

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Tuesday, November 10, 2015
Sturbridge Center Office Building, 2nd Floor**

**Special Meeting to discuss the 152 Main Street Comprehensive Permit,
and submit comments to ZBA**

Meeting Called to Order: 6:00 pm.
Chairman Ed Goodwin

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman
David Barnicle (DB), Vice Chair
Steven Chidester (SC)

Members Absent: Calvin Montigny
Joseph Kowalski (JK)

Others Present: Glenn Colburn (GC), Conservation Agent

EG: The issue being discussed tonight is the proposed development at 152 Main Street – and this is the only issue being addressed this evening.

The plan being discussed tonight is dated October 2015, and consists of 3 buildings; We met on site last March, and the plan we saw then had 4 bldgs: we raised concerns about the area to the north of the wetland; that bldg has now been eliminated; That area is now showing an open 240 x 120 area “playground area”; Area looks like rectangular, but no grading included on plan; GC: We will get a more detailed plan when they file under the WPA; this is only a request for comments from the ZBA; we had previously told them we did not want to waive our bylaw; ZBA is now soliciting comments from Highway, Board of Health, and ConsCom; we will submit our comments to ZBA, they will make a ruling on the “comprehensive permit”; then the developers will start their official permitting process with everyone, including ConCom.

Agent (Glenn Colburn) has distributed his review of the plan; Commissioners feel he’s done an excellent and thorough job and would like to have his comments read and entered into these minutes:

AGENT COMMENTS: I have reviewed the Comprehensive Permit Application for the project at 152 Main Street and offer the following comments regarding wetland related aspects of this project.

Section 4.1 of the ZBA Rules and Regulations Governing Comprehensive Permits, Layout and Design Standards requires all site improvements shall be made in accordance with Rules and Regulations of various Sturbridge boards and committees, including those of the Conservation Commission. The Conservation Commission administers regulations under both the Wetlands Protection Act and Regulations (310 CMR 10.00), and the Sturbridge Wetland Bylaw and Regulations. The Sturbridge Conservation Commission is charged with review of projects within the WPA 100-foot jurisdictional area, and the 200-foot jurisdictional area of the local bylaw. Projects in jurisdictional areas are reviewed and conditioned to avoid or minimize impacts to wetland resource areas.

Section 4.9 of the ZBA Rules specifically prohibits parking lots and buildings within 100 feet of a wetland resource area or within the 200-foot Riverfront Resource Area.

Section 4.10 of the ZBA Rules require a 30-foot vegetated buffer between drainage structures and wetlands, in addition to stormwater infiltration requirements.

Section 4.11 of the ZBA Rules requires a 5-foot separation between finished grades and the maximum groundwater elevation.

In regard to Section 4.1 the Sturbridge Conservation Commission requests adherence to all state wetland regulations and the local wetland bylaw regulations currently in effect. Local wetland regulations have been adopted by the Town of Sturbridge to strengthen and enhance protection of our local wetlands above and beyond what is afforded under the WPA regulations. This home rule bylaw has served the town well in allowing the Conservation Commission to set buffer zone setbacks that will both filter sediments and pollutants from stormwater runoff, and retain beneficial wildlife habitat along shorelines and other resource areas.

Section 4.9 is consistent with the intent of the WPA and local bylaw in protecting wetland resource areas by maintaining adequate setbacks. Scientific evidence supports the position that the greater the width of a buffer strip

the greater the protection afforded the adjacent resource area. Clearly the submitted plans do not conform to the ZBA Rules. Both parking areas and buildings are very close to the flagged wetlands. Grading work near wetland flag WF-A35 is five (5) feet from the edge of the wetlands. A strip of land 5' wide is incapable of serving as a protective buffer strip that would serve to protect wetland functions. The clearing of trees will be within 5' of the edge of wetlands at flags WF-A50 and A35. With work this close to the delineated wetland line one is left to wonder if any trees will remain standing between the wetland and the project. The two larger parking areas are both within 25' of wetlands, and the smaller back lot is at the 25' buffer zone line. Parking is indicated to be 20' from wetland flags A28, A29, and A35. Buildings are similarly close to wetlands. Plans indicate the front building will be 31' from wetland flag A26. The middle building will be 20' from flag A33. The rear building will be 18' from flag A50. The plans submitted for this project disregard the design standards of the ZBA and are not in conformance with the Conservation Commission's wetland regulations for buffer zones, section 1.4 in the Sturbridge Wetland Regulations.

