

# CONSERVATION COMMISSION DETAILED AGENDA

Date: May 9, 2024

Time: 6:00 pm

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

## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 469A Main Street – NOI – Geotechnical Investigations– DEP File #300-XXXX

- Owner/Applicant: Town of Sturbridge
- Representatives: Seth Taylor, Tighe & Bond
- Request: Issue an Order of Conditions (OOC)
- Documents Presented: plans
- Project Summary:
  - Applicant is requesting authorization for three soil borings to collect data for the design and planning of the continuation of the Grand Trunk Trail. The work is a temporary disturbance.
- Staff Notes:
  - Proof of legal ad received and receipt of Abutter mailings required.
  - DEP File # and comments not received yet.
  - Site visit was postponed until after the Hearing to allow time for the project team to stake the areas of disturbance.
  - A total of 3 borings are required. One of the borings is located on 501 Main Street (Town-owned parking lot that is currently under construction) within the approved limits of work, but in the buffer zone, a second boring (Boring #3) will be accessed via the existing River Walk trail south of the river. Boring #2 will be accessed from an existing National Grid easement, but will require temporary timber mattings across two wetlands crossings.
- Staff Recommendations: The project Team should present the project to the Commission and we should visit the site before our next meeting.
- 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.
    - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
      - Conditions noted above.

#### 2. River Road – NOI –Extension of a trail and parking lot-DEP File#300-XXXX

- Owner/Applicant: Town of Sturbridge
- Representative: V. Locker, Tighe & Bond
- Request: Issue an Order of Conditions
- Documents Presented: plan
- Project Summary:
  - Project consists of a continuation of the Grand Trunk Trail from Farquhar Rd near the intersection with River Road to Haynes Road and an eleven car parking lot off River Road.
- Staff Notes:
  - Proof of abutter notifications & proof of legal ad required.
  - DEP File # and comments not received yet.
  - On the "Local Bylaws" sheets, there appears to be erroneously drawn and labeled buffer zone lines (one set within the proposed parking lot and the second near the Real Estate for The Dogs building and the existing house north of the trail.



**Conservation Agent**  
Jeff Howland

**Assistant**  
Erin Carson

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

308 Main Street.  
Sturbridge, MA  
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[www.sturbridge.gov](http://www.sturbridge.gov)

- Site visit was postponed until after the Hearing to allow the project team to stake the areas of disturbance.
- Staff Recommendations: The project Team should present the project to the Commission and we should visit the site before our next meeting.
- 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.
  - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
    - Conditions noted above.

**3. 46 Hall Road – NOI-Demolition of a building-DEP File#300-XXXX**

- Applicant/ Owner: Paul Watson, OFS Fitel
- Representative: C. McClure, McClure Engineering
- Request: Issue OOC.
- Documents Presented: plans
- Project Summary: Project includes the complete demolition of the wooden structure with associated porches, decks and walkways. Paved parking areas will remain and disturbed areas will be loomed and seeded.
- Staff Notes:
  - Proof of abutter notification and proof of legal ad required.
  - Site visit preformed.
  - No DEP File # has been issued so the hearing will need to continue to allow for comments and #.
- Staff Recommendations: Staff Recommendations: 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.
  - 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. \$5,000 has been previously required for similar projects. To be released upon issuance of a Certificate of Compliance

**4. 29, 30, 31 Mt. Dan Road – NOI – Notice of Intent–Fence, driveway - DEP File #300- 1192**

- Owner/Applicant: Keith Fiorucci
- Representatives: G. Krevosky, EBT Environmental
- Request: Issue Order of Conditions (OOC)
- Documents Presented: revised plans
- Project Summary:
  - Applicant is replacing 2 sets of timber steps with granite steps, replace a timber retaining wall with boulder wall, remove a paved patio and replace with pervious pavers, remove a portion of the paved driveway and replace with pavers, replace in kind timber fences, and regrade a hillside to install a crushed stone parking area adjacent to the existing garage.
- Staff Notes:
  - Proof of legal ad and receipt of Abutter mailings received.
  - DEP File # issued with no comments.
  - Staff and board members visited the site and requested more information be submitted to adequately review the work. Some of the additional information requested is provide the limits of driveway removal and replacement, details and narrative on granite step installation, provide O & M on the pervious pavers, grading and detail of the for the crushed stone parking area, verification of which trees are to be removed, and provide erosion control measures along the road.
  - Existing driveway is partially located on the abutter’s property (#32 Mt. Dan Road). The plan appears to indicate that the existing driveway will be sawcut at the property line and the pavement that exists on the abutting property will remain.
  - The revised plan shows and labels the trees adjacent to the existing garage that are to be removed (10 total) and those to remain (4 total).
  - Verification of proposed driveway drainage is required.
  - Submittal narrative indicates that existing Japanese Knotweed at the top of the slope of the lake will be tarped for two years. The plan should identify the location of the proposed work.

