CONSERVATION DEPARTMENT DETAILED AGENDA

Date: March 31, 2022 Time: 6:00 pm

DECISIONS

I. PUBLIC HEARINGS

1. 148 Podunk Road-RDA-Removal of 36 trees

o Owner/Applicant: Wyont & Marianne Bean Representative: none

o Request: Issue a Determination

o <u>Documents Presented</u>: sketch drawing

o **Project Summary**:

o Project includes removal of 36 trees that are damaged, injured, or dying due to gypsy moth infestation, wooly disease or are a hazard.

o Staff Notes:

- o Abutter notifications and proof of legal ad required.
- o Project site is not located within Priority or Estimated Habitat.
- o Site visit performed. Trees were flagged.
- o Site contains a bordering vegetated wetland and jurisdictional buffer zone.
- o Approx. 14 trees are located outside of the 200-foot buffer zone.
- o 5 trees are located within the BVW or immediately adjacent. These trees are dead and 4 have fallen. Two which are hung up on other trees. One is standing dead. They would like to drop the dead trees and remove the fallen trees. These trees don't appear to be a threat and are within the undeveloped areas of the property. They provide habitat and could remain. There are additional trees in this area and removal may not be a significant concern as this is a large wetland system which has a forested buffer zone. Staff would recommend leaving these as in resource area or immediately adjacent.
- The additional trees are located along the perimeter of the backyard on all sides. One oak #15 on the plan is located at the edge of the lawn and does not appear to be of concern.
 Until leaf out, it is hard to tell how impacted it may be from past gypsy moth damage.
 Owner notes that limbs have been falling. Additional trees are located in these areas and removal would not appear to be as significant concern. No change of use is proposed.
- o Stumps and roots shall remain. Stumps can be cut flush with the ground.
- Staff Recommendation: The board should decide if they have concerns with this requested work. Provided abutter notifications and legal ad receipt received, vote to close the hearing and issue a:
 - Negative #3: The work described in the Request.....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:
 - o Stumps and roots shall not be removed.
 - o No equipment to enter resource area. Dead trees to be cut by hand. (if allowed).
 - o Pre-work notification and completion of work notifications for sign off.
 - o Positive #5 (subject to local bylaw) with the condition noted above.

2. 379 Main Street- RDA- Landscape Improvements in a previously disturbed commercial site

- Applicant: Jessica Pillsbury & Patricia Shevory Representative: none
- o Request: Issue a Determination
- o Documents Presented: sketch drawing
- o Jurisdiction: Riverfront Area and Buffer Zone
- Project Status Summary: Project includes landscaping improvements to the addition of a fenced in play area and dumpster enclosure within a developed Riverfront Area.
- Staff Notes:
 - o Proof of abutter notifications required. Proof of legal ad required.
 - $\circ\,$ Project site is not located within Priority or Estimated Habitat.
 - o Site is located within the buffer zone and within Riverfront Area. Site was developed prior to Rivers Act.



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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- o Footprint of developed areas not requested to be expanded. All work is within a developed paved area. Site to be leased and used as a daycare. Fencing will be installed to contain the play area and to enclose an area of the dumpster. Only earthwork proposed would be for the installation of fence posts and bollards.
- Staff Recommendations: 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 321 CMR 10.02(b) (2) & exempt from RA standards 321 CMR 10.58(6) (b).
 - o Positive #5 (subject to local bylaw) with the conditions:
 - Pre-const. and post-const. conditions to include: post sign, notification of work and completion for sign
 off
 - Should excavation be required for fence posts, etc. all materials shall not be deposited within undeveloped RA on site. Any stockpiling of earthen material shall be covered and protected so it does not enter the drainage system which discharges to resource areas.

