

CONSERVATION COMMISSION DETAILED AGENDA

Date: March 7, 2024

Time: 6:00 pm

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

DECISIONS

I. PUBLIC HEARINGS

1. 107 Fiske Hill Road – RDA – After the fact approval for the installation of a French drain

- Owner/Applicant: Tammy and Jeorge Vargas
- Representatives: D. Saffron, DS Landscapes
- Request: Issue a Determination
- Documents Presented: n/a
- Project Summary:
 - Work on installation of a French drain started without permitting, applicant was unfamiliar with the regulations. Work has since been complete and an after the fact DOA is sought.
- Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - Staff and board members visited the site when work was occurring. DPW also provided guidance on the design.
 - Work has been completed. Site requires stabilization to occur in the Spring.
- Staff Recommendations: Close the hearing and issue a DOA:
 - Negative # 3 w/ conditions:
 - Maintain erosion controls between work areas and resource areas until authorized for removal by the SCC.
 - Stabilize site when time is appropriate.
 - No tree cutting without approval. Cease dumping lawn/leaf debris near/in wetland.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

2. 7 Cedar Pond Road – NOI – Drainage improvements and platform/deck – DEP File #300-xxxx

- Owner/Applicant: Adam Tominsky
- Representative: M. Thibeault, Landscape Evolution
- Request: Issue Order of Conditions (OOC)
- Documents Presented: sketch plan
- Project Summary:
 - Construction of a 10 x 20 ft platform adjacent to Cedar Lake and installation of a drainage swale to prevent further runoff from entering the lake.
- Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - DEP File # and comments not received yet.
 - Project requires a waiver for installation of structure within 50' no new structure setback.
 - Proposing a 10'x20' platform on blocks, native plantings and drainage improvements for mitigation for the deck structure. See project description for details.
 - Staff previously meet with property owner to discuss project and suggest mitigation options.
 - Drainage swale will be a large improvement as road and roof runoff has created erosion.
 - The following comment is for 300 Clarke Road Ext. which has a very similar project-Comments from Planning Dept.: "This is a non-conforming lot and even if the deck is exempt from a building permit due to the size, it would need ZBA approval. I don't think Nelson has ever exempted a deck from permitting in the past either. The



**Conservation
Agent**
Vacant

Assistant
Erin Carson

**Conservation
Commission
Members**
Ed Goodwin
Erik Gaspar
Roy Bishop
Karsten Stueber
Ted Winglass

308 Main Street.
Sturbridge, MA
01566
T 508/347-2506

www.sturbridge.gov

property has no frontage and is non-conforming in terms of size as well and probably structure setbacks. We would need a site plan to determine if this would be a special permit process or a determination. If the applicant is creating new-non-conformities with regard to setback or lot coverage, he may wish to consider using pervious pavers to create a small patio area instead of this platform as that would not require ZBA approval”.

- Staff Recommendations: Continue hearing to allow DEP’s review to be completed. Next meeting is March 28, 2024. When appropriate, close the public hearing and vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Restoration plantings and drainage swale must be installed when the platform is installed. If this is done outside of the growing season, then it must be completed at the beginning of the next growing season.
 - Perpetual conditions for stormwater swale and restoration areas.
 - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the restoration plantings have survived.
- Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - 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. \$750 for a smaller project has been previously required. To be released upon issuance of a Certificate of Compliance.

3. 36 Champeaux Road – NOI – Construction of a Single-family home, wetland crossing, associated site work, pool and vista pruning – DEP File #300-xxxx

