

# CONSERVATION DEPARTMENT DETAILED AGENDA

Date: June 2, 2022

Time: 6:00 pm



## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 47 Breakneck Road-NOI-Replacement of failed septic system within a developed yard-DEP File# 300-1130

- Owner/Applicant: Chris & Barbara Mattioli      Representative: L. Dupre, Clear Water Environmental
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
- Project Summary:
  - Project includes the removal and installation of Title V septic system in a developed yard in the buffer zone.
- Staff Notes:
  - Proof of abutter notifications received. **Proof of legal ad required.**
  - DEP File # and comments have been received. No comments.
  - Project site is not located within Priority & Estimated Habitat.
  - Site visit performed.
  - Permit issued in 2019 for pool. Work was completed in compliance.
  - Staff have no concerns. All work is within the developed yard and system meets Title V 50' setback. Silt fence and wattles proposed.
- Staff Recommendation:

#### 2. 19 Mashapaug Road-continued NOI-Replacement of failed culverts-DEP File# 300-1129

- Owner/Applicant: Thousand Trails      Representative: S. Morrison, EcoTec
- Request: Issue an Order of Conditions
- Documents Presented: planting sketch
- Jurisdiction: Bank and Buffer Zone
- Project Summary:
  - Project includes an after-the-fact Notice of Intent for an Emergency Certification issued March 17, 2022 to allow failed culverts to be replaced. This application also includes removal of an existing wood crossing upstream of the culvert. Hearing was continued since DEP had not provided a file #.
- Staff Notes:
  - Plan received to provide mitigation plantings along stream. There are limitations to vegetation management along the spillway associated with dam safety requirements. Plan appears to be a good compromise to meet dam safety requirements and protection of resource areas.
  - Staff have no significant concerns. Removal of the bridge will be an improvement. Seeding should be native. It would be an improvement to stop mowing up to the stream and leave an unaltered vegetated buffer around the stream even if it was 5-10 feet where possible.
- Staff Recommendation: Close the hearing and issue an OOC to include after the fact removal and replacement of the culverts and for approval of the removal of the footbridge w/ the following conditions:
  - Native seed mix for altered areas under the footbridge.
  - Implement planting plan.
  - No equipment to enter resource areas.
  - Pre-work meeting & associated conditions during work.
  - Allow one growing season before issuance of CoC.

**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

308 Main Street.

Sturbridge, MA

01566

T 508/347-2506

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

3. **72 & 72A Paradise Lane- NOI- Raze and Rebuild on a lakefront lot-DEP File #300-XXXX**

- Applicant: Robert & Lisa Muscaro      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue a Determination
- Documents Presented: colored site plans
- Jurisdiction: Buffer Zone
  - **Buffer Zone** 10.53(1): General Provisions
    - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
    - SWB Regs. 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Project Summary:
  - Project includes plans to demolish an existing cottage and construct a three story single family home with associated site within the existing developed lakefront lot.
- Staff Notes:
  - Proof of abutter notifications received. **Proof of legal ad required.**
  - DEP File # and comments have not been received.
  - Site visit performed.
  - Site contains BLSF and Bank, and is within the buffer zone to Bank. BLSF noted at 721.78 on the plan (MHW EL). Work is not proposed within BLSF. No trees noted for removal.
  - Application does not include documentation outlining how the project meets standards for within the SWB nor an alternative analysis.
  - Project includes a reduction on the stone parking area and infiltration measures for stormwater from the roofs and driveway. Discharge locations of overflows not shown. How will overflow be handled? Location of perimeter drain not shown. Stormwater shall not be directed onto adjacent properties. Sizing of stormwater structures for roof and driveway should be demonstrated.
  - Lot coverage increased and expansion is proposed within the 50 foot no new structure setback. Work is also proposed within the 25 ft. no disturb area. Lot is developed, however, fill noted within 25 ft. no disturb to raise the site. Work would require a waiver under the SWB. Project does not include an alternative analysis or information on how project meets requirements for a waiver. See SWB Regs (link above for requirements).
  - A breakdown of the impervious surface increase within the 50 ft. BZ would be useful. Appears portion of structure pulled back from 25 ft. BZ line, however, sq. footage doesn't appear to be decreased within the 50 ft. BZ.
  - As proposed, project does not appear to meet SWB permitting standards.

