

# CONSERVATION COMMISSION AGENDA

Date: May 18, 2021

Time: 6:00 pm

**NOTE:** Items may be taken out of order at the Chair's discretion.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation can be found on the Town's website at <https://www.sturbridge.gov/town-administrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 110 Charlton Road – RDA – Parking Lot Improvements

- Owner/Applicant: CIM Group-VEREIT MT      Representatives: J. Panter, Kimley-Horn & Associates
- Request: Seeking a Determination
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Summary: Parking lot improvements to include milling, full depth removal, regrading and replacement of asphalt within various locations within an existing parking lot.
- Staff Notes:
  - Receipt of legal ad posting not received to date and abutter notifications received to date.
  - All work is located within the existing parking lot.
  - Work in BZ includes movement and replacement of pavement.
  - 9" wattles proposed between work and wetlands. Inlets will be protected.
- Staff Recommendations: Vote to close the hearing and issue a Negative #3 & a Positive #5 (subject to local bylaw): 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:
  - Standard conditions for erosion control measures.

#### 2. 263 New Boston Road –RDA – Seeking determination on wetlands status related to potential vernal pool habitat

- Owner/Applicant: Walker Pond Association      Representatives: none
- Request: Seeking Determination
- Documents Presented: Aerial photo with sketch
- Project Summary:
  - Seeking site inspection through the RDA to view two wetland areas described in the RDA and see that there are no pooling areas on the lot.
- Staff Notes:
  - Receipt of legal ad posting and abutter notifications not received to date.



**Conservation Agent**

Rebecca Gendreau

**Administrative Assistant**

Erin Carson

**Conservation Commission Members**

Ed Goodwin

Steven Chidester

David Barnicle

Steve Halterman

Erik Gaspar

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

[www.sturbridge.gov](http://www.sturbridge.gov)

- Site visit performed on May 11, 2021.
- Evidence of two areas of pooled water observed. Amount of water was minimal at site visit, however, one site visit in May would appear insufficient to document that a wetland does not support the ability to serve as vernal pool habitat.
- Wetland on property which is also located on 269 New Boston Rd. is identified as a potential vernal pool and did have some standing water on May 11, 2021.
- Staff Recommendations: Vote to close the hearing and issue the following Determination:
  - Positive #1: The area described in the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
  - Positive #5: The area and/or work is subject to review and approval by the Sturbridge Conservation Commission pursuant to the Sturbridge wetland Bylaw.
  - 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.
  - Staff recommend that the wetlands are delineated soon and shown on a plan to begin initial discussions on any potential project which may be proposed on site. The presence of wetlands and the steep slope off New Boston Rd will present challenges for access to the site, which may or may not be able to meet permitting standards regardless of potential vernal pool habitat. Recommend coordination with staff to discuss early on in the design phase and filing an ANRAD once wetlands are delineated.

**3. 150 Charlton Road-continued ANRAD- DEP #300-1088**

- Owner: Cobra Realty Trust      Applicant: J. Procon, Interstate Towing      Representatives: G. Krevosky, EBT Environmental
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary:
  - Hearing was continued to allow for peer review to be initiated.
- Staff Notes:
  - Peer review completed and a report is to be received soon. Report has not been received to date.
- Staff Recommendations: Continue hearing until June 1, 2021 to allow for submission of report and Conservation Commission review of the findings.

**4. 34 Cedar Street – continued NOI-Construction of a new SFH and associated site work- DEP File #300-XXXX**

- Owner: Robert Zimmerman      Applicant: Kenneth Mollicane      Representative: J. Tallman, SITEC
- Request: Issue an OOC.
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone
- Project Status Summary:
  - The Hearing was continued to allow the applicant time to address commission and staff comments. A revised plan had been received. Staff provided comment and plan was revised again.
- Staff Notes
  - DEP File # and comments have not been issued to date.
  - Staff comments have been included in the project.
  - Plot plan provided documenting that lot was divided prior to acceptance of Zoning Bylaw 4.03. Therefore, property is not subject to this bylaw. Review of the plan appears to show that the wetlands may be larger than recently documented. Staff reviewed Burgess plans and noted this also. In light of this information, staff will re-visit the site before the meeting to further evaluate.
- Staff Recommendations: Provided that the wetland line does not require further modification, staff recommend that when appropriate (after file # issuance) that the SCC approve the project w/ conditions. Until a file # and comments have been received, staff would have to vote that the hearing be continued to June 1, 2021.