- Owner/Applicant: Kevin Lamy
- Representative: S. Jordan, EcoTec
- Request: Issue Order of Conditions (OOC)
- Documents Presented: site plans
- Project Summary: Construction of a single-family house, associated site work including a pool. The driveway will require a wetland crossing with a replication area.
- Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - DEP File # and comments not received yet.
 - Application materials need to be updated as includes different representatives name and project details from a different project.
 - Local bylaw fee for limited project required (wetland crossing). See fee sheet.
 - Project requires a wetland crossing to access upland rear areas that are proposed for site development.
 - Property was subdivided from additional lands that were recently under one ownership. #42 Champeaux Rd was part of this lot and has an OOC for the development of that property as a SFH. Previous owner has additional land in area. This lot was divided off and access to the rear upland areas only available by crossing the wetland. A potential hardship could have been created. There are upland areas in the front that could be used for a development. Property subdivision history needs to be reviewed and demonstrated that a hardship wasn’t created.
 - Perc test required to assess if site is buildable. Narrative states that it has to be done afterwards. This has come up on another project and DEP advised that the perc test must be completed prior to approval for development. There may be opportunity to access adjacent parcels to seek upland access otherwise a separate NOI for wetland crossing with restoration will be required. Application is incomplete unless perc is completed.
 - A full alternative analysis is needed to evaluate the proposal. In addition, the house development appears that it could be cited outside of the buffer zone associated with Long Pond. Limit of work at or near ACOE flowage easement area also. Why can’t this be cited further away? Bylaw regs require analysis to demonstrate why it cannot.
 - Where is the vista pruning proposed? Silt fence just ends by house. Where is the limit of clearing?
- Staff Recommendations: Application is incomplete. Continue hearing to have representative revise materials and address comments. Continue to next meeting or further out for Applicant to address comments, complete perc test and for DEP review to be completed. Scheduling for perc test may take time. Next meetings March 28th & April 18th. Staff recommend peer review once application is complete. Site requires staking per SWB regulations for a site visit. Hold off on site visit until application complete.

4. 19 Long Ave – NOI – Installation of a well – DEP File #300-xxxx

- Owner/Applicant: Germain
- Representative: S. Jordan, EcoTec
- Request: Issue Order of Conditions (OOC)
- Documents Presented: colored site plans
- Project Summary:
 - Installation of a well within the 50 ft buffer of Cedar Lake and decommissioning a well in the 25 ft buffer.
- Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - DEP File # and comments not received yet.
 - Project requires a waiver for installation of structure within 50' no new structure setback.
 - Staff spoke to an engineer about this project before it was filed. Staff advised that well should be moved outside of the 50' BZ if option existed and was told that property owner wanted it in this location. Staff advised that it may not be approved as option to move outside of the 50' existed and board can require relocation per Regs.
 - Alternative analysis required for location of well and mitigation for waiver.
 - Plan shows 50' offset to E1 pump which is not a BOH requirement.
 - There doesn't appear to be a reason why it can't meet SWB requirements.
- Staff Recommendations: Application is incomplete. Project requires waiver or revision to meet standards. Continue hearing to have representative revise materials and address comments. Continue to next meeting or further out for Applicant to address comments and for DEP review to be completed. Next meeting dates are March 28th & April 18th.

5. 300 Clarke Road Extension – NOI – After the fact approval for a platform/deck structure – DEP File #300-xxxx

- Owner/Applicant: R. Szatkowski
- Representative: G. Krevosky, EBT Environmental
- Request: Issue Order of Conditions (OOC)
- Documents Presented: n/a
- Project Summary:
 - After the fact approval for platform installation within the 50 ft buffer of Big Alum.
- Staff Notes:
 - Proof of legal ad required. Abutter mailing receipts received.
 - DEP File # and comments not received yet.
 - Project requires a waiver for installation of structure within 50' no new structure setback. Structure was installed without permitting and staff notified.
 - Proposing a 115 sq. ft. platform installed. Proposes drip strip and native plantings and drainage improvements for mitigation for the deck structure. Also proposing to remove concrete steps as part of mitigation. Plan notes new chapter 91 dock to be installed in place but narrative notes seasonal dock with BOS. This should be clarified. See project description for details.
 - Staff previously meet with property owner to discuss project and suggest mitigation options. Staff noted that board may require more than shrubs along the deck and closer to the lake. They added the step removal. Can trees be added?
 - Comments from Planning Dept: "This is a non-conforming lot and even if the deck is exempt from a building permit due to the size, it would need ZBA approval. I don't think Nelson has ever exempted a deck from permitting in the past either. The property has no frontage and is non-conforming in terms of size as well and probably structure setbacks. We would need a site plan to determine if this would be a special permit process or a determination. If the applicant is creating new-non-conformities with regard to setback or lot coverage, he may wish to consider using pervious pavers to create a small patio area instead of this platform as that would not require ZBA approval".
 - Board should provide comments on proposed mitigation.
- Staff Recommendations: Continue hearing to allow DEP's review to be completed. Next meeting is March 28, 2024. When appropriate, close the public hearing and vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Restoration plantings and drainage drip strip must be installed by June 30, 2024 as structure installed already.

