

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: August 25, 2022

Time: 6:00 pm



DECISIONS

I. PUBLIC HEARINGS

1. 1 South Paradise Lane- RDA-Landscape Improvements

- Owner/Applicant: Rob Scoble Representative: none
- Request: Issue a DET
- Documents Presented: sketch drawing & site photos
- Jurisdiction: Buffer Zone & RA
- Project Summary:
 - Project includes replacement of a landscape wall and steps with a timber wall and steps.
- Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed by staff.
 - Site is within BZ and within RA to perennial stream as shown on USGS map.
 - Existing walls and steps are rotten. Replacement will be in kind. Some landscaping plantings will need to be removed. All work is within developed and maintained areas. Mini excavator to be used to remove old timbers. Old timbers are to be directly loaded into a dumpster and removed. Work proposed to be completed within 3-5 days.
 - No work proposed near the lake. The lake is on the other side of the structures. An existing driveway is between the work and the vegetated stream. Work is within BVW to stream. ECs proposed along lower driveway. Recommend just straw wattles during work.
 - Site is well vegetated.
 - Building comments-Stairs will require a building permit and need to meet code.
- Staff Recommendation: Close the hearing and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install btwn work and BVW.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

2. 16 Mt. Dan Road- NOI-Raze and Rebuild of a lakefront home-DEP File #300-1135

- Owner/Applicant: Deborah Weber Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plan, arborist evaluation and site photos
- Jurisdiction: Buffer Zone & Bank
 - **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."
 - **Bank**: 301 CMR 10.55 (4): General Performance Standard.
 - "(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:
 - 1. the physical stability of the Bank;
 - 2. the water carrying capacity of the existing channel within the Bank;

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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- 3. ground water and surface water quality;
- 4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
- 5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.”
- 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. The parking area will be expanded to park five cars with a gravel base and stone top on the opposite side of the private road. 2 sets of stairs proposed within the bank of the pond.
- Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - DEP File # and Comments received. See attached.
 - Site visit conducted.
 - Chapter 91 may be required. OOC must include condition: Either a Negative DOA or a waterway’s license would be required before Bank work begins as under commonwealth ownership.
 - 8 feet of Bank impact noted for 2 sets of stairs. 126’ of bank on property. 10% impact can be allowed provided no significant impact on values... Locations evaluated at site visit. One set is proposed at existing seasonal dock location which already has some alteration. Would not appear to have impact on values or surrounding tree routes. Other location is primarily open so no vegetation removal appears required. One large tree nearby proposed to be removed. Stairs need to not be placed on land under water. No LUW impacts proposed. Before visiting the site, staff were going to recommend only one stair location to minimize bank impact but as one set will be at the dock location staff do not have a concern.
 - 12 trees to be removed. Staff previously recommend an arborist report on tree removal. Report received and attached. Trees reviewed on site. Many trees would need to be removed due to house project. Shoreline trees health evaluated and recommended for removal. Staff recommend that the small pine with woodpecker holes be left as not dead. It’s not a threat and can be removed if it dies and becomes a threat easily in the future. It is providing wildlife habitat.
 - New structure is within 50’ no build setback. Alternative analysis must be shown that all alternatives explored before board can consider. A waiver must be requested and mitigation provided.
 - Mitigation options could include improvements to the catch basin (deep sump), swale, and additional plantings.
 - A detailed landscape plan on a separate sheet is recommended. Items including: walkways, propane tanks (or other fuel tank locations), landscaping, lawn areas to be shown.
 - All areas within the EC line shown to be loamed and seeded. Areas near lake are currently not lawn and should not be converted to lawn. Revise and show alternative cover or leave as is where possible. ECB line encompasses whole lot and probably not necessary. This should be tightened up for project to avoid compaction of tree roots during work for remaining trees. Remaining trees and tree root zones in the LOW must be protected during work. Condition must be added in permit when issued.
 - Perimeter and stormtech chambers should not be directed into the swale, which leads to the lake. A concave splash pad prior to this or into other areas is recommended.
 - Details on parking area are included in the narrative but should be included on a detailed landscape restoration plan for contractors. Staff recommend seeding the slopes with a native erosion control seed mix and an erosion control blanket.
 - There is a slope between the house and road. It may be advisable to level or terrace this area to minimize runoff and allow for some infiltration
 - O & M for stormwater structures required.
 - Construction access and staging should be shown.

- OOC still open for well project. They had temporarily installed a driveway on the house side for the well rig. Needs to be removed but requested to keep for now as this project is being proposed. Road CB needs protection when they expand the parking area. EC matting on the side slopes may be advisable with plantings and seed mix.
- Planning comments-The parcel and structure are both pre-existing non-conforming. A special permit will be required from the ZBA.
- Health comments-The private well should be tested prior to occupancy.
- DPW Director comments- The grade of the E-one main line shall not be changed, plan should include location of the sewer main. The plan calls for relocation of the existing E-one or a new E-one. The contractor will coordinate with the sewer department to remove and protect the existing E-one prior to construction. The town will not provide a new E-one, the cost and the cost of installation of the E-one will be the responsibility of the owner. The Sewer Dept. will inspect and confirm the installation only.
- Staff Recommendation: Continue to allow Applicant to address comments. Continue to the next meeting on Sept. 15, 2022.

3. **242 Big Alum Road---NOI-Raze and Rebuild of a SFH-- DEP File #300-1136**

- Owner/Applicant: Samuel and Cara Gilbert Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: Colored Site Plans
 - Jurisdiction: Buffer Zone & Bank
 - **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.”
- Project Summary: Raze and rebuild of a single family house.
- Staff Notes:
 - Proof of abutter notifications & Proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - DEP File # and Comments received. See attached.
 - Revised plan received to address DEP comments.
 - Property is within the buffer zone to a BVW across Roy Rd (within 100 ft. BZ) and within the 200 ft BZ to Bank associated with Big Alum. Site is a developed SFH lot. No new structures shown within 50 ft. of wetlands.
 - NOI notes 8’ of bank impact. However, not shown on the plan. PE should clarify if Bank impact proposed.
 - One tree to be removed on plan. Fruit tree shown to replace it. Typically, a tree which provides canopy recommended however the existing tree is an ornamental tree and BVW is on the other side of the road and well shaded. Additional large oak noted to be removed at site visit. Tree is approx. 200 feet from lake and over 100’ from the BVW. No replacement would appear necessary.
 - Property contains 2 houses. One to be removed. ZBA approval will be sought for accessory unit as houses will be attached.
 - Pervious paver driveway proposed.
 - O & M for stormwater structures and driveway required.
 - EC should have opening that is closed when not being worked on (straw bales).
 - Besides having an O & M plan as noted above, staff have no overall concerns.
 - Water/Sewer Dept. Comments-I am requesting information on the sewer lines and pumps. Will the lines be reused and are the pump chambers staying in place? How will the pump chambers and line be protected during construction? If the lines are to be shut down during construction they must make a request ahead of time in writing to the Tax Collectors office.
 - DPW Comments-Will the existing building not being modified continue to be used during construction? Will the construction interrupt the power supply to the E-One pump system or the piping to the E-One pump system? If the E-One is not going to be in use during construction, the pump should be removed for protection. If it is going to be used, extra protection should be taken.
 - Planning Comments-This application will have to go to ZBA for expansion or change of a pre-existing non-conforming structure.

- Staff Recommendations: Recommend closing the public hearing and approving the project pursuant to the WPA and the SWB with the following conditions:
 - PE to provide O & M plan to be referenced in OOCs.
 - Standard OOC conditions.
 - Engineer sign off and supporting documentation of install of drainage structures and pervious driveway.
 - Perpetual conditions for maintenance of pervious pavers and 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. \$5,000 for new single family house development has been previously required. To be released upon issuance of a Certificate of Compliance.