4. Staff Recommendation: Address notes above and continue to the next hearing, 6-23-22, as DEP has not issued a file. Applicant must demonstrate compliance with SWB standards.

5. **86 & 88 South Shore Drive-continued NOI-Raze and rebuild of a single family home and associated site work-DEP File# 300-1127**

- Owner/Applicant: Steven & Marcy Reed      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions
- Documents Presented: revised colored plan
- Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
- Project Summary:
  - Project includes plans to demolish an existing cottage and construct a new single family home with associated site work including a new septic system within the existing developed lot.
- Staff Notes:
  - Project was discussed at the last meeting. Representative to address staff, SCC and DEP comments.
  - DEP Comments received (had been noted at the last meeting) include: Although a file # is being issued, please note the following:
    - “It appears that proposed alteration of Riverfront Area will be greater than the 200 square feet reported in Section B of the NOI. The applicant should verify the area of proposed Riverfront Area alteration and provide a narrative describing how the proposed work in Riverfront Area meets the Performance Standards found in 310 CMR 10.58(4) and (5).

Vernal pools qualify as Outstanding Resource Waters. The applicant should confirm how far the proposed septic system is setback from the nearby Certified Vernal Pool and whether this setback meets the 100' required for a setback to an ORW.

A response from NHESP should be received by the Commission prior to the closing of the hearing and issuance of an Order of Conditions for this project."

- NHESP Letter received. No concerns. Not within Estimated Habitat just w/in Priority Habitat.
- New information received:
  - Revised Plan
  - Narrative for RA analysis and calculations.
- No new information received on septic system and compliance with being within 100 ft. of a CVP. Engineer should provide written documentation of compliance for review. Board of Health was asked for comment. No written comment received to date. Per Title V Regs states that hydrogeological data...demonstrating that the location of the soil absorption system is hydraulically down gradient of the vernal pool is to be submitted to the issuance authority. Surface topography alone is stated to not be determinative.
- Reduction to RA impacts noted. Would appear to be more amenable to the WPA and SWB RA standards. House footprint shifted to reduce impacts within RA and to utilize more previously developed area within the 50 ft. no new structure setback. House size does not appear to have been reduced. Same footprint just shifted. Site is restrictive for building footprint locations due to resource areas, setbacks and septic location.
- Project includes infiltration measures for stormwater from the roofs and driveway. Discharge locations of overflows not shown. How will overflow be handled? Location of perimeter drain not shown. Stormwater shall not be directed onto adjacent properties. Sizing of stormwater structures for roof and driveway should be demonstrated in writing.
- 3 trees to be removed and replaced with 3 deciduous trees. Sizes shall be documented. Should be at least 1.5" dbh. New septic and size of house adds constraints to citing additional trees to meet the 2:1.
- Board should evaluate if revisions are acceptable to meet all concerns. Would appear that a second story on the house for secondary bedrooms would reduce the footprint and may be an option for demonstrating compliance with the SWB 50 ft. no new structure setback and/or less bedrooms.
- Revised plan is an improvement over last. However, as proposed, the project does not appear to meet SWB permitting standards for work within 50' no new structure setback. See SWB Regs. 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- Staff Recommendation: Written information regarding compliance for septic with vernal pool shall be demonstrated prior to issuance of a decision as this can have a significant impact on the project. The board may wish to have the applicant demonstrate why a second story or smaller house (alternative analysis/option) isn't feasible. Continue hearing to next meeting to allow representative to address comments. The next meetings is on 6-23-2022.

**6. 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: Cobra Realty Trust (formerly) Interstate Towing      Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: n/a
- Project Status Summary: Project was continued from the last hearing as no representative was present to discuss the new information. A letter was received on the day of the meeting requesting a continuance and change of applicant.
- Staff Notes: Staff received an email from EBT stating that there would be a draft plan for review prior to the next meeting for discussion at the next meeting. Project was continued from the last hearing as no representative was present to discuss the new information. A letter was received on the day of the meeting requesting a continuance and change of applicant. The board had questions in regards to continuing under the current application. Project has been under review since August of 2020 and had multiple revisions under the original applicant.
- Staff Recommendations: Additional information is needed to evaluate what may be requested. At this time, a new application would appear appropriate for a new project. The board should consider what is being presented and evaluate if a new application appears warranted.