**5. 650 & 680 Route 15 – cont'd NOI – proposed development of a nursery and tree farm to include a perennial stream crossing -- DEP File #300-192**

- Owner/Applicant: M. Krubricky, Landing Rock      Representative: P. Engle, McClure Engineering
- Request: Issue an OOC.
- Documents Presented: n/a
- Project Status Summary:

- Hearing was continued to allow for peer reviews to be initiated.
  - Staff Notes:
    - Peer reviews have been initiated. Reports have not been received to date. A request to continue to June 1, 2021 has been received by the applicant's representative.
  - Staff Recommendations: Continue hearing until June 1, 2021 to allow for submission of report and Conservation Commission review of the findings.
- 6. 30 Main Street/20 Fiske Hill Road –continued NOI – Development of a residential and commercial cul-de-sac subdivision – DEP File #300-1086**
- Owner/Applicant: Matt Sosik    Representatives: P. Engle, McClure Engineering
  - Request: Issue OOC.
  - Documents Presented: n/a
  - Jurisdiction: Buffer Zone
  - Project Status Summary: Hearing was continued to allow for plan revisions.
  - Staff Notes:
    - No new information has been received.
  - Staff Recommendations: Continue the hearing to a reasonable date. Check with project team to see when new information may be available and set a date to continue.
- 7. 30 River Road – continued Amendment request to OOC – DEP File #300-1021**
- Owner/Applicant: RV Management    Representative: S. Morrison, EcoTec, Inc.
  - Request: Amend current OOC.
  - Documents Presented: revised plans
  - Jurisdiction: Buffer Zone, LUW, BVW, Bank, ILSF, Riverfront Area
  - Project Status Summary: Applicant is requesting approval of amended plans, which reflect storm-water modifications on site completed to date which address the Enforcement Order.
  - Staff Notes
    - Receipt of abutter notifications required prior to opening the public hearing. It was discovered after the meeting that the representative had listed the wrong hearing date on the notification form. Staff requested that the new forms be submitted.
    - Comments and revised plans received.
    - The new bridge has been added to the plan as requested.
    - The restoration areas noted on the original plan have not been added to this plan. However, the applicant's representative has committed to installation of all of the restoration plantings as outlined in Ecotec's Mitigation Planting Plan (last revised 4-18-19). There are between 126-141 trees and 120-145 shrubs which are required to be planted. Staff recommend that the plantings are left within this OOC as it is already part of the OOC conditions and referenced here.
    - NHESP comments were received as noted during the last hearing.
  - Staff Recommendations: Vote to close the hearing and issue an Amended Order of Conditions with special conditions:
    - i. All previous conditions to apply.
    - ii. NHESP conditions.
    - iii. Final as-built plan to be submitted with Certificate of Compliance Request to include updated resource areas (Bank and Riverfront Area), proposed drainage structure requested under new NOI and the location of the restoration planting areas.
    - iv. Revised O & M Plan to be submitted with plan showing all storm-water BMPs and Restoration Planting Areas to be submitted with Certificate of Compliance Request.
- 8. 30 River Road – continued NOI – All work to complete the site-DEP File #300-1102**
- Owner/Applicant: RV Management    Representative: S. Morrison, EcoTec, Inc.
  - Request: Issue OOC
  - Documents Presented: revised plans
  - Jurisdiction: Buffer Zone, LUW, BVW, Bank, ILSF, Riverfront Area
  - Project Status Summary: Project was continued from the previous meeting. The proposed work includes: installation of water quality swale at outlet 6; restoration of on-site stream and removal of the temporary dam, completion of mitigation planting and removal of the asphalt grindings in the vicinity of the pool. Revised plans and narrative submitted.