- Due to the existing site constraints, a detailed construction sequence shall be provided.
- Staff Recommendations: 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.
  - 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. \$5,000 has been previously required for similar projects. To be released upon issuance of a Certificate of Compliance.
    - Prior to the Pre-Construction Meeting, a detailed construction sequence prepared by the Contractor is submitted to the Conservation Department.
    - The O & M on the pervious pavers be submitted to the Conservation Department prior to the Pre-Construction Meeting.

**5. 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:
  - Project was continued to allow time for the applicant to hire a professional to assist in the filing of this application.
  - New information provided to staff include a letter from the Contractor outlining the work needed for completion and memo from the applicant.
  - Staff recommended a wetland professional identify all resource areas present and demonstrate how the project meets performance standards for each resource area.
  - It is the responsibility of the applicant to show how the work will not negatively affects the resource areas.
  - No plan was submitted as part of the Application showing existing proposed conditions.
- Staff Recommendations: If the applicant would like to seek a professional as suggested by the Commission a continuation to an appropriate date should be considered. If not the Commission could vote on the project as presented.

**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 discussed with project with representative and he requests a continuation to May 30, 2024.
- Staff Recommendations: Vote to continue to May 30, 2024 as requested.

**7. 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 June 20th received. Applicant is working to address comments and ACOE property line comments.
  - Staff Recommendations: Continue project as requested to June 20, 2024 meeting.
- 8. 36 Champeaux Road – NOI – Construction of a Single-family home, wetland crossing, associated site work, pool and vista pruning – DEP File #300-1194**
- 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:
    - Soil testing has been scheduled for May 3<sup>rd</sup>.
    - Site visit was conducted.
    - DEP File # was issued with comments, see attached
    - 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.
    - Where is the vista pruning proposed? Silt fence just ends by house. Where is the limit of clearing?
  - Staff Recommendations: Continue hearing to have complete plan. Due to the size of the property, staff recommend peer review of the wetlands flagging, staff will solicit proposals to be reviewed at the May 30<sup>th</sup> meeting if the Commission is in agreement.
- 9. 176 Podunk Road – Notice of Intent – Construction of a garage, stormwater basin and driveway expansion – DEP File #300-1195**
- Owner/Applicant: Thomas Buell
  - Representative: S. Jordan, EcoTec
  - Request: Issue Order of Conditions (OOC)
  - Documents Presented: colored site plans
  - Project Summary:
    - The applicant is proposing a garage and associated driveway access. A stormwater system is also proposed in part to divert runoff off Podunk Road around the garage. All work is outside the 50 foot buffer and minimal work is proposed within the 100 foot buffer (detention basin and associated grading along with a small portion of the gravel driveway). A portion of the garage, driveway, and drainage swale are locate within the 200 ft. buffer zone.
  - Staff Notes:
    - DEP File # has issued with comments, see attached.
    - Proof of legal ad and receipt of Abutter mailings received.
  - Staff Recommendations: 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.
    - Perpetual conditions for stormwater swale and detention basin.
    - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the 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. \$5,000 has been previously required for similar projects. To be released upon issuance of a Certificate of Compliance.

**II. WETLAND DECISIONS**

**10. 150 Charlton Road– Request for Certificate of Compliance-DEP File#300-0665**

- Applicant: Cobra Realty Trust
- Request: Issue COC
- Staff Notes: This request is for a historic permit which expired and the work was completed under a “friendly” Enforcement Order. The representative has provided a narrative outlining all the work completed. Additionally the applicant is looking to lift the Enforcement Order to close out the project.
- Staff Recommendations: Staff recommend that this site is added to the schedule for the next meeting so the Commission can verify completion. If the Commission is satisfied, the request can be voted on at the May 30<sup>th</sup> meeting including lifting the Enforcement Order.

