release this property from the OOC.

9. 9 Whittemore Road (f.k.a. 5 Whittemore Road)—Request for a Certificate of Compliance – DEP File #300-0638

- o <u>Original Applicant/Permit Holder</u>: Thomas Earls <u>Requester</u>: Jeffrey Chase
- o Request: Issue a COC
- Staff Notes: OOC was for the development of a SFH lot. Work was not completed and order has lapsed.
- Staff Recommendations: Issue Invalid CoC to release this property from the OOC.

III. ADMNISTRATIVE DECISIONS

10. Minutes of 2/15/22 to be approved

UPDATES

IV. OLD BUSINESS

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

Staff Notes: A revised plan has been submitted to address the SCC's comments at the last meeting. Plan includes adding roof runoff infiltration along the house. Options to improve runoff across the street were also discussed. Plantings had been required as part of the original OOC. These have not been installed. Review of the plan shows that additional work occurred within the 25 ft. BZ including a patio, HVAC unit install and boulder retention area. The HVAC unit is located within 3 feet of the wetland. In addition, it appears that the house may have expanded slightly (new porch added) and all the contour lines have changed on site. Of concern is the driveway which originally pitched towards the house but now has been raised and pitches towards the road. The stormwater here now being directed towards the road versus on site.

Staff Recommendations: Roof runoff infiltration will be an improvement. The board should evaluate if they do see that additional BMPs across the street would be warranted or not and advise the property owner. The board needs to also consider the additional work adjacent to the BVW to see if that would have been allowed or should be moved away from the wetland. The on-site BVW should be evaluated to ensure that it hasn't been impacted. After SCC discussion and input on any project changes requirements needed, an application is required for work not previously permitted and/or to occur

the wetland. The on-site BVW should be evaluated to ensure that it hasn't been impacted. After SCC discussion and input on any project changes requirements needed, an application is required for work not previously permitted and/or to occur now. The 8 required shrubs outlined in the NOI must be installed. The locations shall be shown on the plan. The SCC should make recommendations on their locations. Should be planted to near the BVW in the 25 ft. setback from that wetland and near the lake shore. It appears that this area is being used as dock storage/yard. A vegetated naturalized buffer here would be advisable. The 3 trees are still on site from the original plan. Recommend board site visit to review site to assist with developing requirements, etc. Next site visit date is 3-22-2022.

12. 102 South Shore Drive

<u>Staff Notes:</u> The SCC was previously contacted by the property owner of this property as they had concerns with a stormwater outlet on the site which was impacting the property. The SCC and staff have visited the site previously to

review. The site is steep and receives a large amount of stormwater from the private roadway and surrounding areas. Members requested that an engineer assist the property owner with options for the repairs. Staff have been working with the property owner and others to develop ideas to address the issues. Engineers have provided some feedback. The SCC requested that a plan be presented to the board for review to address the issues. Site is in Priority Habitat only. Does not require NHESP review under WPA. Property owner needs NHESP approval separately under MESA.

Staff have been informed that they are developing a plan but it has not yet been provided. Once a plan is received the board will have to determine if the board feels it meets the Emergency Provisions. Work has to occur within 30 days of issuance. An after the fact NOI must be required. A timeline should be established for submitting. The resource areas should be evaluated by a professional wetland consultant, w/ experience reviewing wetland impacts, for potential impacts associated with the erosion. The NOI shall include a plan if needed to restore the areas if warranted. There are some improvements that can be made to the structures near the roadway to slow down the flow and assist with infiltration in that area. These improvements have been discussed and may have bene implemented to date.

V. ADMINISTRATIVE UPDATES

Staff Recommendations:

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

VI. NEW BUSINESS

- 14. 508 International Charlton Planning Board Site Plan Modification Request
- 15. Agent's Report
- 16. Next Meeting-March 31, 2022 and Site Visit Schedule- March 22, 2022 9 am-12 pm