3. 115 McGilpin Road – NOI-Single Family Home with associated site work-DEP File #300-1122

- o <u>Owner/Applicant</u>: Michael & Fatoumatta Phillips <u>Representative</u>: Z. Gless, Existing Grade
- o Request: Issue OOC
- o <u>Documents Presented</u>: colored site plan
- o Jurisdiction:
- Project Status Summary: Development of a forest lot to include a single-family home, well, septic system and associated site work.
- 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."

o Staff Notes:

- o Proof of abutter notifications required. Proof of legal ad have been received.
- o Project site is not located within Priority or Estimated Habitat.
- o DEP File # issued. No comments noted.
- o Site visit performed. Site development and resource areas flagged.
- o Site contains a bordering vegetated wetland and jurisdictional buffer zone.
- Lot was recently subdivided off of a large parcel (140 Fiske Hill Rd.). It should be noted that additional frontage on McGilpin for remaining land (off of this lot) may not meet performance standards based on lot creation and a hardship for any future projects.
- Plan shows 5-bedroom house. Narrative states 4-bedroom. Unknown if septic design is for 4 or 5 bedroom. This
 should be clarified to ensure that design shown is correct as it may/could LOW. All structures are shown outside of
 the 50 foot no new structure setback. No work shown within the 25 ft No Disturb Buffer either.
- o BVW line had been approved by a previous ORAD.
- o Plan includes a straw wattle and staked silt fence at the LOW. Stormwater BMPs include a cultec for roof runoff and gravel drip strip along the driveway.
- o Requested that LOW be tightened up to minimize impacts in 50' BZ where allowable.
- o McGilpin Road is a scenic road. Cut in already done when perc test completed. Comments from the Town Planner:

"The lot is conforming and the location of the home as proposed meets the setbacks, however, the front setback is just barely met. The applicant must use extreme caution when pouring the foundation and should provide an asbuilt prior to inspection. If the as-built shows the foundation does not meet the setbacks, it will need to be moved. The applicant may want to consider moving the home back slightly to avoid this possibility.

Additionally, the road is a scenic road. The plan does not indicate if there will be any tree or stonewall removal within the right of way to gain access to the lot. If so, a Special Permit for Scenic Road work must be obtained prior to any removal taking place.

A tree for the purposes of the Scenic Road Bylaw Includes any living tree whose trunk has a diameter of four inches or more as measured one foot above the ground. The destruction of more than 15 linear feet of stone wall involving more than one cubic foot of wall material per linear foot above the existing grade requires a Special Permit as well.

The applicant should review the plan and note any activity that requires a Scenic Road permit and if one is required, the applicant should file soon. We are currently booking into the end of April due to publication and posting requirements."

- Staff Recommendations: Revise LOW where possible. When appropriate, staff recommend approval of the project through issuance of an OOC. with the following conditions:
 - Standard OOC conditions.
 - Sedimentation controls shall be installed as shown on the plan and maintained during work.
 - Install roof and driveway infiltration as shown on the plan. Provide proper documentation of installs to be verified by P.E.
 - Perpetual conditions for maintenance of drainage structures.
 - 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. Staff recommend amount of \$5,000 for new single family house development. This is allowed under the bylaw.

4. 53 Hillside Drive – continued RDA – (Request for Determination of Applicability)

- Owner/Applicant: John Rowley Representative: P. Engle, McClure Engineering
- o <u>Request</u>: Issue a Determination
- o Documents Presented: n/a
- o <u>Project Status Summary</u>: Hearing continued to allow for third party review of site.
- Staff Notes: Peer review to have been initiated last week.
- Staff Recommendations: Continue hearing to allow for peer review visits and reporting to the next meeting: 4-21 22.