- Staff Notes:
  - Receipt of abutter notifications required prior to opening the public hearing. It was discovered after the meeting that the representative had made an error when notifying the abutters on these projects. Staff requested that the new forms be submitted.
  - NHESP comments were received as noted during the last hearing.
  - DEP File # issued with no comments.
  - Millings have already been removed. The plan has been revised to keep this as a gravel parking area versus lawn as previously shown.
  - The plantings, as outlined in the Amended OOC, are already permitted and should be kept in DEP File #300-1021 to avoid confusion. There are between 126-141 trees and 120-145 shrubs which are required to be planted. Staff recommend that the plantings are left within this OOC as it is already part of the OOC conditions and referenced here as stated in the previous hearing notes.
  - New NOI would now just appear to cover work for the installation of Outlet #6, after the fact approval for gravel parking area near the pool and the restoration of on-site wetlands to include the removal of the temporary dam.
  - As outlined below under #11, the wetland restoration is required as part of an Enforcement Order (EO). The SCC required that on and off site wetlands are assessed and restored which have been documented to be impacted by the project site through the failure of the duck pond and due to the failure to properly manage storm-water during construction that lead to documented impacts to the off-site stream and pond. See comments under #11.
- Staff Recommendations:
  - DEP has not issued a file # so if the SCC is comfortable with the work proposed under the NOI, it can be voted on.
  - This NOI does not cover full compliance with the SCC's EO but primarily covers the portions of the EO to rectify this property. The SCC previously requested that an independent party document the impacts and develop a restoration plan. Staff would recommend that an independent qualified PWS assess the site pre and post cleanup and provide recommendations to the board as previously instructed in the EO. The property owner's representative can oversee the work as it is being conducted.
  - Staff would recommend issuing an OOC for the work covered on this property to address the EO with the following conditions:
    - i. Standard OOC conditions.
    - ii. Include NHESP Comments.
    - iii. An erosion control blanket shall be installed over exposed areas of the duck pond to exposed surfaces until the seed germination and stabilization. This is necessary as high flow events could result in significant erosion. The erosion control blanket shall not contain any nylon netting or nylon mesh backing, which is found to be a hazard to local wildlife.
    - iv. All work including restoration must be completed this year.
    - v. An independent qualified PWS shall assess the impacted wetland resource areas pre and post cleanup/remediation on the SCC's behalf and provide recommendations on restoration activities to the board. The reviews will include a pre and post site visit and a pre and post report. The SCC shall review the recommendations and provide instruction to the permit holder which shall be incorporated into the remediation activities.
      - 1. The SCC will solicit proposals and select a PWS. The SCC will provide the proposals to the Permit Holder for review. The independent PWS shall be selected by the SCC and funded by the Permit Holder. Funds shall be provided to the SCC within two weeks of the SCC providing the selected proposal to the Permit Holder. A separate fund shall be established. Any remaining funds and interest shall be returned to the Permit Holder.
  - The SCC needs to discuss how to address the remaining portions of the EO, which are not being complied with including impacts documented to off-site wetlands. The EO is not satisfied until all Orders are met. See comments under #11. To be discussed further under #11.

## II. WETLANDS DECISIONS

### 9. Emergency Authorization –Wells Park Road & 138 Walker Pond Road

- Requester: Town of Sturbridge DPW
- Request: Ratify Issued Emergency Authorization



- Documents Presented: n/a
- Project Summary: A beaver dam has been installed and continually worked on which has caused flooding on Walker Pond Rd and is close to topping Wells Park Rd. The DPW has contracted with Beaver Solutions to address this concern. A plan has been developed to install a water flow device to lower the water approx. 1 foot which would alleviate the emergency. The outfall pipe will lead into the culvert under Walker Pond Rd. to avoid beavers from blocking this pipe. BOH has issued approval for this work.
- Staff Notes: Staff have performed a site visit and discussed with the Chair. An Emergency Authorization was issued on May 12, 2021 to allow or the work. We have had success on various other locations in town with these devices. This is a great long term solution for addressing water level changes associated with beavers near development.  
Staff Recommendations: Ratify issuance of the Emergency Authorization.

### III. ADMINISTRATIVE DECISIONS

#### 10. Minutes of 5/4/21 to be approved

- Documents Discussed: draft minutes
- Staff Recommendations: Vote to accept the 5/4/21 minutes.

---

### UPDATES

#### V. OLD BUSINESS

#### 11. Pine Lake RV Management Services-SB, LLC, Enforcement Order Pine Lake RV Resort, 30 River Rd. DEP File #300-1021