Section 4.10 of the ZBA Rules addresses stormwater runoff and on-site recharge. This section requires a 30' vegetated buffer to wetlands. The detention basin spillway is at the 25' buffer zone. Two stone pads are shown on the plan with no labels. Could these pads be overflow from the underground recharge structure? These pads are 13' and 25' from the edge of wetlands.

Section 4.11 of the ZBA Rules requires finished grades on the site to be no less than five (5) feet above the maximum groundwater elevation for the location. I do not see soil profile information in the ZBA information package and question the separation to groundwater in the location of the detention basin.

Section 8 of the Comprehensive Permit Application describing existing site conditions states the wetland coverage and configuration "significantly limit the footprint of the property's development potential." It is true that measures necessary to protect the wetland resource area and its functions will limit development of some areas of this parcel. This is true of any location containing wetland resource areas. It is the responsibility of the developer to work with the existing regulations and constraints of a lot to develop a plan that will be sensitive to the wetland resource areas and their functions. It is my opinion that this project should not be considered limited by the resource areas, but instead the project is too large to be located on a parcel with clear wetland considerations. The Conservation Department requests that this project be held to the design standards found in the ZBA Rules and Regulations Governing Comprehensive Permits. Should the ZBA feel it necessary to waive the approved design standards the Conservation Department requests the project be required to meet the Regulations of the Sturbridge Wetland Bylaw, and in particular the buffer zone regulations found in section 1.4 – Buffer Zones, and any other applicable regulations in the local bylaws protecting wetlands and the functions they provide.

The commission is concerned about the history with this particular builder; very problematic; don't want to leave decisions up to the builder, we need to be very specific in stating our concerns

Much concern is expressed about the lack of adherence to existing local bylaws and regulations, including the design standards of the Sturbridge ZBA (100ft buffer); the plan is not in conformance with the Conservation wetlands regulations for the buffer zones.... Even if ZBA waives their own 100ft; we want to maintain our 100 ft buffer, our 50ft no build, and our 25ft no touch; this project is 100% within the Sturbridge 200 ft buffer, so we want to hold the line on these other regulations... Also major concern about plan for catchbasin and infiltration expectations; into the ledge on the site.... And possible flooding of Rt 131 with any substantial storm.... we're clearing and paving substantial areas, and there is already a history of increased water coming into this wetland from the already existing development on Fairview Park Road; this development will significant affect this already existing problem

The commission is concerned about these plans being so incomplete, for instance, it is currently not showing any planned underground infiltration area, how piping runs, there is no indication of **cut and fill** work and final grading on the parcel- and there are underground **parking garages** under some buildings... We wonder if there is any consideration of the runoff from Rt 131 and the adjacent business parking lots ... Considering this project, and combining with existing adjacent properties, the total impervious area is huge; the volume of water that needs to be handled will be significant; It is also unclear how snow piles will be accommodated on site; Utilities have to be underground (per ZBA regs); does that also mean there will be large fuel tanks underground? This is major concern to wetlands; Nothing is indicated on these plans.... Plans have minimal info about surface soils or test pits; need for blasting seems to be unknown; TP Markings: TP4 and TP5 at 108 inches... Test pits at the proposed location of the detention basin indicate "weeping" at 26 inches = high ground water...Refusal means hit ledge ... Detention basin is 4 feet deep;