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

- Owner/Applicant: Interstate Towing Representative: G Krevosky, EBT Environmental
- o Request: Issue OOC
- o <u>Documents Presented</u>: Updated Plans, Peer Review Report, Site Photos
- Project Status Summary: Project was continued from the last hearing as awaiting additional information, 3rd peer review report and site visit was postponed due to the weather.
- Staff Notes:
 - 3rd peer review report received. Additional revisions needed for stormwater. Additionally, a detail is needed for driveway entrance to include grading to prevent Rt. 20 stormwater runoff from entering the site.
 - EBT Environmental submitted additional information for review for compliance with 321 CMR 10.58(4).
 Responses to all staff comments have not been provided. Staff requested this again.
 - Site visit performed to review site and proposed mitigation.
 - Area of field was still very wet. This is between the isolated wetland and the BVW to the north. This drainage path is still partially located within the LOW. Options to further tighten the LOW here were discussed.
 - Temporary entrance area was wet. This area has been wet at all site visits. Use of this area for site access during these conditions could be a concern as it is at the stream crossing.
 - Revised plans: Currently no work is shown within the 25 ft no disturb BZ except restoration and the temporary entrance. Rip-rap slope and drainage swale only shown within the 50 ft no new structure setback.
 - A construction sequence plan has been requested to include details on proposed work/activities with the project to include phasing with the temporary entrance and restoration work. Restoration work should be required to be completed in initial phase of work to greatest extent practicable. A bond should be required due to extensive restoration work (when approved).
 - A detailed O & M Plan is required for a LUHPL. It is necessary that this plan be specific for all spill response actions, cleaning of the fleet which may have spills on them from carrying disabled vehicles (flatbed trucks, etc.), reporting, all BMPs for all stormwater structures, lights, etc. A plan showing all stormwater BMP locations should be included in the O & M Plan. Maintaining the stormwtaer system is especially important to ensure no impact to resource areas.
 - The board will need to discuss all proposed restoration areas and potential for use and/or concerns and provide feeback to the project team. Based on the site visit. Areas proposed for restoration/mitigation include:

- On 150 Charlton Rd.:
- o Remove culvert in perennial stream and restore area surrounding this stream crossing (cart road). Need detailed plan on work sequencing and BMPs if acceptable.
- Remove delta in the BVW from the road sand from Rt. 20 catch basin on west side of Rt. 20/Gifford Rd.
 Need detailed plan on work sequencing and BMPs if acceptable. Delta was not flagged in field. This may need additional review to determine extent and flag on site.
- Off-site Restoration/Mitigation: 174 Charlton Rd.
 - o Remove and restore historic spoil piles and portion of entrance to 150 Charlton Rd near those piles.
- Additional off-site Restoration/Mitigation also discussed:
 - Restore portion of utility easement area in RA.
 - Look at road improvements on Gifford rd. Clean out Rt. 20 CB. Improved drainage swales along Gifford Rd and other improvements here would provide a long term improvement/impact on the resource areas here. Staff highly recommend that these be considered.
 - Again, off-site work requires permitting which has not been part of this NOI.
- Based on a review of the mitigation areas, staff would recommend removing the stream crossing and delta. Staff wouldn't argue against restoring the old cart path and the off-site piles however with discontinued use those would likely grow back on their own. The improvements along Rt. 20 and Gifford Road would far benefit the resource areas and should be included too. If approved a significant portion of the on-site field in RA and buffer zone will be lost. Fields in or near resource areas provide valuable wildlife habitat for foraging, nesting and other needs. There is a significant amount of autumn olive which has invaded portions of this site and the adjacent site. A plan to remove and monitor these areas could be valuable to compensate for the loss of this habitat. The board should discuss if they would like to see the on-site field mowed bi-annually or once a year to maintain the field habitat. This would have to be outside of the active season (approx. mid-March mid-Nov.). It was mentioned by the project team previously. Access for a mower may be limited. May be best to let be to avoid inadvertent impacts.
- Staff are still concerned with wildlife habitat impacts that would be associated with this type of use in BZ and RA. Daily use around the clock will impact and deter wildlife from using adjacent habitat. Streams act as corridors for wildlife. Vehicle lights and noise from daily use are a concern. A fence that blocks light and helps muffle noise would assist with this. Staff recommend that a tall stockade type fence be used versus chain link.
- Staff Recommendations: Continue hearing to allow for plans to be revised to reflect staff, peer review and board comments. Continue to April 21, 2022.

6. 263 New Boston Road—continued RDA (Request for Determination of Applicability)

- o <u>Owner/Applicant:</u> Ken Leblanc <u>Representatives:</u> G. Krevosky, EBT Environmental
- o <u>Request</u>: Issue a Determination
- o <u>Documents Presented</u>: n/a
- Project Status Summary: Project was continued to allow time to secure permission for the applicant's representative
 and to review the area identified as a potential vernal pool.
- o <u>Staff Notes</u>: Permission granted. Monitoring has begun.
- o <u>Staff Recommendations</u>: Continue hearing to allow for monitoring and reporting to the next meeting: 4-21-22.