- Summary: An EO was issued in April of 2020, which listed specific conditions. Since issuance of the EO, the SCC has been working with the Violator to address these and keep the project moving forward. Extensions have been granted to the project team to seek compliance with the EO. A Request to Amend the current OOC and a new NOI have been filed. The EO required that an independent assessment and restoration of on-site wetland impacts and off-site wetland impacts be completed. The Violator's representative has informed the SCC that they are not proposing a plan to address the off-site wetland impacts caused by the Violator.
- At the SCC's May 4, 2021 meeting, the project representative was asked why off site documented wetland impacts were not included in the proposals. Direct wetland impacts have been documented on wetlands on two downstream properties. The representative stated that it was his understanding at the last conversation (meeting) that the cleanup was to occur above River Rd. Staff reviewed the last meeting. At the March 2, staff stated that a plan needed to be developed to remove accumulated sediment from on-site and off-site wetlands impacted by the project. The areas to include were downstream of the former Duck Pond and the stream above the former Duck Pond. The SCC supported the recommendations. The 3-2-21 detailed agenda also include this language.
- Mr. Halterman, a member of the commission, has provided a Memo dated May 10, 2021, which has been provided to the board and the Violator's representative. It is his conclusion, "that the natural substrate of the stream has been completely covered by eroded sand, thus destroying the biotic value (function) of the stream. Removal of the sand, to restore the natural habitat, was ordered by the Conservation Commission. This assessment demonstrates that the current order to restore this stream is still valid and necessary. In addition to the issue of stream restoration, the observed rain-related siltation of the pond, a clear violation of the Wetlands Protection Act and our bylaws, must be addressed. The Commission needs to reconsider the proposed assessment of the pond to determine what restoration steps, if any, need to be taken."
- Staff recommendations: Leaving fill within a regulated wetland is a violation of the WPA and the SWB. This material is a direct result of violations on 30 River Rd. The material needs to be removed. If it is not the Violator's intent to comply with the un-appealed EO than the SCC needs to discuss options and move forward to seek full compliance with the EO. Recommend providing an updated letter on the status of the EO, what Orders are being addressed, have been addressed and what has not been addressed.

#### 12. 508 International, and Jennings, B. and I., Enforcement Order-205B & 205C Podunk Pike

- Summary: The SCC provided additional time for the violators to seek compliance with the EO prior to referring the matter to Town of Sturbridge's legal counsel. Additional documentation to seek compliance has been received which includes:
  - Site plans, "Wetland Location Plan at 508 International Sturbridge, MA Prepared for 508 Base, LLC", prepared by Summit Engineering & Survey Inc., last revised 4-29-21
  - Letter from EBT Environmental Consultants, Inc., dated 5-11-21
  - Letter from Donald J. O'Neil, dated 5-11-21
- Staff notes:

- Site plans documenting the restoration of 2,990 sq. ft. of impacted wetlands on 205B Podunk Pike and the re-routing of trails outside of the shown SCC's 200 ft. jurisdiction on both 205B and 205C Podunk Pike. Existing trails on both properties proposed to be discontinued and to be "corded off/blocked from use".
- Appears all trails within the shown 200' McKinstry Brook RA on 205B Podunk pike will not be utilized. Trails within RA should be restored as RA is a resource area. RA area impact calculations should be provided and shown on the plan.
- The SCC may want to consider that a PWS assist the SCC with documenting compliance with the EO. The PWS should review/verify the extent of jurisdiction and work on the extent of the properties to verify that all work within jurisdiction has been documented within wetlands, RA or BZ before final sign off.
- Staff recommend that additional details be provided on how the trails will be blocked from use (i.e. define the corded off/blocked).
- Additional details/commitment for wetland restoration monitoring appear required. Wetland restoration must be monitored for at least 2 years and 75% success rate of plantings are required. The SCC can require 5 years of monitoring. Staff recommend only 2 years of monitoring if 75% success has been received by that time. This must be conducted by a wetland scientist and shall be included in a narrative to be committed to.
- EBT Letter states that wetlands, RA and Buffer Zone to be restored. Site plan only shows wetland restoration. EBT letter only includes table and detail for wetland impact not BZ or RA impact restoration. Plan should be updated to include RA restoration and BZ restoration. The SCC previously requested that the 25 ft. BZ be restored.
- Staff feel that the wetland restoration appears adequate for those direct impacts but RA and BZ areas to be restored also. Overall removal of the trails within jurisdiction is favorably received.
- The SCC should seek an independent PWS to verify that the EO is being addressed as the SCC and staff have not fully walked both properties.
- Staff recommendations: Allow shown wetland restoration to proceed in order to have this started as soon as possible, a revised plan shall be submitted detailing RA and BZ restoration and initiate a PWS to verify EO compliance as noted.