**7. 231, 233, & 235 Cedar Street – continued ANRAD (Abbreviated Notice of Resource Area Delineation– DEP File #300-1090**

- Owner/Applicant: Michael and Gail Young      Representatives: P. McManus, EcoTec
- Request: Issue ORAD

- Documents Presented: n/a
- Project Status Summary: Hearings have been continued many times to allow restoration work to be approved and completed.
- Staff Notes: ANRAD was continued as work needed to be completed to bring site back into compliance. No new information received since last request. Staff anticipate that they will ask for a continuation as work is unlikely completed.
- Staff Recommendations: Continue hearing to a realistic date for them to finish work. Final replication work needs to be completed and survey work. They should consider a continuance to at least July if not early August depending on the extent of work to be completed and scheduling.

## II. WETLANDS DECISIONS

### 8. 9 Evergreen Lane-Partial request for a Certificate of Compliance-DEP File#300-460

- Applicant: Krause Family Trust      Original Permit Holder: Robert Moss
- Request: Issue a COC
- Staff Notes:
  - Site visit performed.
  - Development is in compliance with OOC. OOC was for full subdivision. This property does not appear to be within the BZ.
- Staff Recommendations: Issue partial CoC releasing 9 Evergreen from the OOC.

## III. ADMINISTRATIVE DECISIONS

### 9. Minutes of 4/28/22 & 5/12/22 to be approved

## UPDATES

### IV. OLD BUSINESS

#### 9. 5 Ladd Road – work within buffer zone

- Summary: Staff had been made aware of work which had been conducted within the buffer zone to a BVW w/out permits. Staff have been in contact with the property owner and have been on site. A driveway was extended, area filled and stone wall (portion of wall was not altered) was pushed back towards the BVW and built up. No trees were removed however appears shrubs and other vegetation removed. Some of the work appears within the 25' no disturb setback. The property owner had agreed to attend the last hearing but then was unavailable. The SCC requested that a letter be sent requesting attendance at the next meeting. Letter sent and staff have spoken to him and he will be attending.

### V. ADMINISTRATIVE UPDATES

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

### VI. NEW BUSINESS

#### 11. Wetland Fund Appropriation

- Staff Notes: Yearly vote to appropriate funds to support part of the Admin salary – 5 hours a week. Finance Dept. has provided amount of \$5,882.00 for FY23. Recommend voting to appropriate that amount.

#### 12. Former Curboy Junkyard, 71 Mashapaug Rd

- Staff Notes: BOS has application for transfer of auto license for property. Staff have begun to research site. Junkyard was a grandfathered non-conforming use as in residential zoning. Noting as beginning operation in the 1930s and ceasing in 2008. In 2005, gas constituents above drinking water standards found in groundwater. RTN #2-15899 issued by DEP. Then in 2006, nearby wells found to have levels of petroleum. RTN 2-16483 then issued. Original junkyard noted to have closed in 2008. Cars were removed. Review of aerial photos shows that areas had re-naturalized. Substantial vegetation had grown back in. Then in 2013, the current owner purchased the property. Review of 2015 aerial photos shows the site re-vegetated. 2019 aerial photos show new use, areas cleared and cars stored. Notice of non-compliance issued by DEP in 2019. Appears contamination/cleanup issues still being dealt with on site then. Resource areas on site including perennial stream in immediate vicinity of work. Review of records does not show that conservation permits were issued for the work conducted by the current owner. Permitting would have been required. Site is also Priority and Estimated Habitat. Staff will check w/ NHESP for permitting. Also appears that grandfathering abilities would have ended 2 years after original Curboy's ceased operation as the use wasn't continued. Closure dates noted in CMG Environmental letters.

#### 13. Tree Removal Policy

- Staff Notes: Draft policy for review.

#### 14. Agent's Report

#### 15. Next Meeting-June 23, 2022 and Site Visit Schedule- June 14, 2022 9am-12 pm

## OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR

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**ADJOURN**



LOT SIZE  
81,750± S.F.