7. 235 Podunk Road-continued RDA- Construction of a Single family home and associated site work

- o <u>Owner/Applicant</u>: AH & DB Custom Homes <u>Representative</u>: M DiPinto, Three Oaks Environmental
- Request: Issue a Determination
- o <u>Project Status Summary</u>: Project review has been continued since the Fall of 2021. Continued at the last meeting.
- Staff Notes:
 - After the last meeting, staff informed the applicant and representative that w/out new information the hearing
 will not be continued again. Plan was to be revised to reflect wetland line and review of lot as buildable lot
 (wetland/upland ratios). Staff have not been contacted and no new information has been received.
- o <u>Staff Recommendations</u>: Issue Determination: Positive #2b resource areas not confirmed; Positive #4 work described on the plan is within area subject to the Act...therefore file a NOI...; and a Positive #5 subject to the SWB.

8. 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
- o Request: Issue a Determination
- Project Status Summary: Project review has been continued since the Fall of 2021. Continued at the last meeting.

- Staff Notes: After the last meeting, staff informed the applicant and representative that w/out new information the
 hearing will not be continued again. Plan was to be revised to reflect wetland line and review of lot as buildable lot
 (wetland/upland ratios). Staff have not been contacted and no new information has been received.
- Staff Recommendations: close hearing and issue a denial for lack of information.

II. WETLANDS DECISIONS

- 9. 172 Lake Road—Request for Certificate of Compliance DEP File #300-0882
 - Original Applicant/Permit Holder: Real and Elizabeth Poirier Requester: same
 - Request: Issue a COC
 - Staff Notes: Project was an addition to a SFH. Work was within a developed lot. Project included drip strips along the addition. Letter of substantial compliance and as-built received. Site visit performed. Project is in compliance with OOC.
 - o Staff Recommendations: Issue complete CoC.

10. 19 Mashapaug Road - Emergency Certification

- o <u>Applicant</u>: Thousand Trails Campground <u>Property Owner</u>: same
- Staff Notes: EC request received as culverts had collapsed. Culverts carry intermittent stream under a gravel campground roadway. Roadway was washing out and flooding adjacent property. Plan provided to complete work.
 Agent and Cahir performed site visit and EC issued w/ conditions. Site is within Priority and estimated Habitat.
 - o Staff Recommendations: Ratify issued EC.

