

CONSERVATION COMMISSION DETAILED AGENDA

Date: March 30, 2023

Time: 6:30 pm



DECISIONS

I. WETLANDS DECISIONS

1. Quacumquasit Pond– NOI- Alum treatment of South Pond-DEP File #300-XXXX

- Owner/Applicant: Town of Sturbridge Representative: C. Nielsen. TRC Companies
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Jurisdiction:
 - **Land Under Water**
 - **Limited project Ecological Restoration**
- Project Summary: Project includes the treatment of the Pond with aluminum sulfate to address the build-up of phosphorus in the sediment.
- Staff Notes:
 - Proof of abutter notifications required to open hearing.
 - Proof of legal ad received.
 - DEP File # not received yet.
 - Project is not within Estimated Habitat so no WPA review required. Project is within Priority Habitat. Separate MESA filing will occur.
 - Project is proposed within Sturbridge, E. Brookfield & Brookfield. Separate NOIs filed within each town. Impact calculations separated by town.
 - Project filed as ecological restoration limited project as it will exceed allowable impact thresholds. Can be approved provided it is for resource area improvements. Narrative and application outline benefits to resource areas.
 - Staff would ask for examples of where this has been conducted before and if post-monitoring indicated any unexpected short term or long term resource area impacts from alum deposits on land under water. If so, have those results indicated any necessary changes to these types of protocols?
- Staff Recommendations: Continue to next meeting for DEP comments and NHESP comments. Board does not have to wait for NHESP comments, however, it is advisable to not close the hearing in case they request any revisions to the protocol. Next meeting is April 20th.

2. 6 Birch Street –RDA – Removal of three trees

- Owner/Applicant: Joseph Murphy Representatives: Owner
- Request: Issue DOA
- Documents Presented: sketch
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes the removal of 3 trees within 100 ft of Cedar Lake, one tree is dead, one is causing damage to the foundation of the house and the other needs to be removed in order to remove one tree.
- Staff Notes:
 - Proof of abutter notifications required to open hearing.
 - Proof of legal ad received.
 - DEP File # issued w/ no comments.
 - Project is not within Priority or Estimated Habitat.
 - Removal includes 3 large oak trees within 75-100 feet of the lake.

Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

Ted Winglass

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- Replacements proposed along property line to include: shrubs and cedar trees.
- Is stump or root removal/grinding required for stump near house?
- Site visit performed.
- Property includes ample canopy cover from mature trees. Loss of 2 trees canopy wouldn't appear to have a significant impact on lake.
- Applicant noted future work to address runoff from roadway. Runoff issues were noted at site visit. Additional work will require permitting.

○ Staff Recommendation: Close the hearing and issue a DOA:

- Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stump removal (grinding okay if needed for that one tree).
- Positive #2b: no resource area approval
- Positive #5 w/ conditions noted above.

3. 44 Camp Road– RDA – Replacement of a cesspool with a compliant Title V septic system

○ Owner/Applicant: B. & P. Brunell Representatives: M. Farrell, Green Hill Engineering

○ Request: Issue a DOA

○ Documents Presented: colored site plan & photos

○ Jurisdiction: Buffer Zone

○ Project Summary

- Project includes replacing a cesspool with a compliant Title V septic system and removal of two trees.

○ Staff Notes:

- Proof of abutter notifications required to open hearing.
- Proof of legal ad received.
- Project is not within Priority or Estimated Habitat.
- Limit of work shown at extent of 100-foot state buffer zone.
- Site is actively being work on under permitting received from Conservation (DOA). Project included addition to house and the removal of 2 large pine trees in the yard.
- Two trees noted in narrative to be removed. Trees to be removed not marked on the plan.
- Site visit conducted. Engineer noted one large oak that may be compromised by leach field install. Tree removal should be clarified.
- Alternative locations noted. Can system be shifted further back into the developed yard to avoid potential tree impacts which will also shift it further from the lake and slope.
- 100-foot buffer to lake is ACOE land and forested.

○ Staff Recommendation: Request project to be revised as discussed or close the hearing and issue a DOA:

- Positive #5 (subject to bylaw) with conditions:
 - Standard pre-work and sign off conditions.
 - EC install throughout work – add silt fence w/ wattle.
 - Tree replacement if the board sees fit.
- Positive #2b: no resource area approval
- Negative #4: The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.

4. 53 Bennetts Road – NOI-New holding tank and well-DEP File# 300-1157

○ Owner/Applicant: Mark Acton & Rebecca Melvoin Representative: M. Farrell, Green Hill Engineering

○ Request: Issue an Order of Conditions

○ Documents Presented: colored plans

○ Jurisdiction: Buffer Zone

○ Project Description: Project includes replacement of a cesspool with a holding tank and installation a new drilled well.

○ Staff Notes:

- Proof of abutter notifications required to open hearing.

- Proof of legal ad received.
- DEP File # issued w/ no comments.
- Project is not within Priority or Estimated Habitat.
- Project is within 100 t BZ to Bank associated with Leadmine Pond and within BZ to a BVW on east side of the property.
- All work is within developed yard and no tree removal noted.
- Site visit conducted. Does appear that multiple stem oak will need to be removed for install. Doesn't appear any location available currently for replacements.
- A condition should be included to have the existing line and well pump (used for pumping lake water) removed.
- Project will require variances from the Board of Health.
- Staff Recommendations: Recommend closing the public hearing and approving the project pursuant to the WPA and the SWB with the following conditions:
 - Standard OOC conditions.
 - Spoil piles to be directly moved off site.
 - Existing line and well pump (used for pumping lake water) to be removed.
 - Include 1 tree for removal.