STATE RTE 15

BREAKNECK RD

★  
SITE

LOCUS NTS

47 Breakneck

WOODS

PROPOSED WATTLES  
EROSION CONTROL BARRIER  
AND LIMIT OF WORK

EST. LOC. EX. SAS. ABANDON  
IN ACCORDANCE WITH TITLE 5

PROPOSED SEPTIC VENT  
PAGODA VENT RECOMMENDED

WOODS

PROPOSED IN  
SEE DETAIL IN

BORDERING VEGETATED

PROPOSED SAS  
3 ROWS OF 8 ELJEN  
WITH PERF. 4" PVC L  
33' L X 12.5' W SAND

EXISTING 1500 GAL.  
CONCRETE SEPTIC TANK  
OK INLET AND OUTLET TEES,  
ADD OUTLET FILTER  
OUTLET MH TO GRADE

BENCHMARK  
3TM OF SIDING  
EL. 100.0  
(ASSUMED)

MAP 170-04524-045  
REBECCA L WELLWOOD  
#45

EX. BIT. CONC.  
DRIVEWAY

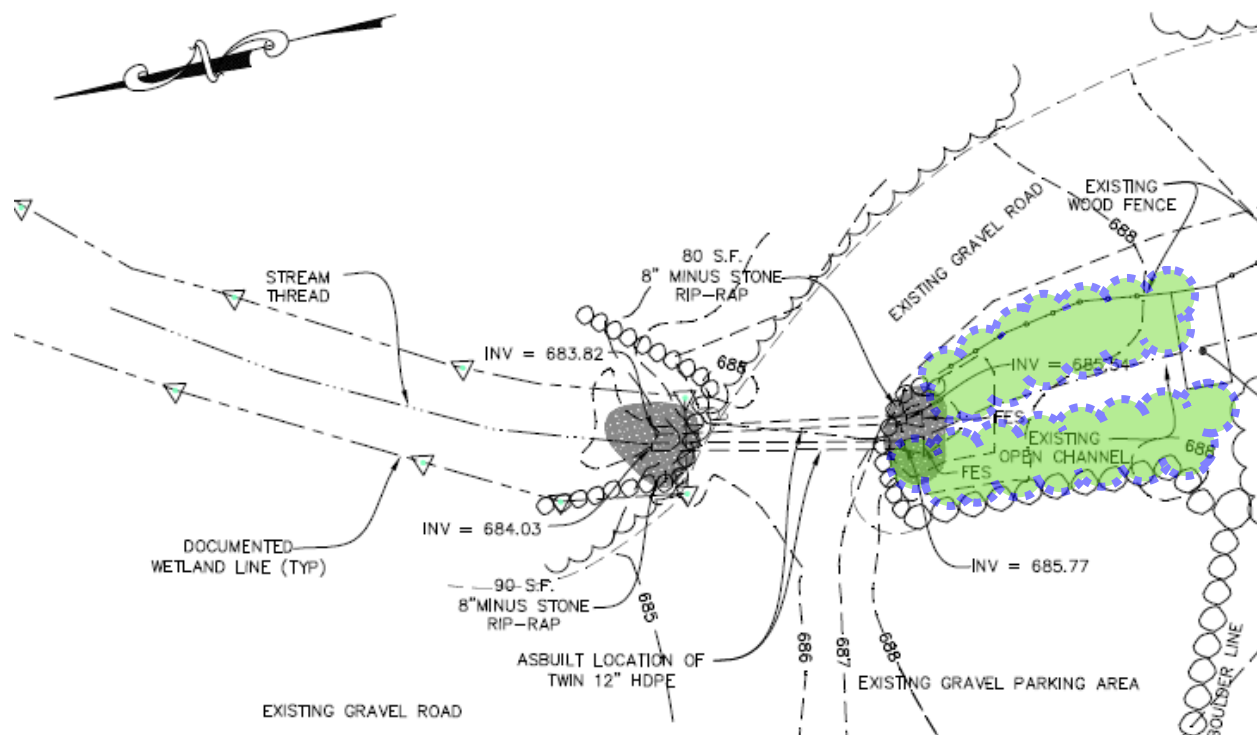
150.0'