III. ADMNISTRATIVE DECISIONS

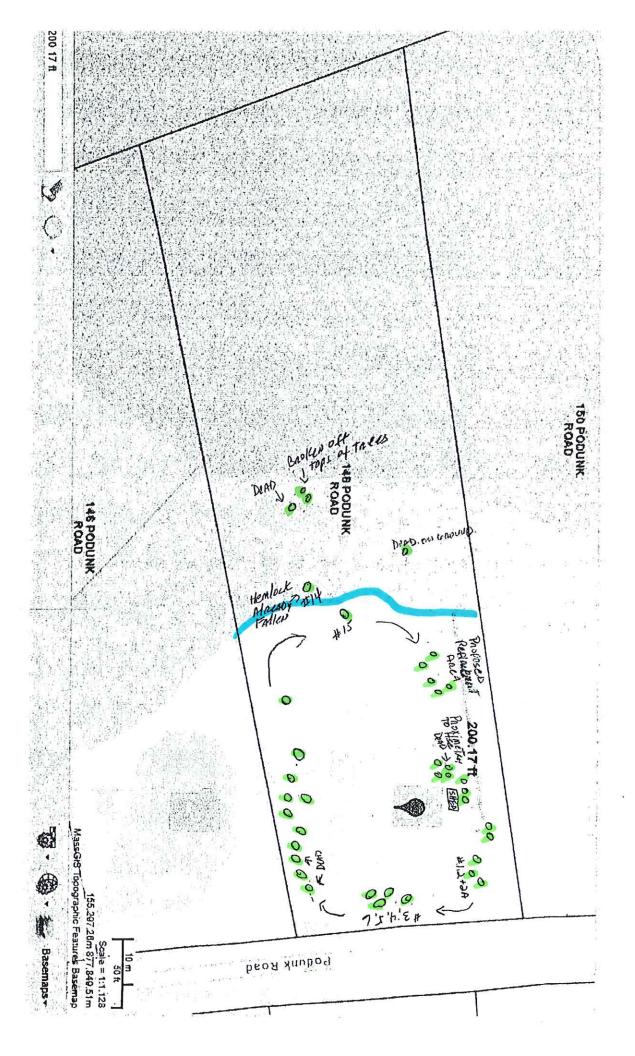
11. Minutes of 3/10/22 to be approved

UPDATES

IV. OLD BUSINESS

- **V. ADMINISTRATIVE UPDATES**
 - 12. Committee Updates: CPA, Trails, Open Space, and Lake Advisory
- **VI. NEW BUSINESS**
 - 13. Enforcement Order Update
 - 14. Agent's Report
 - 15. Next Meeting-April 21, 2022 and Site Visit Schedule- April 12, 2022 9am-12 pm