5. 1 OSV Road– RDA- Improvements to an existing orchard

- Owner/Applicant: Brad King OSV Representative: D. Frydryk, Sherman & Frydryk
- Request: Issue a DOA
- Documents Presented: site plan
- Jurisdiction: Buffer Zone
- Project Summary: Project consists of improvements to the existing orchard including: the removal of all existing fruit trees, planting of eighty new fruit trees, above ground irrigation system and perimeter fence. Project also includes removal of a large oak tree adjacent to the orchard.
- Staff Notes:
 - Proof of abutter notifications required to open hearing.
 - Proof of legal ad received.
 - Project is not within Priority or Estimated Habitat. Project in buffer zone to Bank, BVW and may be within RA associated with the Quinebaug River. There is a backwater area (ponded area).
 - If project was for a commercial agricultural operation that produced a commodity, the project would be exempt under the WPA. However, considering the area has historically been an orchard staff see no concerns proceeding issuing approval under a DOA w/ no resource area approval.
 - Field and orchard currently to resource area edge. Proposed corner of orchard just slightly within 25' no disturb setback. Staff had requested looking at creating a setback to 25 ft. BZ. Moving back is an improvement even w/ corner in 25 ft BZ.
 - Site visit conducted.
 - Most work to occur by hand. Equipment to be used to remove orchard tree roots.
- Staff Recommendation: Close the hearing and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stump removal of oak.
 - EC install as shown on plan to include silt fence only along downslope side of work.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

6. 660 Main Street– RDA- Vernal Pool Study

- Owner/Applicant: Old Road Realty Representative: EBT Environmental
- Request: Issue a DOA
- Documents Presented: n/a
- Jurisdiction:
 - Sturbridge Wetland Bylaw Regs.: 365-5.6 Vernal Pools see: [Town of Sturbridge, MA Resource Areas, Values, Presumptions of Significance and General Performance Standards \(ecode360.com\)](http://www.ecode360.com)
- Project Summary: Project includes the study of two wetlands to demonstrate if the wetlands meet criteria as vernal pools.

- Staff Notes:
 - Site contains identified potential vernal pool and additional wetlands. Property is an industrial park which is primarily developed. Future project may be proposed here so they want to see if wetlands are vernal pools as this could affect future development of remaining forested areas on the property.
 - Additional off-site wetland identified as a PVP. VP buffers project onto project site. They concede that it is a VP therefore no review is currently proposed.
 - Staff visited site. There was another wetland which staff had a concern with. Ruled out this wetland to be reviewed. Just two areas left.
 - Protocol submitted for review. Staff have reviewed and have no concerns.
 - Review to start as soon as first noted amphibian movement. Survey to continue until SCC approval to stop. Survey can stop if pools are documented to contain obligate or facultative species enough to certify pool(s).
 - Staff shall be granted permission to visit property to check in throughout survey.
 - Pool data must be submitted to NHESP for certification prior to DOA issuance if applicable.
 - Staff Recommendations: Continue to May 11, 2023 meeting to allow survey to commence.
- 7. 130 Lane Nine– NOI- Site improvements to an existing lakefront property -DEP File# 300-1153**
- Owner/Applicant: J. Tasse Representative: M. Thibeault, Landscape Evolution
 - Request: Issue an Order of Conditions
 - Documents Presented: n/a
 - 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>
 - 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.
 - Staff Notes:
 - No new information received. Staff had previously been informed that they were working on collecting the information.
 - Staff Recommendations: Discuss with applicant when they would like a continuance to as it appears that they need more time. Next meeting is April 20th then May 11th. If they do not plan to have materials 7 days in advance of the next meeting, then they should continue out until May 11th.
- 8. 68 Paradise Lane –NOI – Raze and rebuild of a lakefront home – DEP File #300-1155**
- Owner/Applicant: Jeffery Buchanan Representatives: S. Morrison, EcoTec
 - Request: Issue OOC.
 - Documents Presented: colored site plans
 - Jurisdiction: Buffer Zone & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
 - Project Summary:
 - Project includes the raze and rebuild of the existing house. A permeable driveway, grading, stormwater improvements and corrective grading w/ wetland impacts are also included.
 - Staff Notes:
 - Project continued to allow project team to respond to comments and allow for board site visit.
 - No new information has been received.
 - Site visit conducted.
 - The wetland delineation verification needs to be done in the growing season to include vegetation analysis. In addition, additional soil evaluation is needed especially in area of well due to prolonged saturation here. Updated BVW data sheets should be submitted for the site once growing season has commenced and herbaceous vegetation comes up. DEP's new forms have been released and these forms should be used. Each side of the property needs to be re-evaluated and separate sheets provided for each. No vegetation pruning/removal, mowing or other maintenance to occur which could impact the review.
 - Engineer should provide information on depth to groundwater to verify that a partial foundation can be installed here & BMPs. Project team should describe what would be required during construction and long term if high groundwater is encountered.

- Multiple drains observed on site near the well area. These likely had been installed to assist with draining water in this area over time.
- Staff Recommendations: Continue hearing to allow for wetland review as noted and for project team to submit information. It may be advisable to wait until the May 11, 2023 meeting if 2 weeks does not provide sufficient time for this.

9. SHLO SE of 248 Podunk Road– NOI – MA DOT Geotechnical Soil Borings – DEP File #300-1154

- Owner: MassDot District 3 & Town of Sturbridge Applicant: MA Electric Company Representatives: H. Graf BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary
 - Project includes exploratory geotechnical soil borings to plan for road maintenance and stormwater design along the unpaved section of Podunk Road.
- Staff Notes:
 - Written continuance to the April 20, 2023 meeting received. Site visit requested to be postponed.
- Staff Recommendations: Schedule site visit to review site. Continue to April 20, 2023 as requested. Again, it should be noted that it may be necessary to continue out into the growing season if needed for wetland verification.