EXISTING WELL

PROPOSED ERO  
WATTLES SEE D

## Proposed Planting Sketch

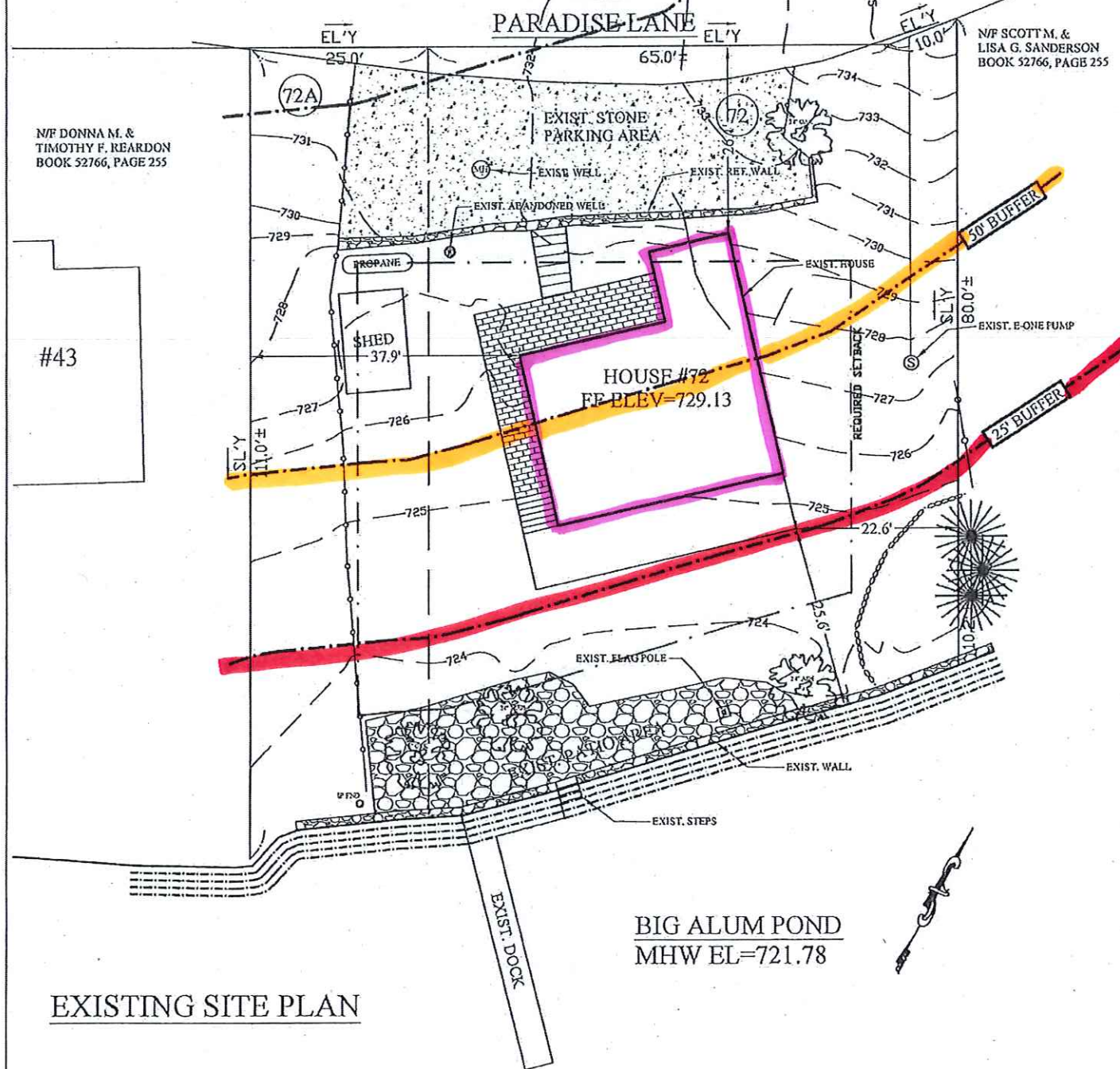
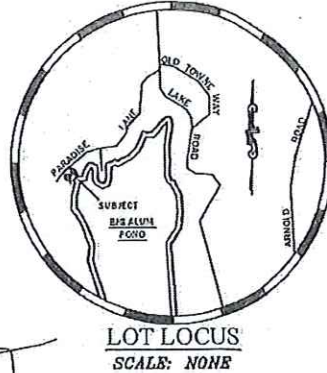
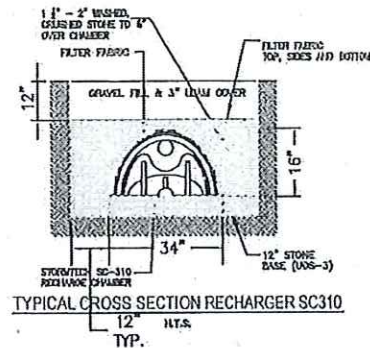
May 19, 2022