4. 15 Cove Drive–NOI-Addition on a lakefront house – DEP File #300-1137

- Owner/Applicant: Sean Bushe Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: colored site plans
- Jurisdiction:
 - **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. New structure Setback: 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
 - SWB Regs Vernal Pool Habitat 365-5.6
- Project Summary: Removal of existing deck and gazebo to be replaced with a smaller deck, pervious patio. An area below an existing sunroom will be lowered and a new sunroom constructed under the existing sunroom.
- Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - DEP File # and Comments received. See attached.
 - Revised plan received. Includes BLSF designation. No work shown within BLSF.
 - Site visit conducted.
 - Underground utilities proposed within 50-100’ from PVP and rest of work is within 150-200’ of PVP, however, work is minor and will include digging a small trench. No vegetation (shrubs/trees) proposed to be removed. Staff have no concerns with this.
 - New sunroom under existing sunroom appears to be expanded and would be a new structure within 50’ of the lake.
 - New structure is within 50’ no build setback. Alternative analysis must be shown that all alternatives explored before board can consider. A waiver must be requested and mitigation provided. It may be advisable to stay in same footprint of sunroom and not expand here. Appears there are alternative options to the extended sunroom.
 - Area under sunroom will require excavation most of material appears to be past fill. Significant tree roots of large pine noted adjacent to this area. Areas beyond existing footprint should not be excavated.
 - Potential mitigation options could include improvements along the shoreline to create a vegetated filter strip between the lawn and lake. Herbaceous perennials and shrubs could be planted. Some minor erosion noted along the side yard from downspouts and driveway. It would be a good improvement to install BMPs (i.e. drip strip, underground chambers, etc.) to manage stormwater here.
 - O & M for stormwater structures (if installed) may be necessary.
 - Water/ Sewer Dept. Comments-Is there any intention of moving the water and sewer?
 - Planning comments-A Determination will be required for the ZBA, no new non-conformities will be created and coverage will be slightly decreased.
- Staff Recommendations: Board to provide comment on new structure. Continue to allow Applicant to address comments. Continue to the next meeting on Sept. 15, 2022.

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 Status Summary:
 - Project was continued for further revisions.
- Staff Notes:
 - Project was discussed at last meeting. Representative to address staff & SCC comments.
 - Reminder: NHESP Letter received. No concerns. Not within Estimated Habitat just w/in Priority Habitat. BOH no concerns w/ septic proposal in relation to OWR standards.
 - New information received:
 - Revised Plan
 - Revised Septic Plan
 - Reduction to RA impacts had been addressed on last plan. Substantial portion of structure moved back into RA to reduce house within 50' no build. However, structure size increased since last plan and porch now added to 50' no build setback. RA area is previously developed; however, new structure is not an improvement over existing lawn. RA restoration of remaining RA could satisfy this for SWB standards.
 - Project still requires waiver as new structure is within 50 ft no new structure setback. Mitigation is 2:1. Board should evaluate mitigation. Mitigation shown as recharge systems for roof.
 - 3 trees to be removed w/ 3 deciduous trees stated to be planted. Trees must be native and size to be stated. Sizes shall be documented. Should be at least 1.5" dbh.
 - Stone tracking pad shown but final driveway surface not noted. What is proposed surface? Stormwater BMPs may be needed depending on surface.
 - O & M plan needed for pervious paver surfaces and stormwater structures.
 - Appears if they removed the porch and provided RA restoration then the project would meet permitting standards.
- Staff Recommendation: Board to provide comment on revisions. Continue to allow Applicant to address comments or vote on project as shown.

6. 92 McGargle Road- RDA- Removal of two trees within 25 feet of Bank

- Owner/Applicant: Tom Creeden Representative: none
- Request: Issue a DET
- Documents Presented: site photos
- Project Status Summary: Project is the removal of two trees within 25 feet of Leadmine Pond and approval to remove 2 additional trees further from the lake if their condition deteriorates further.
- Staff Notes:
 - **Proof of abutter notifications required**. Proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Staff site visit performed.
 - 2 trees requested to be removed on the bank are a pine and maple. Trees have grown into each other at base. Both lean over the lake and roots on upland side are exposed. Owner notes that this has recently happened.
 - If these trees fall they will cause damage to the bank. It may be best to remove before they fall and destabilize bank.
 - There are a few mature birches in that area and some saplings growing in vicinity. One maple may be sufficient for the area. Would have to be setback as stumps to remain.
 - One of the other trees has a significant lean and leans towards the electrical lines and sheds (approx. 120' from the lake). The other tree's roots are exposed and has a very slight lean. That may also be due to searching for sunlight as clustered within other trees (approx. 70' from lake).
 - There is a stream and BVW on other side of McGargle Rd. The trees are not adjacent to the BVW and the area has many trees.
 - Lose of these 2 trees would not appear to affect the resource area. They are only asking to remove if their condition declines as they have the RDA filing in front of the board now.
- Staff Recommendations: Staff recommend approval of the request. Close the hearing and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - No stump or root removal.

- Replacements: 1 maple near the Bank. Tree to be at least 1.5 inches at DBH. To be planted immediately following removal. If trees are removed in winter (to fall on ice) then tree to be planted w/in one month of the following growing season.
- Positive #2b: no resource area approval
- Positive #5 w/ conditions noted above.

7. 235 Podunk Road- NOI- Construction of a single family home-DEP File #300-1134

- Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental
- Request: Issue OOC
- 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.”
- Project Summary: Construction of a SFH lot.
- Staff Notes:
 - DEP File # received. No comments.
 - Site visit performed. Site was not staked.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Project was filed under a SWB NOI and RDA last year but applications w/drawn as Applicant was awaiting perc testing (during drier conditions) to relocate to the front of the yard.
 - At that time, there were questions on wetland flagging. Staff reviewed and found an area outside of the flagged wetland that had evidence of groundwater break through, leaf staining, wetland vegetation, etc. They agreed to revise flagging. Does not appear that flagging has been revised. Need to evaluate line as accurate.
 - Area was looked at again at this year’s site visit and similar concerns still exist.
 - Additionally, lot coverage was questioned as it did not appear that Zoning bylaw rules were met. Update on this shall be provided. Need to know if lot is buildable per zoning.
 - As shown, no work proposed within the 100’ BZ. If the flagging changes then work will be within state jurisdiction. Otherwise, as is no state permit needed.
 - Current plans do not show extent of wetland line. This is required to be shown on the plan.
 - Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.
 - Podunk Road is a Scenic Road.
 - DPW Director Comments-Driveway permits will be required. Stormwater for the driveways should be addressed, although most of the stormwater is staying on the site. There is a drainage trench along road edge that will need to be maintained and not filled in by the driveways. More detail will be needed on how the existing drainage pattern will be maintained with the installation of the driveways. There is an incorrect proposed contour elevation on the plan near the driveway (783) for #237.
- Staff Recommendation: Plan with wetland flagging must be provided. If the board and applicant cannot agree on wetland flagging, staff recommend peer review to resolve.

8. 237 Podunk Road- NOI- Construction of a single family home-DEP File #300-1138

- Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental
- 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.”

- Project Summary: Construction of a SFH lot.
- Staff Notes:
 - DEP File # received. No comments.
 - Site visit performed. Site was not staked.
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Project was filed under a SWB NOI and RDA last year but applications w/drawn as Applicant was awaiting perc testing (during drier conditions) to relocate to the front of the yard.
 - At that time, there were questions on wetland flagging. Staff reviewed and found an area outside of the flagged wetland that had evidence of groundwater break through, leaf staining, wetland vegetation, etc. They agreed to revise flagging. Does not appear that flagging has been revised. Need to evaluate line as accurate.
 - Area was looked at again at this year’s site visit and similar concerns still exist.
 - Additionally, lot coverage was questioned as it did not appear that Zoning bylaw rules were met. Update on this shall be provided. Need to know if lot is buildable per zoning.
 - As shown, no work proposed within the 100’ BZ. If the flagging changes then work will be within state jurisdiction. Otherwise, as is no state permit needed.
 - Current plans do not show extent of wetland line. This is required to be shown on the plan.
 - Applicant has 4 open SWB OOCs which need to be closed out as work is completed and properties transferred. Recommend CoC requests submitted as work is completed. CoC is a requirement of the OOC.
 - Podunk Road is a Scenic Road.
 - DPW Director Comments-Driveway permits will be required. Stormwater for the driveways should be addressed, although most of the stormwater is staying on the site. There is a drainage trench along road edge that will need to be maintained and not filled in by the driveways. More detail will be needed on how the existing drainage pattern will be maintained with the installation of the driveways. There is an incorrect proposed contour elevation on the plan near the driveway (783) for #237.
 - Staff Recommendation: Plan with wetland flagging must be provided. If the board and applicant cannot agree on wetland flagging, staff recommend peer review to resolve.