10. 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# 300-1156

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
 - Jurisdiction: Buffer Zone & Vernal Pool Habitat (Sturbridge Wetland Bylaw see <https://ecode360.com/35320117> & <https://ecode360.com/35319610>).
- Project Description: Construction of a 68 lot manufactured home community with associated appurtenances.
- Staff Notes:
 - Project continued to allow for site visit, response to board and staff comments and for peer review presentations of findings.
 - New information received includes:
 - LEC Response Letter dated 3-22-2023
 - Copy of Stormwater Report (last revision date 11-9-2022)
 - Was the Stormwater Report revised? Revision date does not reflect revision. Revisions should be outlined for review. LEC narrative notes that mounding analysis have been added. Was this not previously included? Also, it notes that monitoring wells are required. Are these shown on the plans or required to be shown on the plans? Does the O & M address monitoring well activities?
 - Document notes NOAA data was used for storm events. This is noted in report for selection of storm events. Stormwater report notes SCS TR-20 and TR-55 for methodology and the subcatchments were modeled using these. TR-55 was used for analysis of peak flow and infiltration basin sizing. Would this sizing be based on the NOAA data? Residents have expressed concerns with the potential for downstream flooding.
 - DEP previously commented that, “Soil testing confirming the depth to seasonal high groundwater and bedrock should be provided in all areas where infiltration is proposed.” Staff reviewed the plans for test pit locations and it does not appear that there are test pits in each location for stormwater structures which provide infiltration. Per DEP’s comment it would appear that each specific location of a rain garden that provides infiltration would have its own test pit. Was each test pit log recorded on a DEP Form 11 or equivalent which can be provided or has been reviewed by the peer reviewer and verified? Is there at least one test pit or boring for every 5,000 sf of basin area with a minimum of three subsurface investigations per basin within the basin footprint?
 - Project team notes that stormwater design took into consideration the vernal pools and designed the project to meet the MA Stormwater Standards for vernal pools. Peer review should confirm this. The pools haven’t been certified to date. They may have designed to meet the criteria. To staff’s knowledge only certified vernal pools require extra standards afforded under the state.
 - 8 houses and multiple drainage structures and drainage structure outlets are proposed within the 200-foot vernal pool buffer. The board can restrict development in this area. As noted in SWB Regs 365-1.4 Sturbridge has a Vernal pool buffer which states that: “the first 100 feet is to be considered the minimum "no disturb" buffer. This buffer

zone may be extended to 200 feet based on site conditions and impacts to critical wildlife habitat needed to keep the pool viable.

- Oxbow recommended that the board do so and staff support this also. Some of these drainage structures are proposed in areas of steep slopes and overflow will pick up velocity and eventually could create channels towards the wetlands. Some of these structures and outlets are located within 100 feet of the wetlands in which the vernal pools are located within. Impacts to water quality and hydrology of the vernal pools from stormwater runoff is a concern. Creating more distance is recommended.
- As mentioned before, the project proposes substantial loss of habitat surrounding the vernal pools and bisects the habitat. This was noted of concern by Oxbow Associates. Oxbow noted a review of studies which stated that mole salamander populations exist and depend upon habitat over 540 feet from wetlands. Oxbow recommended that the board require that the 200-foot vernal pool habitat be protected for these reasons as outlined in the regulations. There does appear to be substantial impacts within 540 feet to the vernal pools on this lot and within 200 feet of the wetlands that will affect the areas ability to support these populations. It's important to note that the VP buffer includes wetlands. The 200-foot wetland buffer has substantial development proposed within it near the vernal pools. Upland habitat is required to support amphibians. Loss of this critical habitat is of concern to the viability of the populations.
- LEC includes a response to alternatives to the 4-sided box culvert. Bridge noted to be cost prohibitive. Was a 3-sided box culvert reviewed as an alternative? The structure used by the state was 3-sided.
- Staff Recommendations: Pools must be certified. Staff recommend that the 200' VP buffer is protected. The board should discuss.

II. WETLAND DECISIONS

11. 10 Fairgrounds Road-OOC Extension request-DEP File #300-1052

- Staff Notes: One-year extension requested to finish project. Site visit performed w/ contractor. House was to be lifted and addition added. They did start that but it was realized that the house needed to be torn down. No changes to footprint of house using same foundation and the house addition foundation. Shoreline wall requires backfilling and yard cleanup/seeding which is proposed to be done this Spring. Staff discussed all of these items with the contractor.
- Staff Recommendations: Issue a one-year extension as requested.

III. ADMINISTRATIVE DECISIONS

IV. OLD BUSINESS

12. 110 Brookfield Road

- Documents Presented: colored plans & site photos
- Staff Notes: Work occurred on property which required review pursuant to the state and local wetland laws. Staff had commented on project in the Summer when it had been before the ZBA and made them aware that property was within jurisdiction to wetlands. Staff became aware of work occurring in September. Discussion has been ongoing and existing conditions plan recently submitted documenting existing conditions. Discussion continued to allow for site visit. Site visit conducted by board members. Activities would have required review. Some of the activities would not meet current permitting standards within the 25 foot no disturb zone. Use is Commercial and considered a Land Use with a High Potential Pollutant Load. Stormwater improvements would have been triggered for project/activities during NOI process to the greatest extent practical. Plowing has pushed loose millings. Board needs to discuss concerns and path moving forward. Any restoration activities required should be done through an Enforcement Order, activities which could have been permitted could be filed through a NOI. Staff quickly looked at wetland lines. There are a few flags which should be moved. This is just based on quick visual observations and can be further looked at moving forward.