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR ADJOURN





2/15/2022 11:24:32 AM

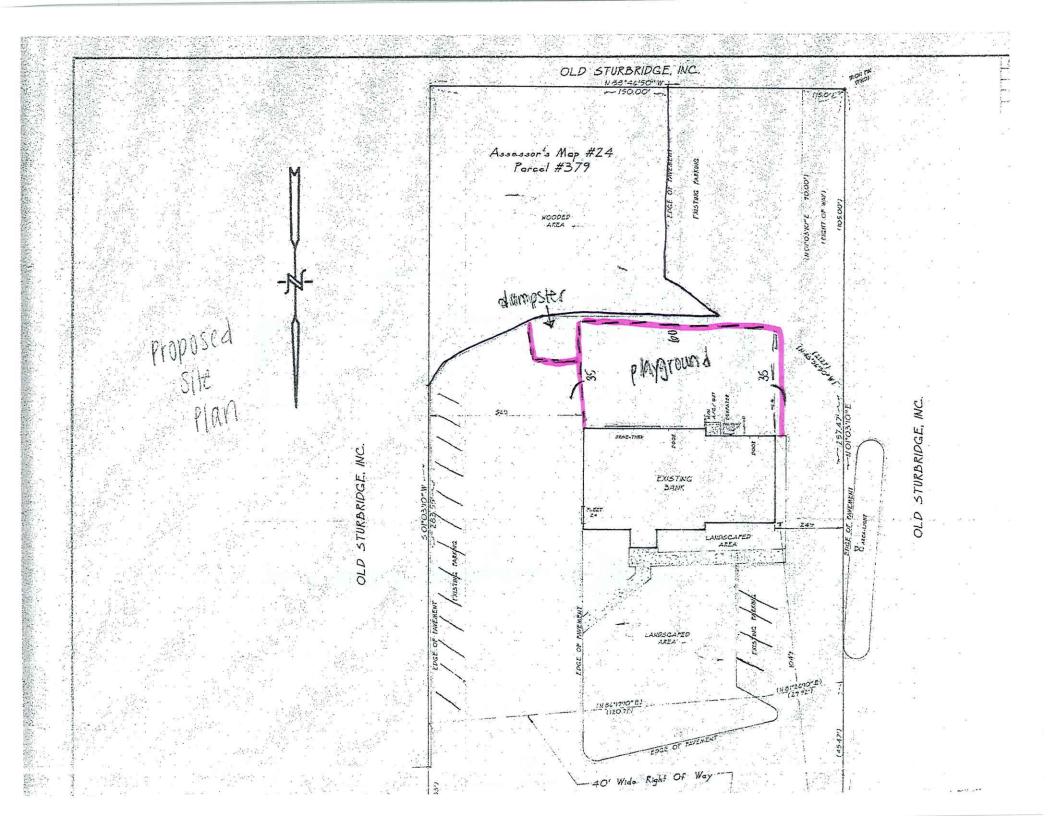
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