Propose to plant six (6) highbush blueberry (*Vaccinium corymbosum*) shrubs in the areas identified above



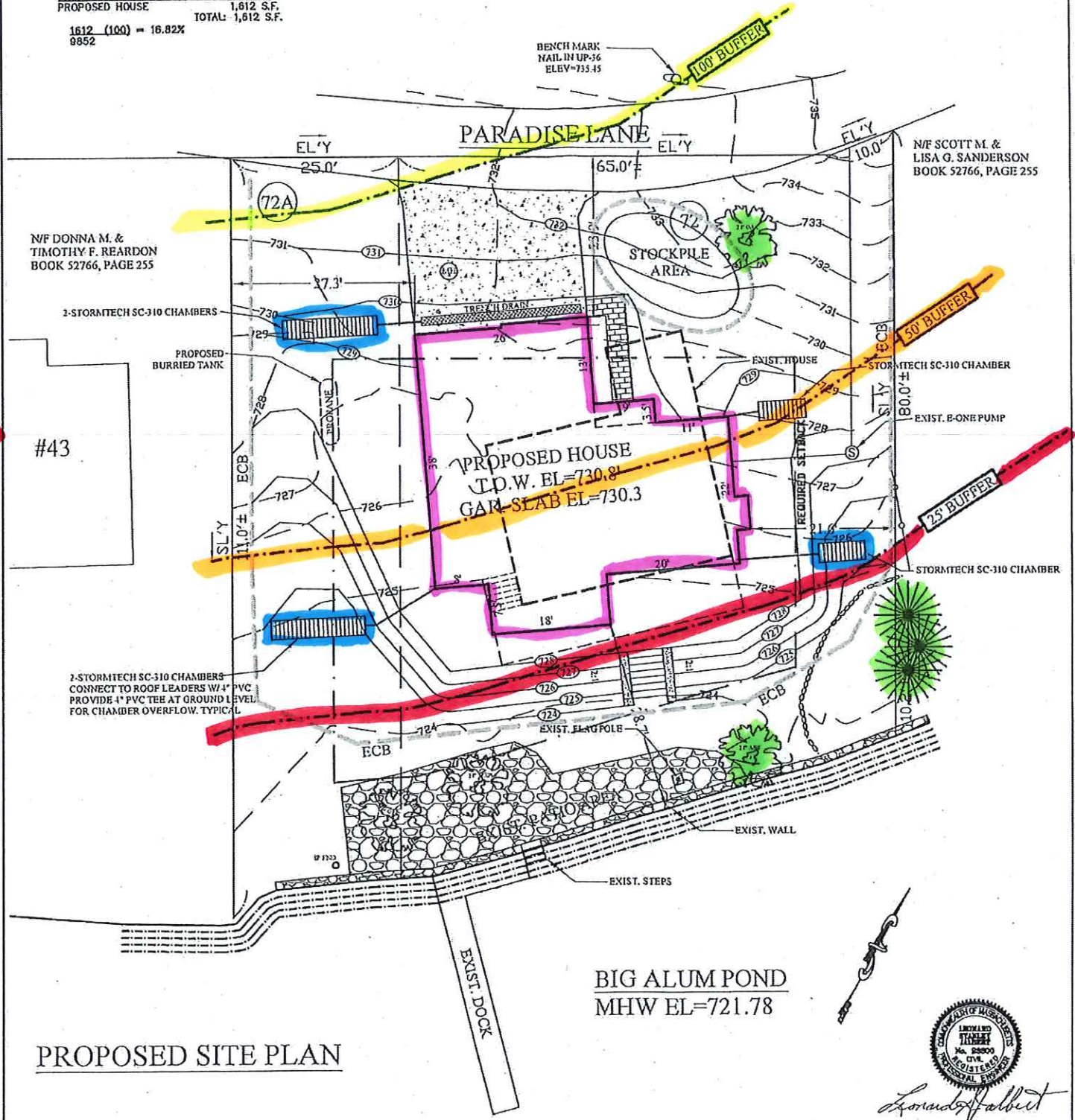
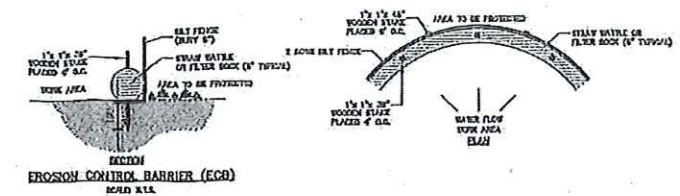
EXISTING LOT COVERAGE COMPUTATIONS  
 EXISTING HOUSE 804.5 S.F.  
 DECK AND STAIRS 324 S.F.  
 EXISTING SHED 128 S.F.  
 TOTAL: 1,354.5 S.F.  
 1354.5 (100) = 14.13%  
 9,582