13. 71 Paradise Lane DEP File #300-929

- Staff Notes: Plan had been established to bring project into compliance which was to be executed last summer. Staff were not aware that work has been completed. Property owner had been requested to attend the last meeting. They attended but left as meeting was too long. Requested to be added to the next meeting agenda. They are unable to attend this meeting and requested to attend the next. They were informed of the next meeting which is 4-20-2023. Staff also asked for an update to where this stood and have not received a reply for update or confirmation to attend the next meeting. Site visit at adjacent parcel. The correct plantings and drainage work has not been completed. Recommend informing them that they must attend and have a plan and timeline to complete work. At that time, set date to complete work and if not inform them that enforcement action will be taken.

14. 71 Mashapaug Road

Staff Notes:

- Board has expressed concerns with use of site. Site was a junkyard which was primarily cleared out of vehicles. Portions of site were left for many years and vegetation grew back. New owner re-established use areas within jurisdiction. Those activities required permitting. No permit applications submitted or approvals given for activities

conducted within jurisdiction of the state and local wetland laws. Concerns recently made aware w/ recent activities which occurred on site without permits and potential real estate transaction.

- Discussion was continued to allow time for a wetland delineation to see extent of jurisdiction as that was unknown and to schedule a site visit.
- They are working on materials which are not anticipated to be ready until the day before the meeting or the meeting. Staff have requested that they be sent over as soon as they are available.
- Staff recommend discussing this and scheduling a site inspection.

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

15. 23 Old Hamilton Rd.

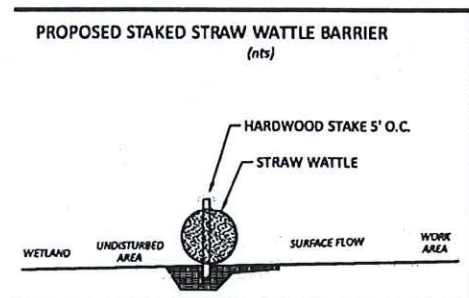
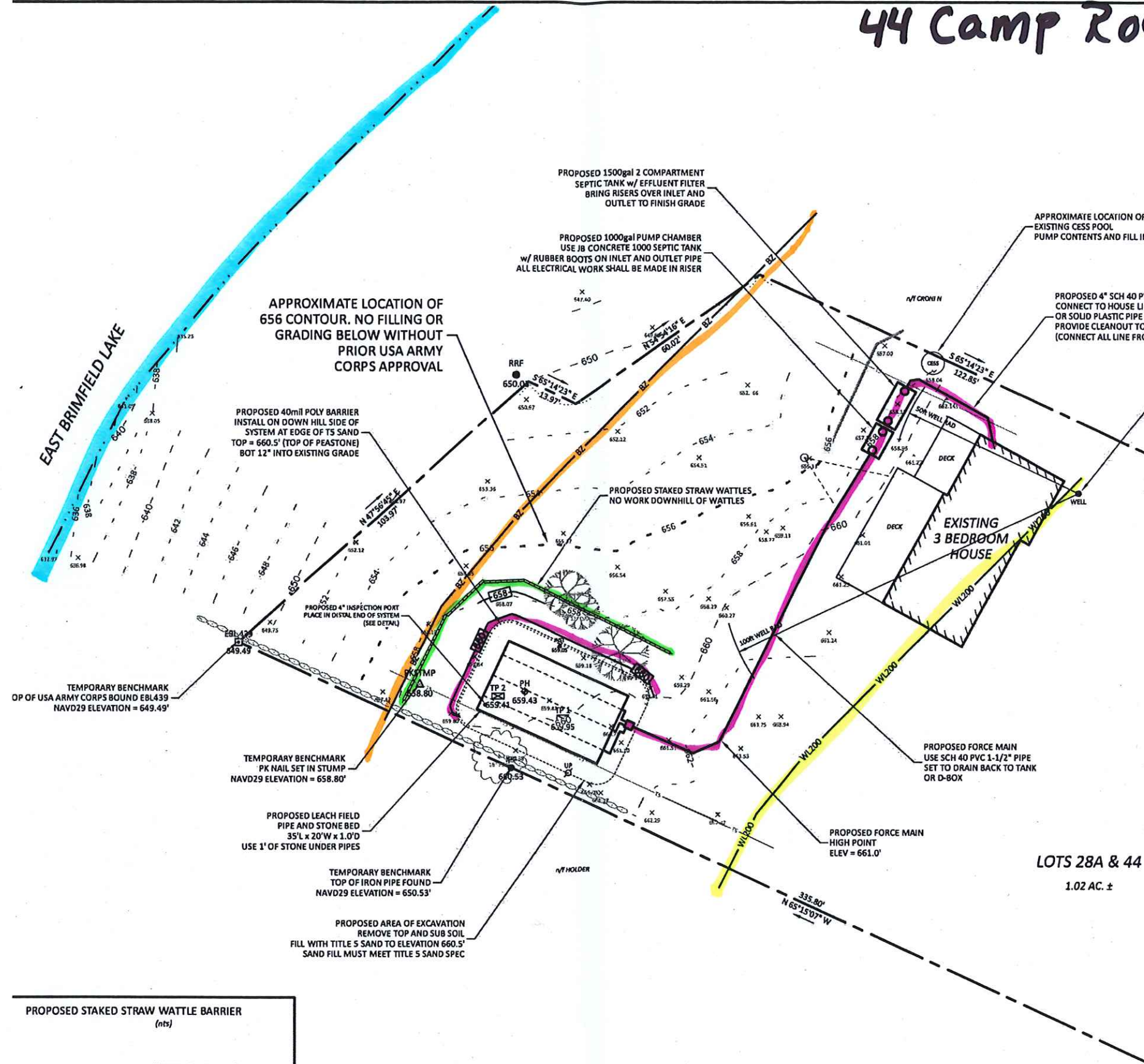
- Documents Presented: colored plans & site photos
- Staff Notes: Staff informed of tree cutting occurring on the property. Staff met with owner and board recently visited the site. Significant tree removal and vegetation removal occurred along Cedar Lake and an unnamed pond noted as a potential vernal pool. Additional work included a new deck which required permitting. Staff checked and the current building permit for property does not include any exterior work. Work required permitting. Much of the vegetation/tree removal likely would not have been approved. Board needs to discuss path to move forward. Property owner also has interest in additional work on site. Restoration would typically be required. Staff recommend issuing an Enforcement Order for a restoration plan. Deck to be filed for after the fact permitting which could be included with a future NOI for other activities. Restoration plan to be submitted within 30 days for review and approval.