9.5 Ladd Road- NOI-After the fact Driveway expansion-DEP File# 300-XXXX

- Owner/Applicant: Lorenzo Monaco Representative: none
- Request: Issue an Order of Conditions
- Documents Presented: colored sketch plan
- Jurisdiction: Buffer Zone to BVW and Bank
- Project Summary:
 - Project was conducted without wetland permitting. NOI required by board.
- Staff Notes:
 - DEP File # not received.
 - Site visit performed.
 - **Proof of abutter notifications required. Proof of legal ad required.**
 - Project site is not located within Priority & Estimated Habitat.
 - Driveway was expanded, partial rock wall installed and vegetation removed to expand driveway. No grades were changed. Large portion of rock wall was existing from when the house was built. Proposing to remove millings. Stones on trees to be removed and native shrubs proposed as shown on the sketch. Narrative includes 3 options for driveway surface. He would like to pave it but is unsure if that can be accomplished. Other options include: loam and seed for lawn or ¾ inch crushed stone.
- Staff Recommendation: No action to be taken until DEP File # received. Board should discuss options for driveway. Staff recommend allowing the options to exist and be note din CoC at the end of the project. Once received, staff recommend approval pursuant to the WPA and the SWB with the following conditions:
 - Allow for 3 options for project.
 - Standard OOC conditions.

10. MA DOT – Request for a Determination of Applicability - I-90 Resurfacing and Vegetation Management Work

- Applicant: MA DOT – Highway Division Representative: S. Kriesel, BSC Group

- Request: Issue an Negative DOA
- Documents Presented: n/a
- Project Summary: Eastbound and Westbound Shoulder I-90 from I-84 exchange to municipal boundary of Charlton within I-90 ROW.
- Staff Notes:
 - Project includes re-surfacing, adjustments to drainage structures and vegetation management. All veg work within the highway layout, most within guardrail some will extend past guardrail. Most of the work is exempt pursuant to the WPA, however, some of the vegetation work will occur in resource areas (RA is exempt).
 - Proof of abutter notifications not required. Proof of legal ad received.
 - State agencies not subject to local bylaws so no SWB jurisdiction.
 - Veg management does not include any earthwork.
 - Work is related to the project in which the required drainage improvements are being made. Those improvements were required and completed under an EO. Con com is waiting an update and answers to substantial compliance with that work. Few small outstanding cleanup items, too.
- Staff Recommendations: Close the hearing and issue a DOA:
 - Negative #3 with conditions for non-exempt vegetation management:
 - Notification prior to work.
 - Contractor training for work in resource areas.
 - DOT environmental staff or BSC staff oversight for work in resource areas.
 - Post-work Reporting documenting work in resource area and any alteration.
 - No stump or root removal.
 - Negative #5
 - Negative #5: 310 CMR 10.02(2)(b)(1) & 2.n
 - Positive #2b: no resource area approval.

11. 698 Main Street—continued ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1133

- Owner: National Grid Applicant: Interstate Towing Representatives: G. Krevosky, EBT Environmental
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary: Continued to select and initiate peer review.
- Staff Notes:
 - DEP File # issued no comments. Proof of abutter notifications received. Proof of legal ad required.
 - Art Allen selected for peer review. Review to be conducted on 8-16-22.
 - Staff visited site w/ Art. Report to proceed. One revision noted when staff were there w/ connection of 2 BVWs as flow observed. Pipe was not located but there is some connection. Art was to review the rest of the site and provide comment.
- Staff Recommendations: Request revisions to plans as noted above and any others if found.

12. 150 Charlton Road- continued NOI- Development of a light Industrial building and supporting infrastructure - DEP File #300-1115

- Owner/Applicant: Cobra Realty Trust Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: peer review report & colored staking plan
- Project Status Summary: Project was continued to allow for peer review of changed project.
- Staff Notes:
 - Peer review report received with comments for revision. Project to be revised to include recommendations.
 - Revised plans, drainage report and peer review response letter received on 8-17-22. Provided to peer reviewer.
 - Site visit conducted to review new LOW.
 - All work has been removed from the RA.
 - LOW to be added to site plan set. Closest point of the LOW is shown near the IVW at approx. 40 feet.
 - Revised project is described as light industrial. Unknown what final use will be at this time.
 - Staff continue to strongly recommend that a stockade style fence is installed behind the curb (but on top of the slope) to minimize disturbance to wildlife habitat as this is an industrial zoned area and uses will have an impact on adjacent wildlife habitat. This should be adjacent to Rt. 20 and follow down to the existing stone wall. A gap can be

left near Rt. 20 to allow for site lines and access to perform O & M activities and inspections on the stormwater outlet.

- Not shown now as a LUHPL. Condition must be included that any future use must comply with all applicable local, state and federal laws. If the eventual use is a LUHPL then the stormwater system would have to meet standards for such use.
- Revised project is a significant improvement over alternative plans submitted.
- Lighting plan shown. It should be verified that lighting is dark sky compliant (i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so to not illuminate any part of the wetland).
- Estimated O & M Budget not included. Stated that project still requires site plan approval and DOT approval so hard to estimate at this time with potential cost changes. Can add a condition to include prior to the start of work.
- Stated that MA Dot may make changes to the access to Rt. 20 and request that a condition be included to allow so for public safety. A general condition is always added to permits that if the project is to change then prior review and approval by the SCC will be required. The extent of changes would dictate what requirements maybe necessary for approvals pursuant to the WPA and the SWB. It would not be possible to give a blanket approval for unknown changes.
- EO still open. Restoration areas should be monitored. The area of the trench would benefit from loam and seed.
- Water/Sewer Dept. comments-In order to use the fire line to also feed the domestic the fire line must be increased to 8 inch. If not increased than a separate line will be needed from the main to the domestic. All maintenance of the E-one will be required by the owner, the town only takes care of residential E-ones. Persons installing water line must have current water installer’s license. Water application must be filled out and fees paid before any work can be done. If using plastic tubing a tracer line must be installed on top of the sand from the meter in the basement to the shut off box and exposed. All inspections and activations require 48 hour notice.
- Building comments- A site plan review will be required also the building needs to meet 780 CMR and zoning wise meet Article IV use regulations section 300-4.7 of the industrial park district.
- Planning comments- The proposed layout appears to comply the zoning requirements, however the project will require a full site plan review and traffic analysis.
- Staff Recommendations: Project is continued to allow for peer review to review revisions, staff comments and any board comments. When appropriate and with the mentioned revisions, staff would recommend approval.

13. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – *continued* NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-1132

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: Concept Sheet, Concept Open Space and LEC letter (dated 8-18-22)
- Project Summary: Project was continued to allow for project revisions based on comments to date.
- Staff Notes:
 - Revised materials received on 8-19-22.
 - Staff sent to peer review for comment.
- Staff Recommendations: Await peer review comment and provide feedback of conceptual plans. Continue to next meeting Sept. 15, 2022.