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR ADJOURN





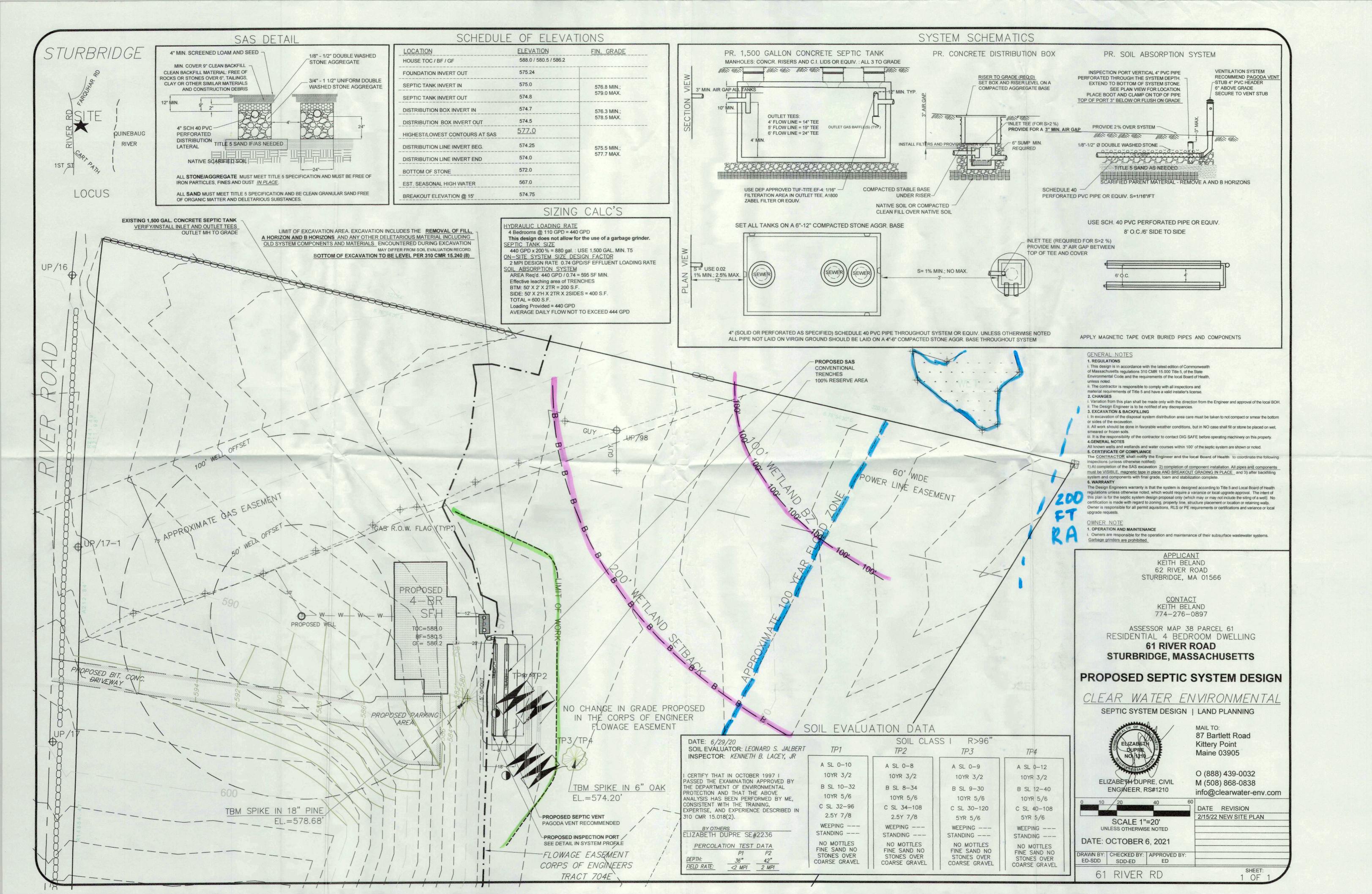
MASSACHUSETTS ELECTRIC COMPANY 144 LAKE ROAD ELECTRIC DISTRIBUTION SERVICE RECONFIGURATION PROJECT

Environmental Constraints Map

Town of Sturbridge, Massachusetts

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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380 Main Street

Section C

1. b. Area Description

The majority of the 1 acre parcel of land is located between a one-way paved road that allows cars to cross a 4 lane road (Route 20) or reverse directions, and the paved Route 20. The parcel contains two existing buildings; one of which is a south-facing 1.5 story building (gross area of 2,492 ft²) with an unfinished basement that has an existing concrete ramp leading to the eastern side entrance of the building from the north west end of the 4,000 ft² parking lot and the second is a south-facing 1 story 576 ft² building that is a restroom facility located just off the north western side of parking lot. Adjacent to the east end of this restroom facility there is a 16'x15' fenced in area that has a dirt surface. The west side has 3 lilac bushes planted alongside it. These two buildings are located in the north western portion of the parcel between the two paved roads. There is also a covered concrete 288 ft² concrete pad that is located south of the two buildings. The south side of the 1.5 story building has a small garden area running along it with shrubs, perennials and ornamental grasses that continue along the concrete ramp. Along the west end of the parking lot there are boulders with a small garden to the west side. The rest of the parcel has trees planted throughout. The north side of the 1.5 story building has a double door storage area at the west end, then an exterior door to the cellar, an exterior door to the main floor of the building, an L-shaped wood stairway to the 2nd level and another double door storage area at the east end. North of this double door storage area to the restroom building is an open area of lawn to the road.

2. a. Work Description

- i) On the northern side of the 1.5 story building, 8' north from the eastern side double door storage area, is an open area of lawn where a proposed Heli 10' x 12' CoHc Slab is to be placed for a 8'x10' walk-in freezer. A dig area of 2' will surround the perimeter for the slab. Erosion control (staked 9" straw wattles) will be placed at the 25' set back line, indicated on *Existing Site Plan w/minor Alterations*, around the dig area for the slab. (Note-The road elevation is higher than the proposed concrete slab for the freezer.) From the middle of the south end of the slab, parallel to the building, to the end of the building, then running southeast to the west end of the parking lot, there will be a proposed ~ 37' walk-way that is 48" wide.
- ii) In the fenced in area, adjacent to the eastern side of the restroom facility, 6" of gravel will be poured and a proposed new 8'x 8' concrete pad will be placed for a trash receptacle.
- iii) The covered concrete pad south of the two main buildings will contain two 6' 6-seated picnic tables.
- iv) Six 48" square or round 4-seated picnic tables will be placed on the lawn to the south of the 1.5 story building. These tables will be in the open area, no further south than the southern side of the covered concrete slab and no further west than the inner most tall shrubs/trees.