16. DFW Land Purchase Support Letter – 181 Breakneck Rd.

17. Agent's Report

18. Next Meeting-Thursday April 20, 2023 and Site Visit Schedule-Tentative-TBD

44 Camp Road



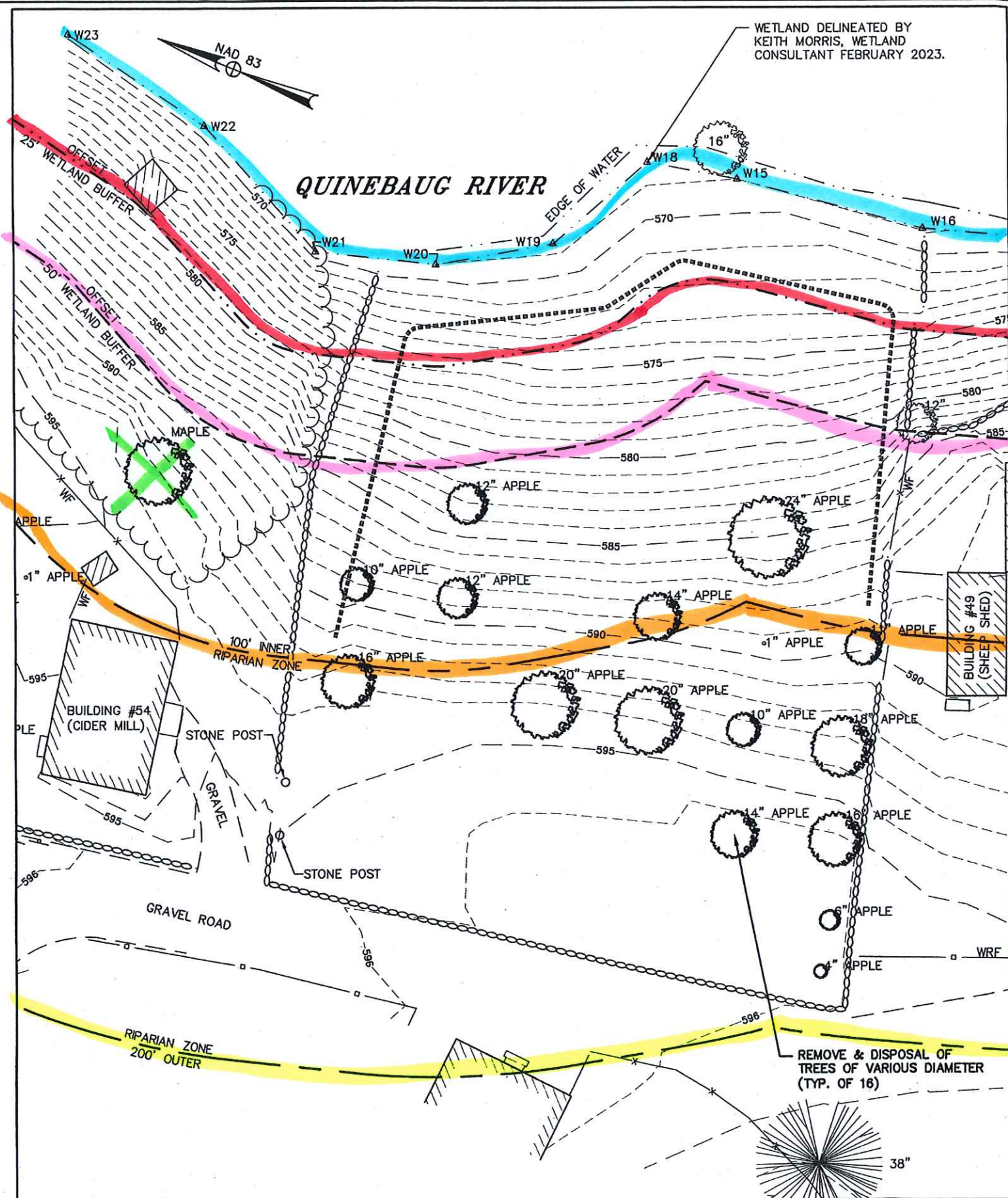
WETLAND PROTECTION MEASURES:

1) STAKED STRAW WATTLES SHALL BE INSTALLED AS SHOWN ON THE PLAN THEY SHALL BE INSPECTED BY THE LOCAL COMMISSION

NOTE:

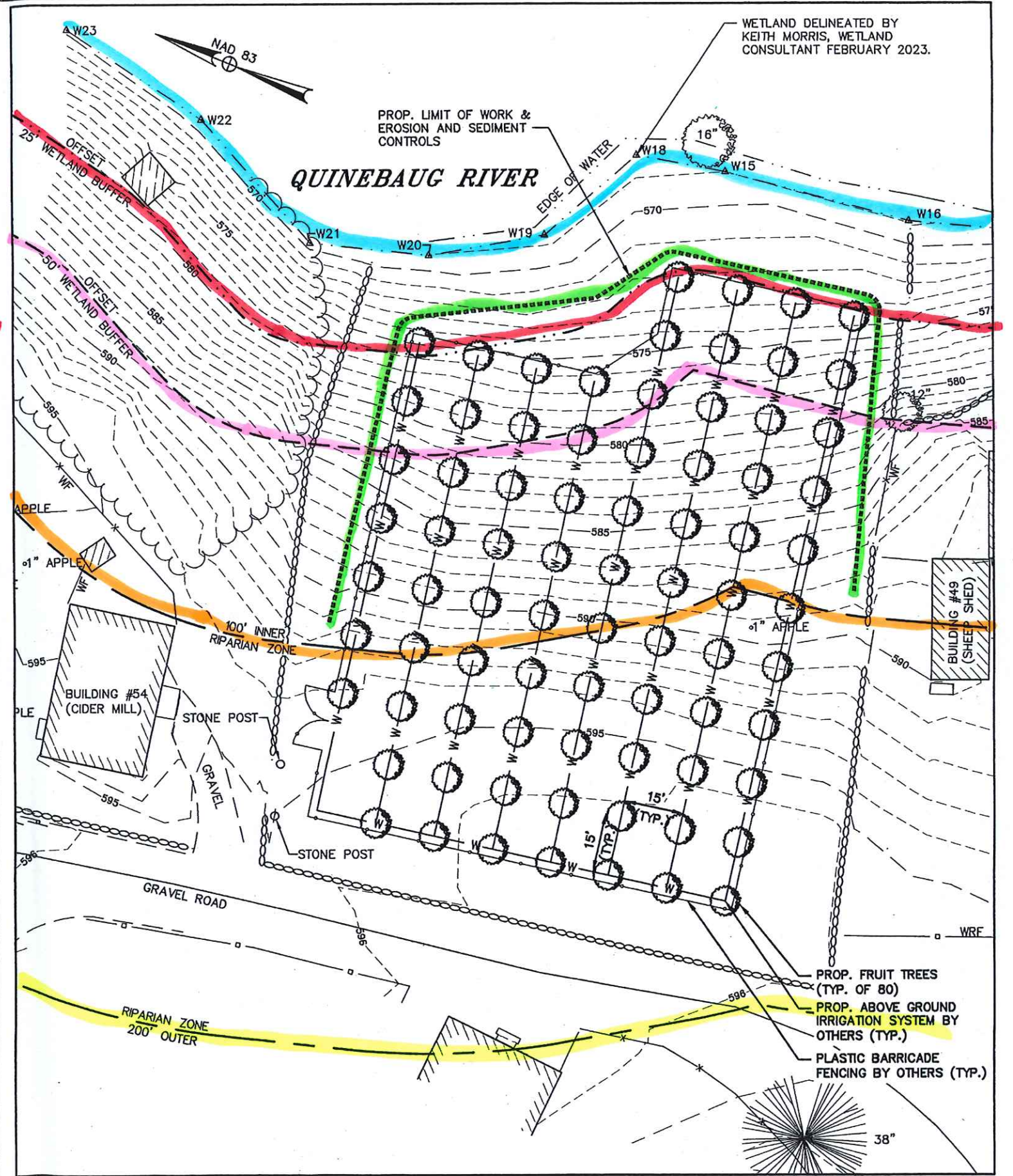
44 Camp Road Site Photos 2-22-2023



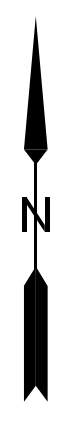


EXISTING CONDITIONS & DEMOLITION PLAN

OSV



SITE PLAN



2005 MASS GIS ORTHO PHOTO

EDGE OF PARKING SHOWN BY JOE L PLAN (typ)