II. WETLANDS DECISIONS

14. National Grid Easements along Leadmine Lane- Request for a Certificate of Compliance-DEP File#300-1025

- Applicant: Mass Electric Company Permit Holder: same
- Request: Issue a COC
- Staff Notes:
 - Site visit performed.
 - No concerns.
- Staff Recommendations: Issue complete CoC. No perpetual conditions in OOC.

15. 70 Westwood Drive – Request to extend an Order of Conditions –DEP File #300-1035

- Applicant: Josh Wages Representative: L. Jalbert, Jalbert Engineering
- Request: Issue extension.
- Staff Notes:
 - Requesting extension due to COVID for three years.
- Staff Recommendations: Issue 3 year extension.

16. 47 Breakneck Road – Request for Certificate of Compliance -DEP File#300-1130

- Applicant: Michael Caplette Permit Holder: Chris Mattioli

- Request: Issue COC
- Staff Notes:
 - Site visit performed.
 - Supporting documentation received. Site stabilized.
- Staff Recommendations: Issue complete CoC w/ following perpetual conditions: SC 44-47.

17. 10 Willard Road – Request to extend an Order of Conditions –DEP File #300-0942

- Applicant: Kimberly Klimczuk Permit Holder: Kimberly Klimczuk
- Request: Issue COC
- Staff Notes:
 - Local OOC for new SFH lot.
 - Supporting documentation received. Site stabilized
- Staff Recommendations: Issue complete CoC with perpetual conditions: SC's: 19, 20 & SSC's: 8 & 11.

18. 1 Hare Rd. (George Vinton Rd.) Request for Certificate of Compliance -DEP File#300-1007

- Applicant: Wood Associates on behalf of Ameresco Permit Holder: BWC 8 LLC
- Request: Issue COC
- Staff Notes:
 - Project included culvert replacement and mitigation plantings.
 - Supporting documentation received: as-builts documenting invert, outlet and water level elevations; monitoring completed for plantings and side slopes; letter of substantial compliance.
- Staff Recommendations: Issue complete CoC with perpetual conditions: SC's: 56-63.

19. 42 Draper Woods Request for Certificate of Compliance -DEP File#300-0469

- Applicant: Robert M. Bixby & Nancy Ferreira-Bixby Permit Holder: Swiaki & Company, LLC
- Request: Issue COC
- Staff Notes:
 - Site visit performed. No concerns.
 - Lot part of Draper Woods. Is in BZ, had additional letter permits for sheds, etc. on property.
- Staff Recommendations: Issue partial CoC releasing 42 Draper Woods from the OOC.

20. 51 Technology Park Road Request for Certificate of Compliance -DEP File#300-1029

- Applicant: Dileo Gas Permit Holder: Dileo Gas
- Request: Issue COC
- Staff Notes:
 - Site visit performed.
 - No concerns.
 - Annual maintenance and reporting required as in perpetual conditions.
- Staff Recommendations: Issue complete CoC with perpetual conditions: SC's: 61-67.

21. 132 Lane Nine Emergency Certification

- Requestor: COAN Landscape Design on behalf of Randy Bercume Property Owner: Randy Bercume
- Request: Ratify approval
- Staff Notes:
 - Site visit performed w/ Erik Gaspar when request received (7-21-22).
 - EC issued as steep bank and continual erosion and sediment washout entering resource areas.
 - Conditions implemented and after the fact NOI requirement.
 - In Priority Habitat. NHESP notified by Requestor.
- Staff Recommendations: Ratify issued EC.

III. ADMINISTRATIVE DECISIONS

22. Minutes of 7/14/22 to be approved

UPDATES

IV. OLD BUSINESS

23. MA DOT MA DOT Enforcement Order - I-90 Drainage Improvements Update

- Staff Notes: Project has primarily been completed. Staff and Raoul Ricard visited the site in late June & requested the following of DOT.

“As Raoul indicated we did stop by to review the project on June 23, 2022. Overall we were impressed with the final work. Thank you for your efforts here. There were a few small items that need to be completed which I have listed below. I informed the board of our site walk and status of the project. We would like to add this to our August 25, 2022 meeting agenda for the board’s review in an effort to work towards being able to close out this Enforcement Order. Prior to that meeting, we would like the following:

- An update on when the final items (listed below) will be completed. Final items include:
 - Removal of all final site BMPs: compost socks & silt fence and stakes in Cedar Lake (this fence has been in the lake for years)
 - Repair of the pipe under the access roadway (concrete patch) at end of Old Hamilton Road – Area 3
 - Clean out debris in stone swales
- A walk through with DOT and hopefully Peter, from BSC Group.
- BSC Group (designing engineers) review the project for compliance with the approved plans and provide the board with a report on the completed project. Note any deviations and if constructed in substantial compliance. Similar to what would be required with a request for a Certificate of Compliance.
- BSC provide DOT and us recommendations for O & M activities required for the drainage structures to include recommended frequencies of maintenance work.
- DOT commitment for at least 2 years of monitoring and reporting on the site improvements”
- Staff followed up twice after the initial email. Staff were contacted on 8-16 and informed that maintenance will be going out on 8-17-22 to make the improvements, an update on project will be submitted (main person is currently on vacation) and that BSC group would be contacted on the above mentioned items.
- Staff Recommendations: Request formal response to items by end of August to be added to Sept. 15, 2022 meeting. Representative attendance expected.

V. ADMINISTRATIVE UPDATES

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

VI. NEW BUSINESS

24. Special Use Permit Application – Rotary Leadmine Mtn. Conservation Area

- Request: Use portion of Leadmine Mtn. Conservation Area for 5k non-profit event. The main event is located on OSV’s property and they would like to use the Arbutus Park Trail on Leadmine. The expect 150 participants. They did discuss this with the Trails Committee last year and the Commission was made aware of the event a few days in advance last year. There were no issues and the trails committee reviewed the trail conditions afterwards.
- Additional details that were provided below. The event will comprise:
 - a 1K timed race for pre-teens just along Old Sturbridge Road
 - a 5K timed race for adults starting on Old Sturbridge Road, then following the trail around the lake
 - a 5K walk on exactly the same route, for older folk
 - a costume parade, games and competitions for young kids, entirely in the Dining Room beside the education center at OSV.
- Last year they had 122 registered participants, which included the 80 "5K Runners", 31 "5K Walkers" on the trails, plus 11 "1K Pre-Teen Runners" that only ran on OSV Road. They hope to increase the runners going on the trails to 150. They had one water station on the trails, manned by a club member and a CERT person. In addition, they had a second water station at the Finish line (off site). They anticipate that they will do the same this year.
- Staff Notes: Staff sent request to DFW for comment. CR does require notification and approval of the Grantee.
- Staff Recommendations: Await DFW comments on event. Staff would recommend that all trash be removed and that the trail conditions must be reviewed w/a member of the trails committee afterwards and any repairs made that may be necessary.

25. 18 Ladd Road-Forest Cutting Plan

- Request: Copy of FCP received.
- Staff Notes: Land is within Chapterland program and has long been maintained as forest. Forester has been responsible for management here for many years. Plan includes work in Charlton and Sturbridge.
- Stream crossings in Charlton. Access will be on Ladd Road. Forester has been in communication with DPW Director. Plan filed with the BOS for public hearing.
- Forester could not attend meeting but offered to walk the site and/or speak on the phone with a member if they had any questions.
- Skid roads are existing.

- Culvert under former Bond Sawmill Road may benefit from some protections such as a metal plate over driveway surface to distribute weight.
- Staff Recommendations: Recommend one-member contact forester and discuss plan if board sees value. Staff do not have any overall concerns due to long term management here.