**III. ENFORCEMENT ORDERS**

**IV. ADMINISTRATIVE DECISIONS**

**11. Minutes for approval-March 7, 2024**

**V. CONSERVATION LAND DECISIONS**

**VI. OLD BUSINESS**

**VII. ADMINISTRATIVE UPDATES**

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

**VIII. CORRESPONDENCE**

**VII. NEW BUSINESS**

**12. MASS Wildlife Discussion regarding Leadmine Property**

**13. Agent’s Report**

**14. Next Meeting: Thursday May 30, 2024 and Site Visit Schedule – May 20, 2024?**

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***UPDATES/DISCUSSION***

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

***ADJOURN***

**From:** [CERO\\_NOI@MassMail.state.ma.us](mailto:CERO_NOI@MassMail.state.ma.us)  
**To:** [buell@ll.mit.edu](mailto:buell@ll.mit.edu); [sjordan@ecotecinc.com](mailto:sjordan@ecotecinc.com); [bryanna.weigel@mass.gov](mailto:bryanna.weigel@mass.gov)  
**Cc:** [ceronoi@state.ma.us](mailto:ceronoi@state.ma.us); Erin Carson; Erin Carson; [ceronoi@state.ma.us](mailto:ceronoi@state.ma.us)  
**Subject:** MassDEP NOI File Number  
**Date:** Monday, April 29, 2024 1:07:18 PM

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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: 04/29/2024

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):

<b>Applicant</b> THOMAS BUELL 176 PODUNK <b>Address</b> ROAD,STURBRIDGE MA 01566 176 PODUNK ROAD , <b>Locus</b> STURBRIDGE MA 01566	<b>Owner Address</b>
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This project has been assigned the following file # : **CE 300-1195**

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

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

- Noting that the project does not appear to be subject to the MassDEP Stormwater Standards, the Commission may request more information, such as soil logs, regarding soil test pits to confirm the depth to seasonal high-water table and soil type of underlying soils at the location of the proposed infiltration basin to demonstrate that the basin will function as intended.
- The Commission may include the Operation and Maintenance Plan of the proposed stormwater system as a perpetual condition.
- The Commission may request that the Applicant show stockpile locations on a revised site plan.

Regards,  
for MassDEP,

Bryanna.Weigel@mass.gov

**From:** [CERO\\_NOI@MassMail.state.ma.us](mailto:CERO_NOI@MassMail.state.ma.us)  
**To:** [jamilynnlamy@comcast.net](mailto:jamilynnlamy@comcast.net); [sjordan@ecotecinc.com](mailto:sjordan@ecotecinc.com); [kimberly.roth@mass.gov](mailto:kimberly.roth@mass.gov)  
**Cc:** [ceronoi@state.ma.us](mailto:ceronoi@state.ma.us); Erin Carson; [Erin Carson](mailto:ErinCarson@state.ma.us); [ceronoi@state.ma.us](mailto:ceronoi@state.ma.us)  
**Subject:** MassDEP NOI File Number  
**Date:** Tuesday, April 23, 2024 4:16:56 PM

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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: 04/23/2024

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):

<b>Applicant</b> KEVIN LAMY 33 PAIGE HILL <b>Address</b> ROAD,BRIMFIELD MA 01010 36 CHAMPEAUX <b>Locus</b> ROAD , STURBRIDGE MA 01518	<b>Owner Address</b>
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This project has been assigned the following file # : **CE 300-1194**

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 Commission should review the crossing to determine if the Applicant has proposed all alternatives if the land was recently subdivided and decide if the proposed design is the only alternative due to a self-created hardship.

The Commission may want to include conditions for the replication area should it fail to meet the standards that may include the Commission requiring additional measures that ensure the function and value of the replication area prior to issuance of a Certificate of Compliance. The Commission may want to include a condition that the replication area must achieve 75% survival of all planted strata to be considered in compliance and require regular monitoring reports.

The Commission may want to consider the impact to mature trees when considering BVW replication beyond 1:1 requirements.

A detail on the plan refers to the crossing as a stream crossing. What is bankfull width? How was bankfull width determined? How does this proposed crossing meet Stream Crossing Standards? Are there impacts to Bank?

Regards,  
for MassDEP,

(857)-291-0506  
Kimberly.Roth@mass.gov