**13. 508 International, and Sellew, A., 27 Ladd Rd., Enforcement Order**

- Summary: An update on the status of compliance with this EO has been received. In addition, a response to the SCC's March 25, 2021 letter has been received. They have informed that the bridge has been removed, no additional work is occurring on the property and that they will seed disturbed areas with native seed mixes.
- Staff recommendations: The area is seeded with a native seed mix as soon as possible. All work to be done as outlined in the SCC's March 16, 2021 letter. Restoration report and monitoring report required. A site visit should be scheduled soon to document compliance. As outlined in the 3-16-21, the EO shall not be released until the areas are fully stabilized to the SCC's satisfaction. Site visit to be scheduled.

**14. 508 International MEPA**

- Summary: A member of the board has requested there be a discussion in regards to MEPA and the 508 International Complex.

**VI. ADMINISTRATIVE UPDATES**

**15. Committee Updates**

**VII. NEW BUSINESS**

**16. Codification Project**

- Summary: The Town currently has been undertaking a project to merge all bylaws and regulations into one cohesive document which will be presented at Town Meeting for acceptance. The SCC has previously reviewed and provided comment. A final red-lined version of the SWB and SWB regulation changes have been provided for final review.
- Staff Notes: Reminder no substantive changes have been made to the bylaw or the regulations. Fee amounts have been removed from the regulations so fees can be changed without modification to the regulations. The SCC will be required to hold a public hearing to accept the regulation changes after town approval by the will be required.
- Recommendations: Approve final version.

**17. Conservation Property-75 Farquhar Road Easement revision**

- Summary: The SCC have the care and custody of 75 Farquhar Rd. The property was acquired by the town in 1993. An easement existed on the property which allowed the owner of 77 Farquhar Rd. to retain certain rights when the land encumbered by flood control right by ACOE. The Grand Trunk Trail will pass through this property and on that easement.

Town staff and Tom Chamberland have been working to revise this easement so the owner of 77 Farquhar can continue to have access and the Town can site the trail where designed.

- Recommendations: Approve revised easement.

**18. Vote Reconsideration Procedures**

- Summary: A member of the board has requested there be a discussion in regards to voting procedures.

**19. Agent's Report**

**20. Next Meeting-June 1,2021 and Site Visit Schedule-May 25, 2021 9am-12pm**

---

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



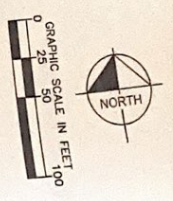
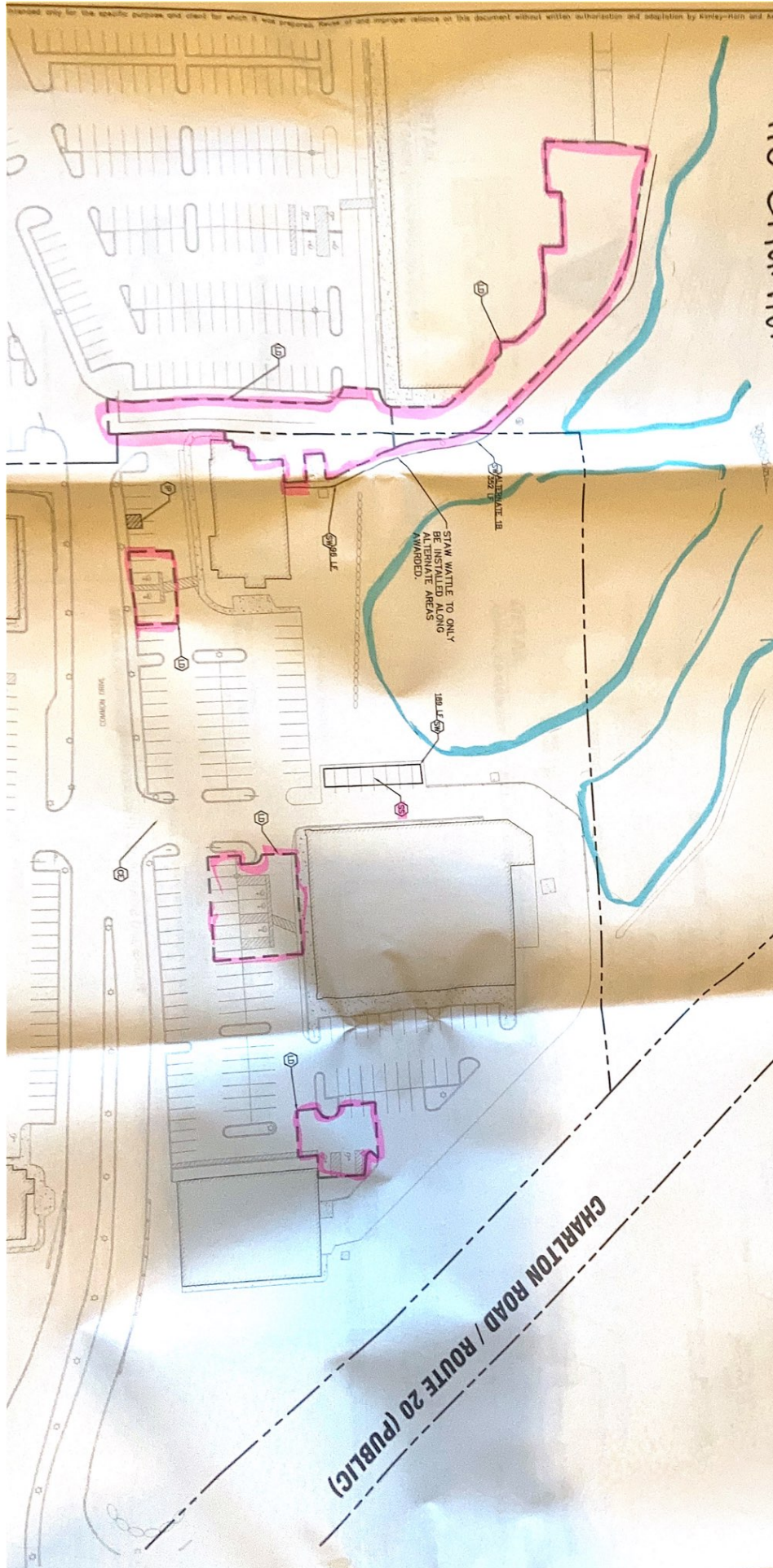
### EROSION CONTROL LEGEND