26. Agent's Report

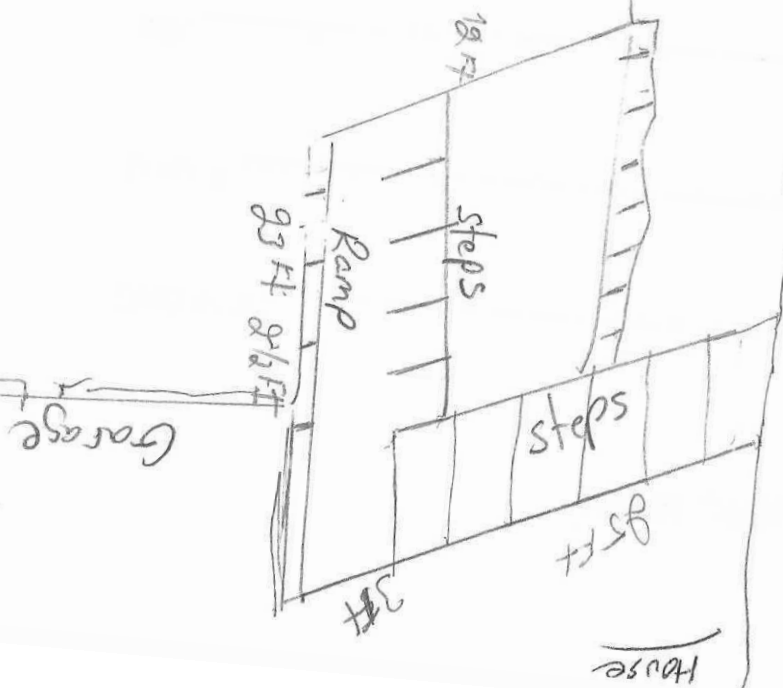
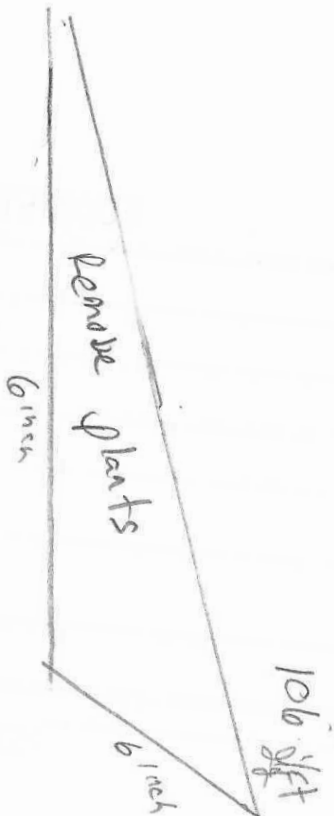
27. Next Meeting-September 15, 2022 **and Site Visit Schedule**- September 6, 2022 9am-12 pm

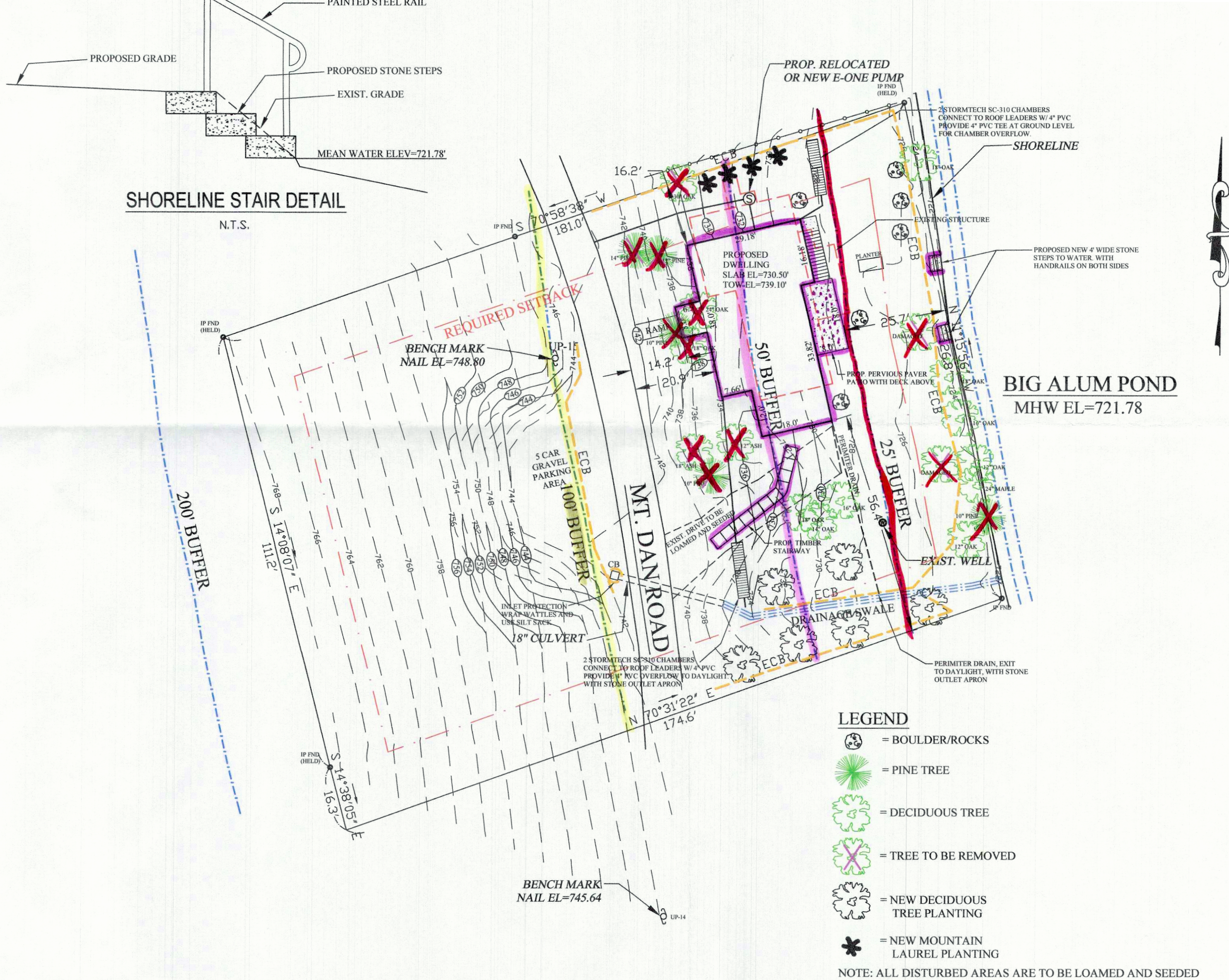
1 South
Paradise Lane



Driveway

Driveway





16 Mt. Dan











TREE REMOVAL PERMIT APPLICATION

STURBRIDGE CONSERVATION COMMISSION

In an effort to make the most informed decision possible concerning a tree removal application the Commission encourages the applicant to provide as much information about the tree(s) as possible.

In situations where the health and/or risk assessment of the tree is justification for removal professional advice is strongly suggested.

Credible professional tree diagnostic, evaluation and recommendation advice is available to the applicant through certified arborists: Please refer to the following two websites to learn more about utilizing a certified arborist.

Application Date: 14 Aug 2022

Address of Property: 16 Mt Dan Road

Property Owner:

Name: Webber, Gross & Morrison

Address: 16 Mt Dan Rd Sturbridge Ma 01518

Phone: 602-448-1345

Email: dave@morrisonlawaz.com

Applicant Contact Person:

Name David Morrison

Phone: 602 448 1345

Address

Email: dave@morrisonlawaz.com

Tree Removal Information

Number of trees to be removed: 12: – 3 are along the lake front, 9 are between the new home construction and Mt Dan Rd

The 3 trees along the lake front are:

1: a 10" DPH white Pine with trunk and cambium damage in 2 locations caused by a Pileated Woodpecker. The damage is somewhat minor, and the overall single stem pine does look healthy, and although it has been identified for removal I believe at its current stage, it will survive the damage and continue to grow healthy. (See Picture # 1)

2: a 12" DBH oak: this tree has center stem rot and decay well into the trunk. It is showing some signs of stress, recommend removal

3: a twin stem, 30" red Maple. This tree due to the codominant stems has a separation crack forming with early signs of rot and decay visible. The rear stem has a major limb dieback, and signs of stress. Due to the size of the stems, recommend removal of complete tree See pics # 3 & 3a

The 9 trees between the new home construction and road are all located "below finished grade" by a minimum of 12" to over 24" way too deep of a cover over the existing roots and trunk for their survival. With the relocation of the new home back away from the lake front, excavation is also well into the critical root zones of these trees. Of the 9 trees, 5 are white pine with shallow roots, which will not do well with construction damage and grade change, 2 are white Ash, and are now in a infestation area of the Emerald Ash Borer, the other 2 oaks, 1 is a 30" DBH with existing trunk damage and lean over the existing home, existing damage, coupled with new construction damage and sewer pump relocation and grade change will all lead to the death of this tree. The tree displays stress currently with large dead branches and thin top The other Oak is in generally good health, but well within the needed construction zone/grade change for the home. (Pics 4 & 5)

Indicate and attach plan, if necessary, the size, species, and location of removal trees.