EXISTING SITE PLAN

STURBRIDGE ZONING: SUBURBAN RESIDENTIAL		
REQUIRED	EXISTING	PROPOSED
AREA: 3/4 ACRE	AREA: 9,582 S.F.	AREA: NO CHANGE
FRONTAGE: 128'	FRONTAGE: 100.0'	FRONTAGE: N/C
FRONT YARD: 30'	FRONT YARD: 26.1'	FRONT YARD: 23.9'
SIDE YARD: 15'	SIDE YARD: 22.8/37.9'	SIDE YARD: 21.8/27.3'
REAR YARD: 15'	REAR YARD: 28.6'	REAR YARD: 20.7'
%COVERAGE: 15	%COVERAGE: 14.13	%COVERAGE: 10.82

PROPOSED LOT COVERAGE COMPUTATIONS  
 PROPOSED HOUSE 1,612 S.F.  
 1612 (100) = 16.82%  
 9552



PROPOSED SITE PLAN

ORIGINAL		REVISIONS				
DATE	BY	REV	DATE	DESCRIPTION	MADE	CHK'D
4/7/22	AMT					
DRAFTED BY:	AMT					
CHECKED:	LSJ					
SUPERVISOR:	LSJ					
REVIEWED:	LSJ					
REVIEWED:						
REVIEWED:						


JALBERT ENGINEERING, INC.  
 CIVIL ENGINEERS & SURVEYORS  
 34 Main Street  
 Sturbridge, Massachusetts 01566-1211  
 Telephone: (508) 347-3136 • Toll Free: 1-800-339-5136  
 Fax: (508) 347-7952


SITE PLAN FOR:  
 ROBERT M. & LISA A. MUSCARO  
 72/72A PARADISE LANE, STURBRIDGE, MA  
 GRAPHIC SCALE  
 0' 10' 20' 30'  
 SCALE: 1" = 10'