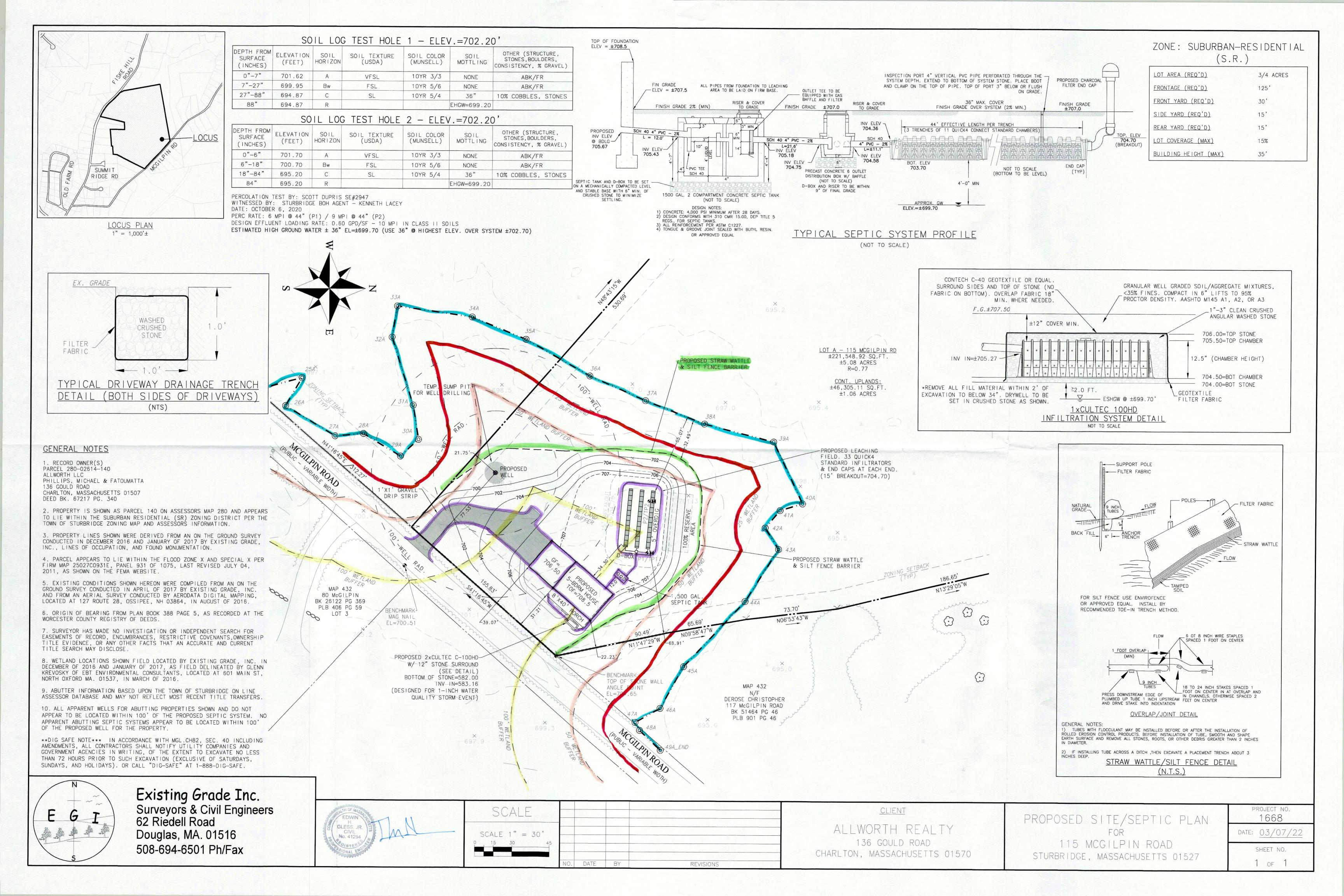
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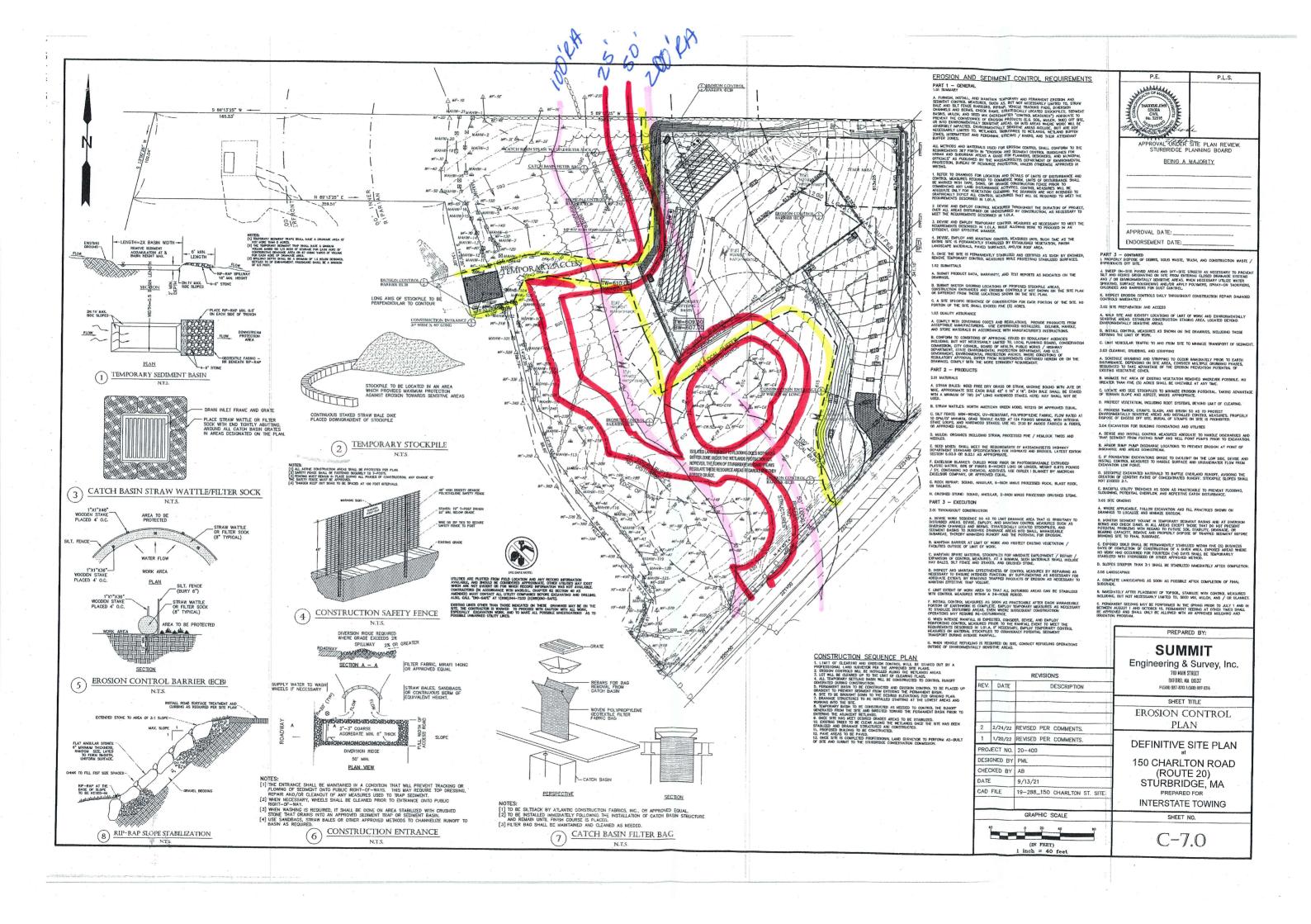
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