All trees are located on the site plan (# 21129 – Rev #1) for DEP file # 300-1135 prepared by Jalbert Engineering dated 6/23/22,

Reason for removal:

Current health and construction needs of access and grade change

The Commission may require replacement plantings:

I have advised the property owner of this requirement and discussed at the site visit on 12 August 2022. I recommended additional plantings of both large trees (Red Maples) and a mix of smaller "understory trees" and shrubs to consider: River Birch, Dog wood, Service Berry, Eastern Red Cedar, single stem Arborvitae, Winterberry and Mt Laurel. The property owners were to discuss this with their engineer for # and placement on the plans.

Thomas Chamberland
ISA Certified Arborist # 1075A NE

Guidance for Replacement Plantings:

It is recommended that careful consideration be made for mitigating plantings when a tree is being removed. Shrub planting may be a mitigation recommendation when tree replacement is not appropriate. This compensation is dependent upon the level of activity associated with the tree removal and its impacts or future impacts upon the effected

resource area. Additional guidance can be obtained from a Certified Arborist or a qualified landscape professional.

OFFICE USE ONLY File #:

Accepted by:

Denied (Inspection Date):

Approved:

Approved with the following conditions:

16 Mt. Dan
Arborist photos
& notes
1 of 2



woodpecker damage 8 in WP



twin Red Maple
dead leader



twin Red Maple split



30 inch oak
top thin &
die back
limbs

16 Mt. Dan
Arborist photos
& notes
2 of 2

trees in fill zone new house const



From: CERO_NOI@MassMail.state.ma.us
To: lsjalbert@jalbertengineering.com
Cc: ceronoi@state.ma.us; Rebecca Gendreau; ceronoi@state.ma.us
Subject: MassDEP NOI File Number
Date: Monday, August 1, 2022 1:40:35 PM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL REGIONAL OFFICE

8 NEW BOND STREET, WORCESTER, MA 01606 508-792-7650

Date: 08/01/2022

Municipality STURBRIDGE

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant	TENANTS IN COMMON: DEBORAH WEBER, SUSAN GROSS, HEATHER MORRISON	Owner Address
Address	3201 EAST COROL AVENUE, PHOENIX AZ	
Locus	16 MT DAN RD , STURBRIDGE MA 01518	

This project has been assigned the following file #: **CE 300-1135**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF
SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

The project as proposed will impact Bank resource area which may be coincident with MAHW of Alum Pond, a listed MA Great Pond. Accordingly the project may require a Ch. 91 license from the Waterways Section of MassDEP. An inquest should be made with Waterways for a determination on whether the proposed work should be covered under a Ch 91 permit. While the applicant has indicated that work will occur during lake drawdown, MassDEP recommends that the Commission condition stair installation to occur only during low water or drawdown periods of the year. MassDEP recommends that sedimentation barrier be implemented between the proposed stairs and lowered waterline.

ADDITIONAL REQUIREMENTS:

A Chapter 91 license may be required. Application and transmittal forms are available on the MassDEP website

<http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. For additional information, contact MassDEP Waterways Program by email at dep.waterways@mass.gov or visit <https://www.mass.gov/waterways-program-chapter-91>.



Leonard Albert

242 Big
Alum Rd.



From: CERO_NOI@MassMail.state.ma.us
To: lsjalbert@jalbertengineering.com
Cc: ceronoi@state.ma.us; [Rebecca Gendreau](#); ceronoi@state.ma.us
Subject: MassDEP NOI File Number
Date: Friday, August 5, 2022 11:41:42 AM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL REGIONAL OFFICE

8 NEW BOND STREET, WORCESTER, MA 01606 508-792-7650

Date: 08/05/2022 Municipality STURBRIDGE

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant	SAMUEL H. & CARA M. GILBERT	Owner Address
Address	242 BIG ALUM ROAD,STURBRIDGE MA 01518	
Locus	242 BIG ALUM ROAD , STURBRIDGE MA 01518	

This project has been assigned the following file # : **CE 300-1136**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

The applicant should provide the methods of abutter notification for a completed application. Due to the proximity of the work to wetland resource areas on the opposite side of Roy Rd. MassDEP recommends the implementation of a construction trackpad entrance to the site and catch basin protections for in-street catch basins. While MassDEP presumes proposed Bank impact will be related to either the construction or replacement of the shoreline stairs the applicant should clarify the nature of the proposed Bank impact as there is no clear indication on project plans that this work is proposed.

Regards,
for MassDEP,

(508)-767-2721
Thomas.Rebula@Mass.gov

15 Cove





From: CERO_NOI@MassMail.state.ma.us
To: sean-aec@charter.net; lsjalbert@jalbertengineering.com; mia.mcdonald@mass.gov
Cc: ceronoi@state.ma.us; [Rebecca Gendreau](mailto:Rebecca.Gendreau@state.ma.us); ceronoi@state.ma.us
Subject: MassDEP NOI File Number
Date: Monday, August 8, 2022 7:58:16 AM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL REGIONAL OFFICE

8 NEW BOND STREET, WORCESTER, MA 01606 508-792-7650

Date: 08/08/2022 Municipality STURBRIDGE

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant SEAN BUSHE 15 COVE Address DRIVE,STURBRIDGE MA 01566 15 COVE DRIVE , Locus STURBRIDGE MA 01566		Owner Address
---	--	--------------------------

This project has been assigned the following file # : **CE 300-1137**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