- (1) LIMITS OF DISTURBANCE
- (2) STAY WATTLE (SEE EROSION CONTROL DETAILS)
- (3) SLOTTED PROTECTION (SEE EROSION CONTROL DETAILS)
- (4) TEMPORARY SOIL STOCKPILE
- (5) CONSTRUCTION ENTRANCE (SEE EROSION CONTROL DETAILS)

110 Charlton Rd.

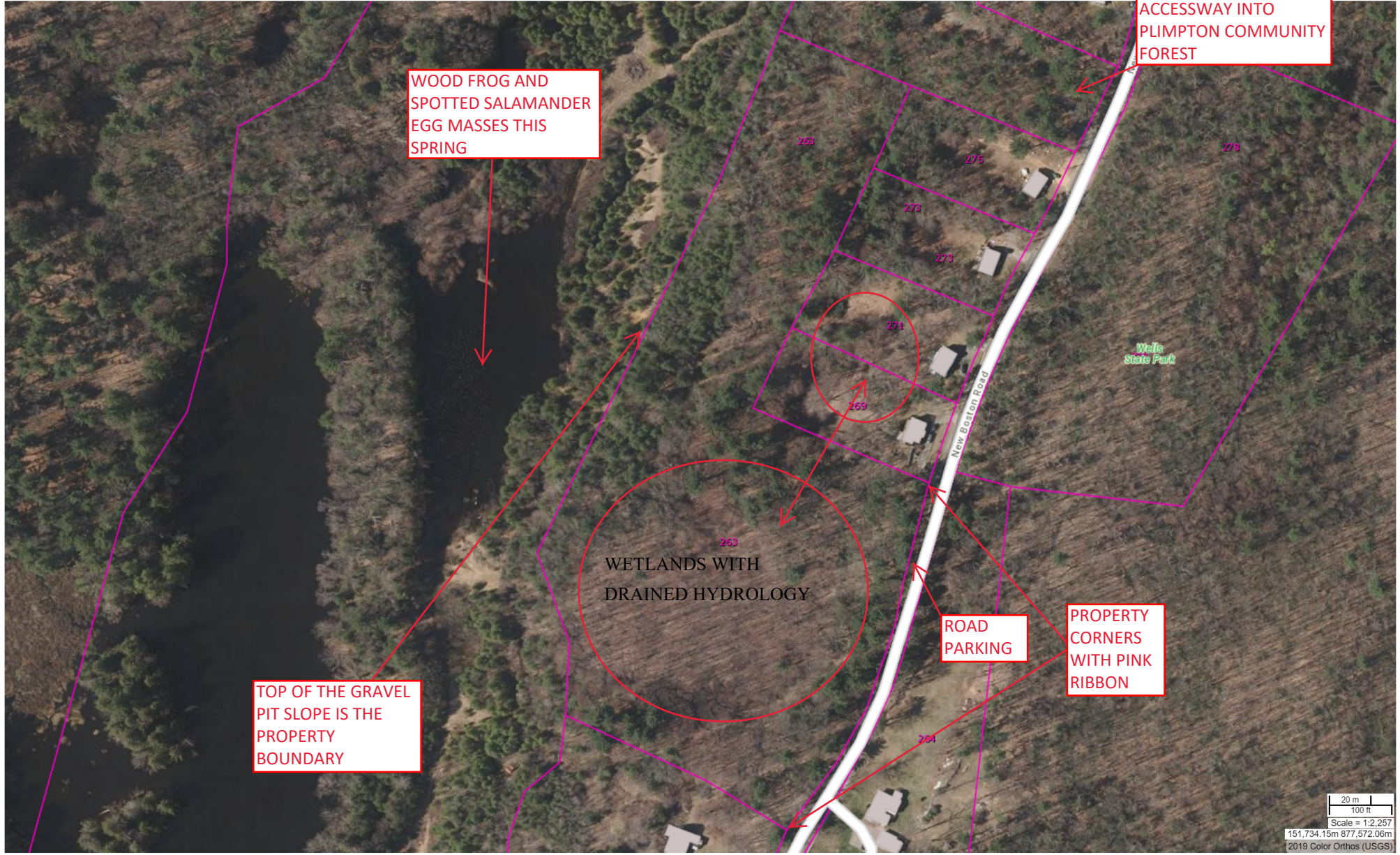
- ### EROSION CONTROL SCHEDULE AND SEQUENCING:
- I. ROUGH GRADING
  - II. CONSTRUCTION ENTRANCE/EXIT, STAY WATTLE PROTECTION, CONCRETE BE installed prior to the installation of rough grading. Measures to be installed upon completion of rough grading and as necessary throughout construction.
  - III. UTILITY INSTALLATION
  - IV. ALL PREP EROSION CONTROL MEASURES INSTALLED UTILITY INSTALLATION SHALL BE STAY WATTLE PROTECTIVE SYSTEM IS CONSTRUCTED.
  - V. ALL PREP EROSION CONTROL MEASURES INSTALLED ABOVE TO BE MAINTAINED AS REMAINDER OF THE PROJECT THROUGHOUT THE REMAINDER OF THE PROJECT.
  - VI. FINAL GRADING/DOLE. ALL TEMPORARY EROSION CONTROL MEASURES TO BE REMOVED AT THE CONCLUSION OF PROJECT AS DIRECTED BY THE LOCAL AGENCY/UTL.