- Perpetual conditions for stormwater swale and restoration areas.
- Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the restoration plantings have survived.
- Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - 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. \$750 has been previously required for a smaller project. To be released upon issuance of a Certificate of Compliance.

6. 263 New Boston Rd- *continued* Notice of Intent – Construction of a single family house with associated appurtenances –DEP File #300-1166

- Owner/Applicant: Five Star Realty Trust Representatives: G. Krevosky, EBT Environmental Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction:
- Project Summary
 - Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development
- Staff Notes:
 - Project was continued to allow for submission of additional information.
 - No new information received.
- Staff Recommendations: Discuss project status and set realistic date for project continuance.

7. 97 Shore Road – NOI – Notice of Intent–Raze and rebuild of a lake-front home- DEP File #300-XXXX

- Owner/Applicant: Jane and Timothy Seitz
- Representatives: L. Jalbert, Jalbert Engineering, Inc.
- Request: Issue Order of Conditions (OOC)
- Documents Presented: plans
- Project Summary:
 - Applicant is requesting to demolish the existing cottage and rebuilding a year-round home with new well and associated site improvements.
- Staff Notes:
 - DEP File # and comments have not been issued.
 - Project was continued to allow for submission of additional information.
 - No new information received.
- Staff Recommendations: Discuss project status and set realistic date for project continuance.

8. 274 Big Alum Road - *continued* NOI -Repair of historic boat notch - DEP #300-1186

- Owner/Applicant: Virginia Roscioli Representatives: n/a
- Request: Issue an OOC
- Documents Presented: n/a
- Project Summary:
 - Project includes the restoration of a former boat notch.
- Staff Notes:
 - No new information received.
 - Board advised applicant to receive professional services to assist providing the required information needed to evaluate the project (identifying resource areas and impact calculations, demonstrating to meet permitting standards, etc.).
- Staff Recommendations: Discuss status of project. Continue out if applicant needs additional time.

9. Big Alum Pond - *continued* NOI – Big Alum Pond Aquatic Vegetation Management Plan - DEP #300-XXXX

- Owner/Applicant: Big Alum Lake Association Representatives: A. McMenemy, GEI Consultants
- Request: Issue an OOC
- Documents Presented: n/a

- Project Summary:
 - Project includes an aquatic vegetation management plan for Big Alum Pond.
- Staff Notes:
 - Project was continued to allow for DEP File #.
 - Draft conditions provided for last meeting. Board was just waiting for DEP review to be completed.
- Staff Recommendations: Provided DEP # and comments received, close the public hearing and issue an Order of Conditions pursuant to the WPA and the SWB with conditions provided at last meeting attached to that detailed agenda.

10. 241 & 245 Main Street – *continued* NOI – Paving of a commercial parking lot – DEP File #300-1184

- Owner/Applicant: Sturbridge Service Center Representatives: R. Lussier, CMG Environmental
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Project Summary:
 - Project includes paving a parking lot at a commercial facility.
- Staff Notes:
 - Written request for continuance received to the March 28th received. Applicant is working to address comments and ACOE property line comments.
- Staff Recommendations: Continue project as requested to March 28, 2024 meeting.

II. WETLAND DECISIONS

11. 18 Tantasqua Shore Drive – Tree Removal

- Staff Notes: Removal of 3 trees requested outside 100' BZ. Site visit conducted. No replacements required due to septic location.
- Staff Recommendations: Approve request.

12. 198 Lake Road – Request for an Extension- DEP File #300-1050

- Staff Notes: Project not started due to death in family. Requesting 3-year extension.
- Staff Recommendations: Issuance of a Three-year Extension as requested.

13. 98 Gladding Lane FKA Lot 98 Leadmine Pond – Request for a Certificate of Compliance - DEP File #300-0113

- Permit Holder: Teresa Paquin
- Request: Issue COC.
- Staff Notes: Historic OOC for house addition and repair of stone wall at shoreline found as part of real estate transaction. Site visit to be conducted before meeting.
- Staff Recommendations: Recommend issuance of complete CoC with perpetual conditions: SC #24 if site conditions are in compliance with the OOC.