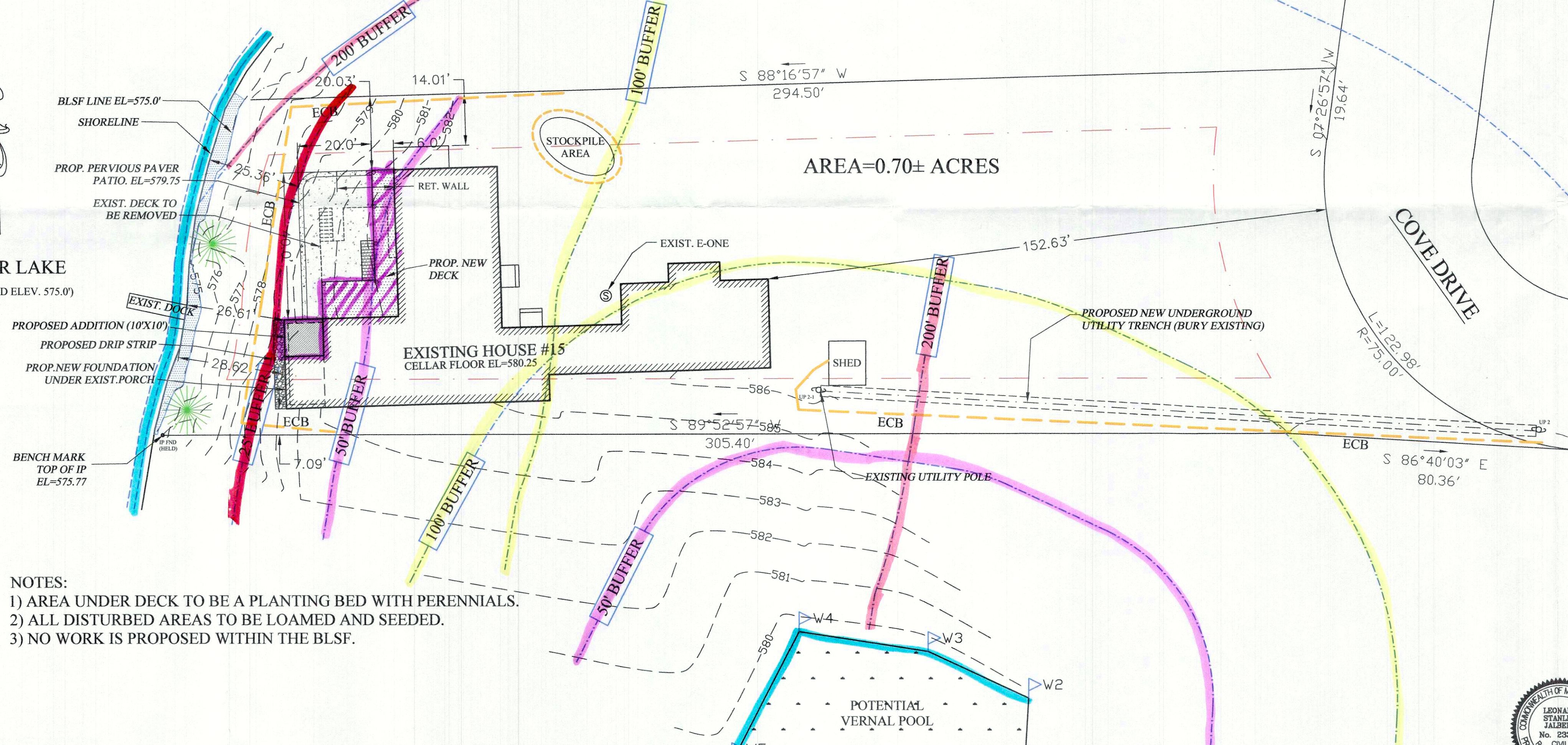
-The proposed work appears to be within the 100-year floodplain (Bordering Land Subject to Flooding). The plans should be revised to show the location of BLSF. If any work is proposed within area, the applicant should demonstrate that the project meets the performance standards for BLSF (310 CMR 10.57(4)), and impacts should be quantified in Section B of the NOI.

Regards,
for MassDEP,

(508)-767-2846
Mia.McDonald@mass.gov

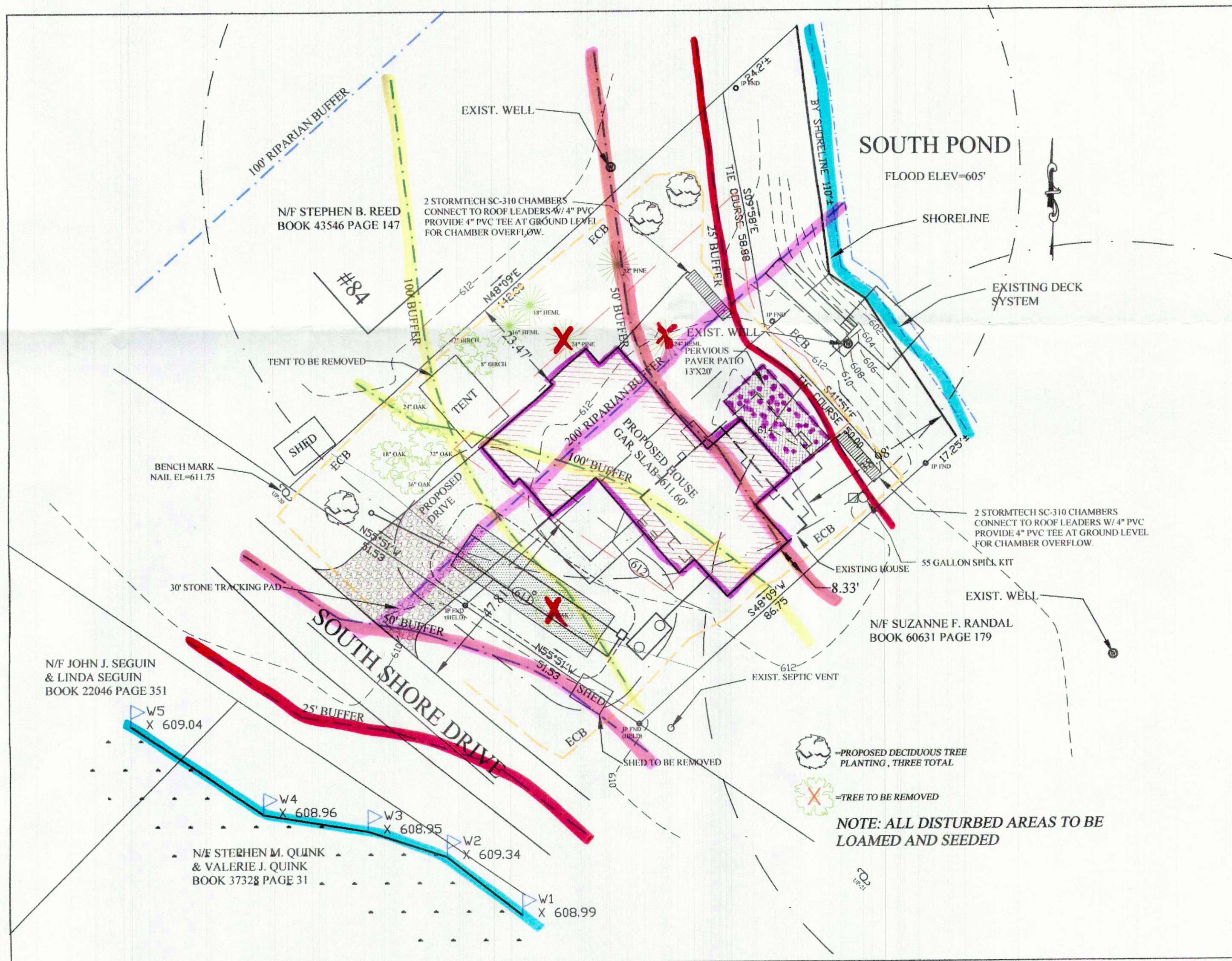
CEDAR LAKE

(BASE FLOOD ELEV. 575.0')



NOTES:

- 1) AREA UNDER DECK TO BE A PLANTING BED WITH PERENNIALS.
- 2) ALL DISTURBED AREAS TO BE LOAMED AND SEEDED.
- 3) NO WORK IS PROPOSED WITHIN THE BLSF.



92 McGargle





5 Ladd Rd
Site Photos





August 18, 2022

Email (rgendreau@sturbridge.gov)

Sturbridge Conservation Commission
301 Main Street
Sturbridge, MA 01566

Re: NOI—DEP File #300-1113
Blueberry Hill Estates - Lot 3 Berry Farms Road
20 Fiske Hill Road / Parcel ID: 280-03534-020-portion
30 Main Street / Parcel ID: 415-03914-030-portion
Sturbridge, Massachusetts

[LEC File #: MCEI\20-002.04]

Dear Members of the Commission:

On behalf of the Applicant, Justin Stelmok, LEC Environmental Consultants, Inc., (LEC) is submitting supplemental materials for the Notice of Intent (NOI) Application for Blueberry Hill Estates, a 55+ Housing Community (“Manufactured Housing Community”) on the above-referenced site. The Applicant is proposing further plan revisions in response to Commissioners and Staff comments received during the July 14th Public Hearing.