  - VII. PLANNING
  - VIII. LANDSCAPING

STAY WATTLE TO ONLY BE INSTALLED ALONG ALTERNATE AREAS



CHARLTON ROAD / ROUTE 20 (PUBLIC)





WOOD FROG AND  
SPOTTED SALAMANDER  
EGG MASSES THIS  
SPRING

ACCESSWAY INTO  
PLIMPTON COMMUNITY  
FOREST

TOP OF THE GRAVEL  
PIT SLOPE IS THE  
PROPERTY  
BOUNDARY

263  
275  
278  
273  
271  
269  
263  
WETLANDS WITH  
DRAINED HYDROLOGY

ROAD  
PARKING

PROPERTY  
CORNERS  
WITH PINK  
RIBBON

Wells  
State Park

New Boston Road

20 m  
100 ft

Scale = 1:2,257

151,734.15m 877,572.06m  
2019 Color Orthos (USGS)



**OWNER:**  
 WARWICK ROAD - ORANGE TRUST  
 C/O ROBERT ZIMMERMAN  
 111 MARLBOROUGH STREET  
 BOSTON, MASSACHUSETTS 02116

**APPLIC:**  
 HYDE DE  
 1500 VIN  
 SOMERSI

ASSESSORS  
 PARCEL ID  
 202-2426-042  
 N/F  
 TOWN OF STURBRIDGE

34 Cedar St  
 Revision

ASSESSORS  
 PARCEL ID  
 202-2436-034  
 24,966 SQ. FT.

ASSESSORS  
 PARCEL ID  
 202-2436-030  
 N/F  
 JIM & JULIE A. BUTI