III. ENFORCEMENT ORDERS

IV. ADMINISTRATIVE DECISIONS

14. Minutes for approval

V. CONSERVATION LAND DECISIONS

VI. OLD BUSINESS

VII. ADMINISTRATIVE UPDATES

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

VIII. CORRESPONDENCE

VII. NEW BUSINESS

15. Agent's Report

16. Next Meeting: Thursday March 28, 2024 and Site Visit Schedule – TBD

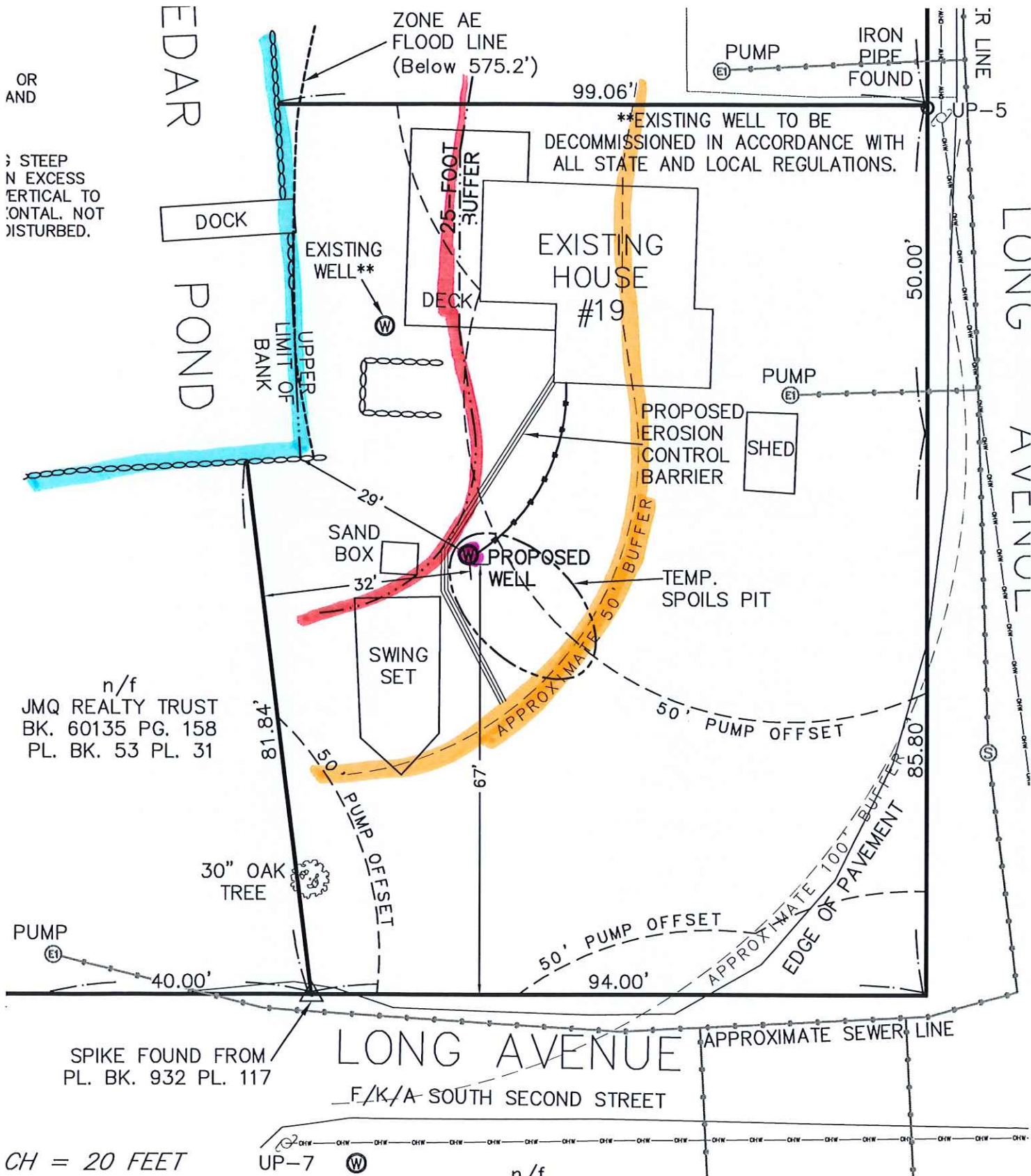
UPDATES/DISCUSSION

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN

OR
AND

STEEP
N EXCESS
ERTICAL TO
ONTAL, NOT
DISTURBED.



n/f
JMQ REALTY TRUST
BK. 60135 PG. 158
PL. BK. 53 PL. 31

SPIKE FOUND FROM
PL. BK. 932 PL. 117

CH = 20 FEET

UP-7

W

n/f