The proposed revisions have been designed to further minimize disturbance within the 200-foot Vernal Pool Buffer Zone and expand the habitat corridor/connection between the southerly A-series Vernal Pool and E-series Vernal Pool. Proposed revisions are depicted on the accompanying Sheet C14 of the *Special Permit and Site Plan* set. Project revisions specifically include:

- Eliminating a total of three (3) lots (Lots 5, 67, & 68).
- Expanding the grated crossing structure to 5-feet wide x 3-feet tall abutting a 4-foot tall (max. and tapering) retaining wall along Proposed Drive A.
- Additional reduction/shifting of building footprints and grades on Lots 3, 4, 6, 69, 70, & 71
- Eliminating the side retaining walls abutting the lots surrounding the habitat corridor in lieu of regraded side slopes to be revegetated and left to naturalize.
- Updates to stormwater management (rain gardens) abutting the reduced/shifted structural and driveway footprints for Lots 3, 4, 6, 69, & 70.
- Expanded Open Space (see below).

In addition to the on-site Open Space as previously detailed, the Applicant is proposing to extend the conservation easement over 8.5± acres onto the westerly abutting Lot 4 to include the entirety of the A-series Vernal Pools and associated 100-foot Buffer Zones. Cumulatively, the Applicant is proposing to protect 25.0± acres of Open Space as depicted on the accompanying *Open Space Plan* (8/18/22).

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

As currently proposed, the project complies with the *Town of Sturbridge Wetlands Bylaw* (“Bylaw,” Chapter 286) and *Wetlands Regulations* (“Bylaw Regulations”). The *Bylaw Regulations* stipulate that the first 100 feet of the Vernal Pool Buffer *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.* Section §365-5.6 E. (Vernal pools, certified, potential and identified—General performance standards) of the *Bylaw Regulations* specifically states:

Any work with in the 200-foot buffer zone to a vernal pool shall not cause a significant adverse impact to any function of a vernal pool. It shall not result in a measurable decrease in extant wildlife populations or biological community composition, structure and species richness of the site or in the vicinity, exclusive of the present or future state of adjacent or nearby property, or impair, damage or reduce in value for wildlife purposes identified specific habitat features. The Commission shall take into account indirect effects, including but not limited to effects of nearby human activities, on a case-by-case basis.

The project will not result in a significant adverse impact to the on-site Vernal Pools. In other words, the proposed work activities within the 200-foot Vernal Pool Buffer Zone will not substantially reduce or impair the Vernal Pools’ or Buffer Zones’ capacity to provide important wildlife habitat functions.

The proposed revisions provide greater habitat protection within 200 feet of the Vernal Pools. No work is now proposed within the 200-foot Buffer Zone to the E-series Vernal Pool east of Proposed Drive A (Lots 2-4 and 6).

The following reviews an updated and more detailed impact calculations (±square footage):

Vernal Pool	Total Proposed 100-200 foot VP Buffer Disturbance	Proposed Impervious (structure/ drive/road)	Proposed Rain Garden	Proposed Lawn	Proposed Revegetation	Total VP Buffer Protected
A-series Vernal Pool (south)	19,800	4,650 (3.6%)*	2,445	5,105	7,600	130,761
A-series Vernal Pool (north)	11,325	1,515 (0.67%)*	615	3,575	5,620	225,968
E-series Vernal Pool	11,700	3,675 (3.0%)*	295	4,095	3,635	123,252

*Proposed Impervious/Total VP Buffer Protected

The project will cumulatively protect 11.02± acres within the 200-foot Vernal Pool Buffer. The project proposes to disturb, including temporary disturbances associated with regrading and the rain gardens, a total of 8.5% of the 200-foot Vernal Pool Buffer in comparison to that protected in the Open Space.

The proposed disturbance within the 200-foot Vernal Pool Buffers is minimal in nature, especially in consideration of the Buffer that will be protected as permanent Open Space. Spotted Salamanders (*Ambystoma maculatum*) have been identified to breed within all three on-site Vernal Pools, while Fairy Shrimp (*Eubrachyptis vernalis*) have been identified within the southerly A-series Vernal Pool and E-series Vernal Pool. Wood Frog (*Lithobates sylvaticus*) breeding activity has only been documented within the E-series Vernal Pool. The Vernal Pools also provide general wildlife habitat (food, shelter, breeding, migratory, and/or overwintering areas) for various wildlife, including invertebrates, amphibians, reptiles, mammals, and birds.

The project, including construction and future uses, will not result in adverse effects to the Vernal Pools. The rain gardens have been designed to treat/manage stormwater, promote natural recharge, and minimize site disturbances, specifically within the 200-foot Buffer Zones. No Vernal Pools will be receiving less runoff volume post-development in comparison to pre-development.

The proposed project has been specifically revised to minimize impacts within the 200-foot Vernal Pool Buffer Zone, while maximizing setbacks and providing ample migratory corridors/habitat connections. The project will not substantially reduce the Buffer Zones' ability to function as overwintering or migratory habitat for the identified Vernal Pool amphibians. The proposed project will not negatively impact critical wildlife habitat associated with the Vernal Pool and Buffer Zone. The development will not impair the viability of the pool to function as breeding habitat. As proposed, significant critical terrestrial habitat will be retained surrounding the on-site Vernal Pools. Previously logged, forested upland areas and associated logging roads outside of the development footprint will be allowed to naturally revegetate and provide improved overwintering/migratory habitat for Vernal Pool breeding amphibians.

Ample migratory corridors will be maintained and permanently protected around and between the on-site Vernal Pools. The expanded 5-foot wide x 3-foot tall crossing structure will enable smaller wildlife, including migrating Spotted Salamanders, to migrate between the A-series southerly Vernal Pool and E-series Vernal Pool and surrounding forested upland. The crossing will be grated to allow sufficient sunlight penetration and moisture to the naturalized bottom. The crossing structure will be maintained through the community Operations and Maintenance Plan to ensure proper functionality and that the passage is free of obstruction. Larger wildlife (e.g., white tailed deer) accustomed to suburban landscapes will be able to cross over the roadway and/or will be redirected around or through other portions of the development footprint. Significant long-term impacts associated with habitat fragmentation are not



anticipated. Appropriate signage and community education can be provided to notify residents and visitors of wildlife in the area.

As proposed, the project will not result in a cumulative significant adverse impact on the on-site Vernal Pools. The project is not anticipated to result in a measurable decrease in extant wildlife populations, including Spotted Salamanders, Fairy Shrimp, or general wildlife species; or negatively impact biological community composition, structure and species richness of the site or in the vicinity; or impair, damage or reduce in wildlife habitat value or functions/values. The 25± acre Open Space, including the 11.02± acres within the 200-foot Vernal Pool Buffer, will permanent protect important wildlife habitat in perpetuity.

Thank you for your consideration of this supplemental information. We look forward to August 25th Public Hearing to discuss the proposed revisions further. Should any questions in advance, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Brian T. Madden", is written over a light blue circular stamp.

Brian T. Madden

Senior Wildlife/Wetland Scientist

cc: Oxbow Associates
Justin Stelmok
McClure



PETER C. ENGLE, P.E.
PROFESSIONAL ENGINEER

MA LIC. NO. 53736

McCLURE
ENGINEERING, INC.

119 Worcester Road
Charlton, MA 01507

Tel: (508) 248-2005
Fax (508) 248-4887
Email: pengle@mcclureengineers.com

SPECIAL PERMIT AND SITE PLAN
"BLUEBERRY HILL ESTATES"
LOT 3 BERRY FARMS ROAD
STURBRIDGE, MA 01566

PREPARED FOR
JUSTIN STELMOK
557 SOUTHWEST CUTOFF
WORCESTER, MA 01607

DRAWN BY: PE
DATE: 8/18/22
CHK BY: CPM
SCALE: 1"=80'
PROJ. NO. 287-2118K

OPEN SPACE PLAN

CR1

HOR. SCALE IN FEET: 1"=80'

REV. DATE DESCRIPTION REVISIONS MADE APVD