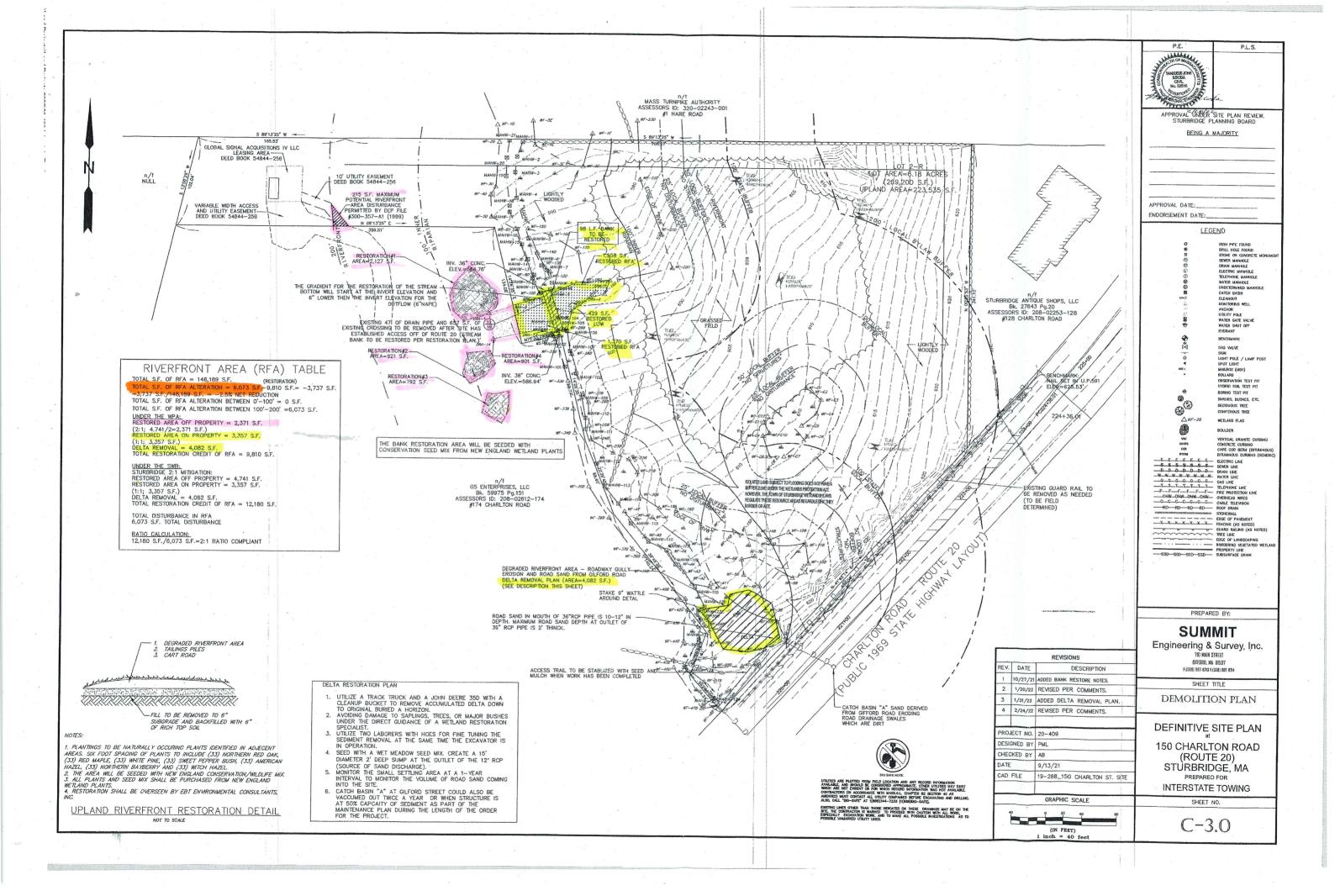






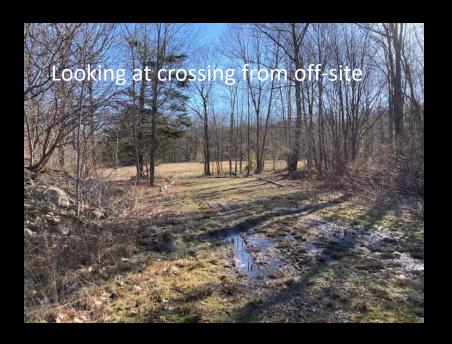


























Stream views just south of Rt. 20