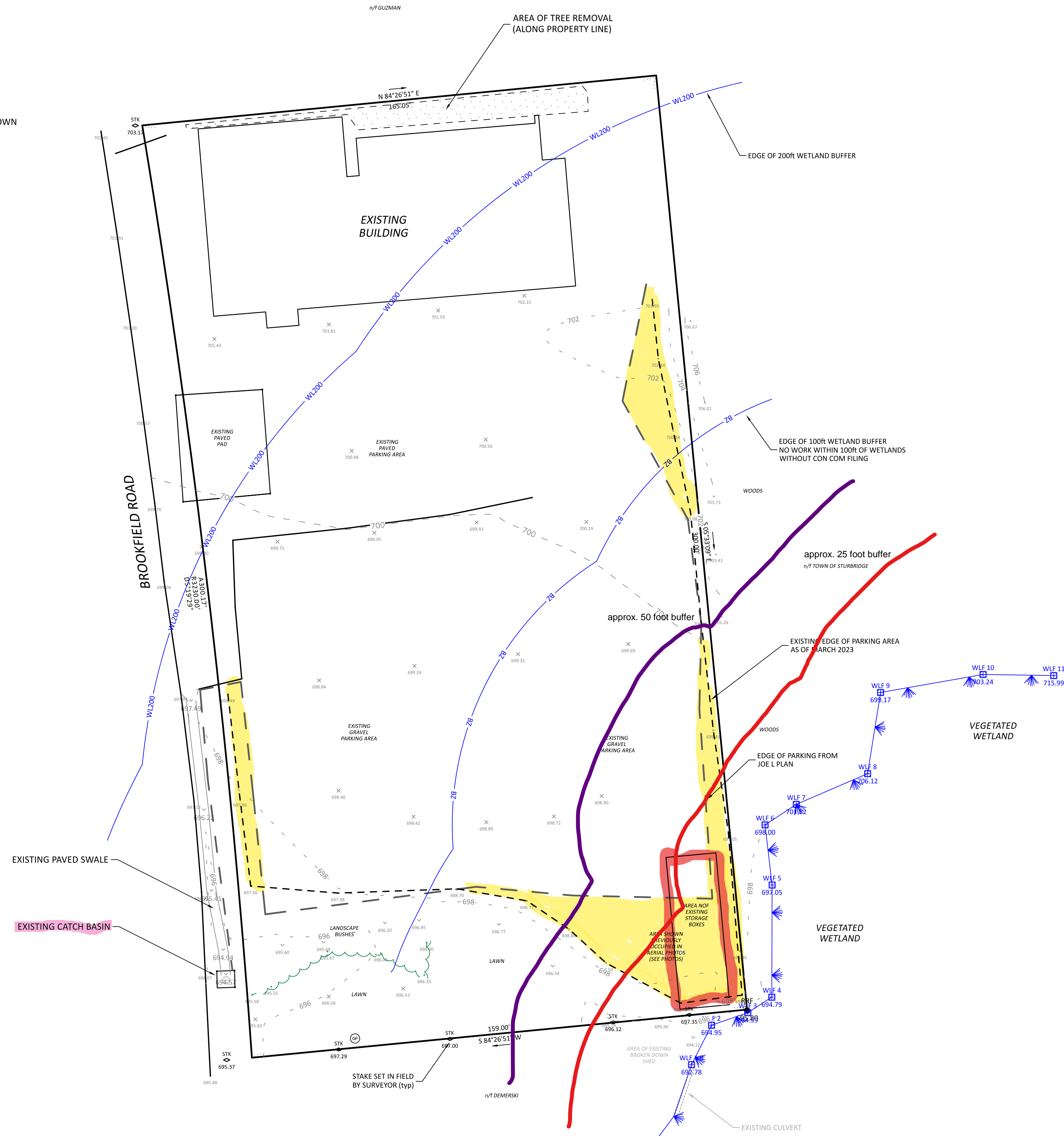


2008 MASS GIS ORTHO PHOTO

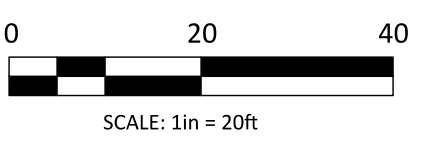
EDGE OF PARKING AS OF MARCH 2023 (typ)



2013 MASS GIS ORTHO PHOTO



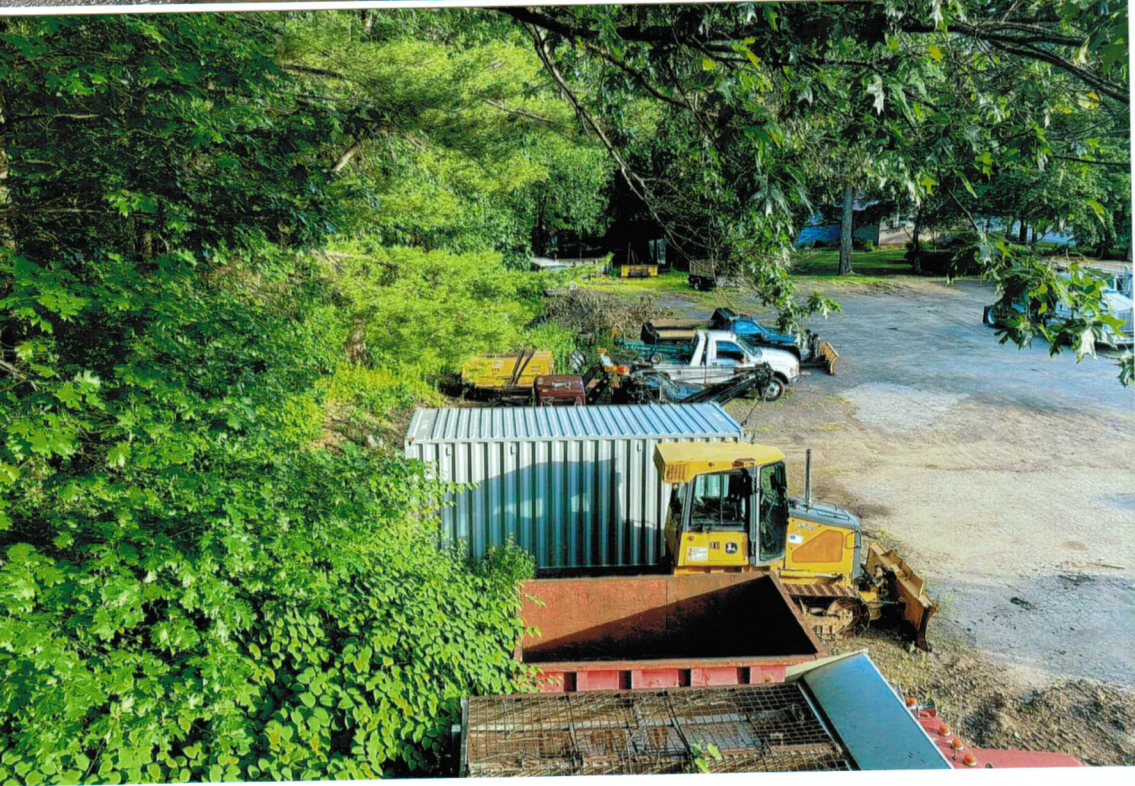
- PROPERTY LINE
- - - EROSION CONTROL
- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- WATER LINE
- EDGE OF WETLAND
- EXISTING SPOT GRADE
- + 93.5 EXISTING GRADE FOR E
- + 106.95 AS-BUILT FINISH GRADE
- ⊕ PERC HOLE
- ⊗ TEST PIT
- △ CONTROL
- ▣ WETLAND FLAG