PLAN DATE: 4/7/22	DWG NUMBER
	21098

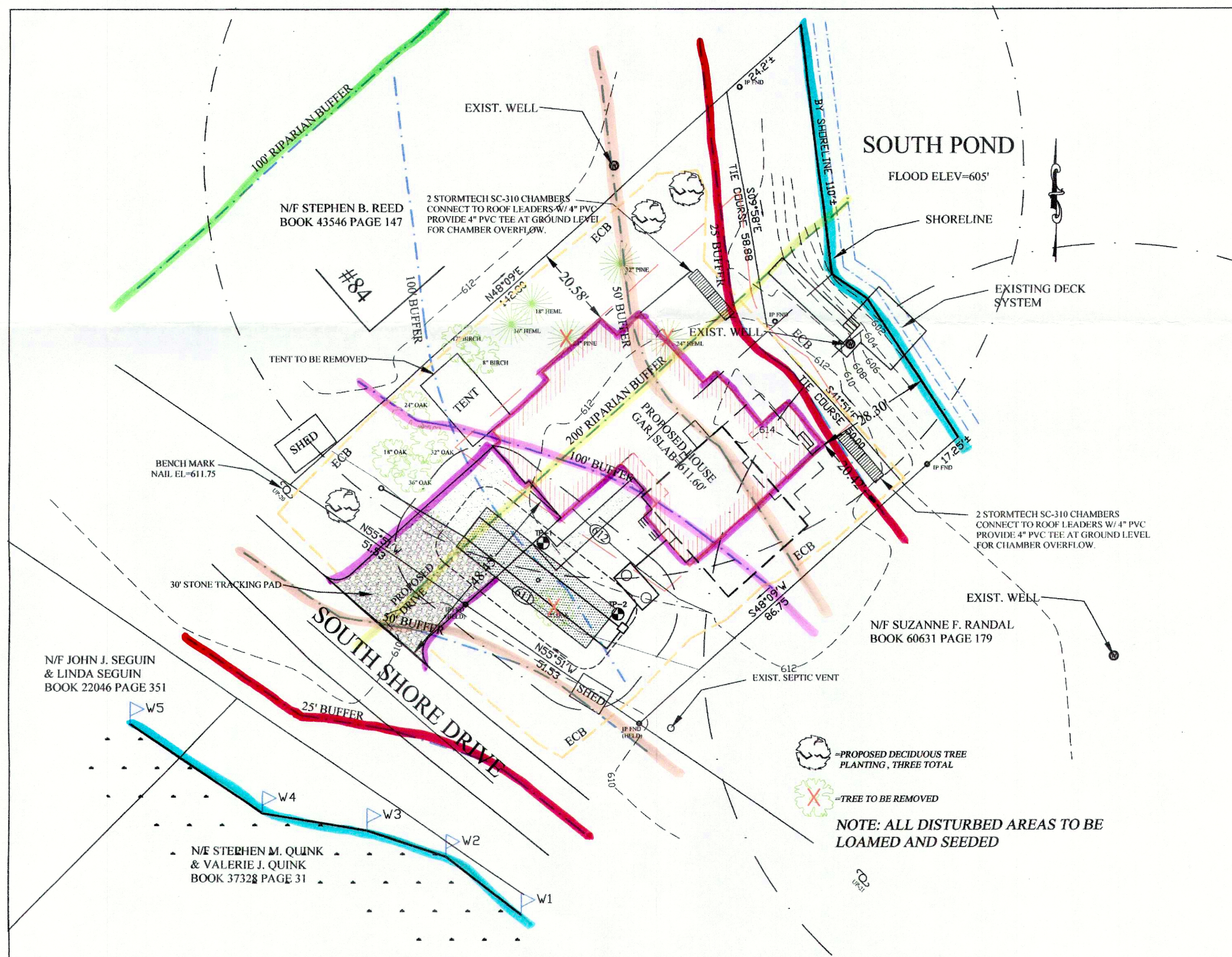


 = Wetland line  
 = 25 ft buffer  
 = 50 ft buffer  
 = 100 ft buffer

 = 100 Riparian

 = 200 Riparian

EXISTING SHED 55 SF  
TOTAL: 2497 S.F.  
 $\frac{2497}{13,503} \times 100 = 18.49\%$





**2422 SOUTH SHORE DRIVE**

**SOUTH POND**  
FLOOD ELEV=605'

**EXIST. WELL**

**SHORELINE**

**EXISTING DECK SYSTEM**

**EXIST. WELL**

**EXIST. WELL**

**EXIST. SEPTIC VENT**

**EXIST. HOUSE**

**PROPOSED HOUSE**

**SOUTH SHORE DRIVE**

**30' STONE TRACKING PAD**

**25' BUFFER**

**100' BUFFER**

**100' RUPARIAN BUFFER**

**2 STORMTECH SC-310 CHAMBERS CONNECT TO ROOF LEADERS W/ 4" PVC PROVIDE 4" PVC TEE AT GROUND LEVEL FOR CHAMBER OVERFLOW.**

**2 STORMTECH SC-310 CHAMBERS CONNECT TO ROOF LEADERS W/ 4" PVC PROVIDE 4" PVC TEE AT GROUND LEVEL FOR CHAMBER OVERFLOW.**

**NOTE: ALL DISTURBED AREAS TO BE LOAMED AND SEEDED**

**LEGEND:**  
 - PROPOSED DECIDUOUS TREE PLANTING, THREE TOTAL  
 - TREE TO BE REMOVED

**PROPERTY NOTES:**  
 N/F STEPHEN B. REED BOOK 43546 PAGE 147  
 N/F JOHN J. SEGUIN & LINDA SEGUIN BOOK 22046 PAGE 351  
 N/F STEPHEN M. QUINK & VALERIE J. QUINK BOOK 37328 PAGE 31  
 N/F SUZANNE F. RANDAL BOOK 60631 PAGE 179

**Other Labels:**  
 #84  
 TENT TO BE REMOVED  
 SHED  
 BENCH MARK NAIL EL=611.75  
 NS55°51'W 51.53'  
 548°00'W 86.75'  
 9.11'  
 612'  
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 452'  
 450'



PROPOSED SITE PLAN  
Located At: 88 SOUTH SHORE ROAD

PLAN DATE:  
2/17/22  
DWG NUMBER