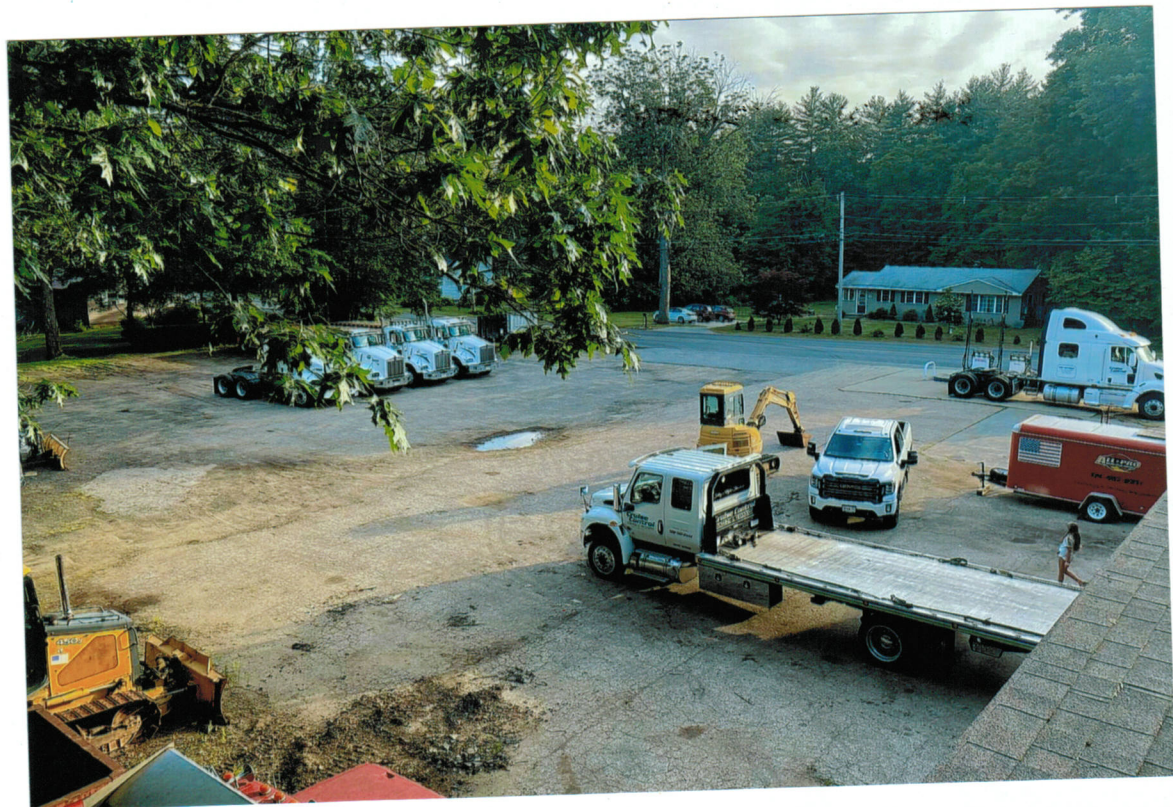
<p>GREEN HILL ENGINEERING</p>	<p>10 MAIN STREET STURBRIDGE, MA 01566 508-347-5226 (W) 508-347-9857 (F)</p>
	<p>WORKING TO PROTECT OUR WATER RESOURCES</p> <p>PERC TESTING SEPTIC DESIGN WETLAND PERMITTING ENVIRONMENTAL CONSULTING</p>
<p>EXISTING SITE PLAN</p> <p>TSANTINIS LLC 110 BROOKFIELD ROAD STURBRIDGE MA 8 MARCH 2023</p>	
<p>PARCEL ID 173-01936-110</p> <p>PILOT: 3/8/2023 11:55 AM SHEET 2 OF 1 JOB: 2023-013</p>	



**110 Brookfield Rd - Pre-existing
Condition Photos 1 of 4**



110 Brookfield Rd - Pre-existing Condition Photos 2 of 4



Pre-existing Condition Photos 3 of 4



Pre-existing Condition Photos 4 of 4

110 Brookfield Rd. 9-20-22 Photos 1 of 3



9-20-22 pic 1



9-20-22 pic 2



9-20-22 pic 3



9-20-22 pic 4

110 Brookfield Rd. 9-20-22 Photos 2 of 3



9-20-22 pic 5



9-20-22 pic 6.pg



9-20-22 pic 7.pg



9-20-22 pic 8.pg

110 Brookfield Rd. 9-20-22 Photos 3 of 3



9-20-22 pic 9.pg



9-20-22 pic 10



9-20-22 pic 11

110 Brookfield Rd. 3-22-2023



23 Old Hamilton Photos 3-22-2023 1 of 2



23 Old Hamilton Photos 3-22-2023 2 of 2

