

# CONSERVATION COMMISSION MEETING MINUTES

Date: January 4, 2024  
Time: 6:00-9:06 pm  
Location: Town Hall Veterans Hall

Full application plans and narratives referenced in these minutes are available on the Commission's website: [January 2024 Meeting Documents | Sturbridge MA](#)

Full video transcripts of the meeting can be found here: <https://www.sturbridge.gov/cable-advisory-committee-public-access-television/pages/sturbridge-meetings-demand>.

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**Quorum-Roll Call; Gaspar-present, Goodwin-present, Stueber-present, Bishop-absent, Winglass-present; quorum is achieved the meeting opened at 6:00 PM**

## DECISIONS

### I. PUBLIC HEARINGS

1. **88 South Shore Drive – NOI – Amendment Request to Existing OOC– DEP File #300-1127**
  - Owner: S. & M. Reed                      Applicant: same
  - Representatives: L. Jalbert, Jalbert Engineering, Inc.
  - Request: Issue an Amended Order of Conditions (OOC)
  - Documents Presented: plans
  - Project Summary:
    - Applicant is requesting to amend the existing OOC to include installation of 2 geothermal wells, a new drinking water well, decommissioning of the existing drinking water well and a modification to the septic system.
  - Presentation and Discussion:
    - Hearing was postponed until January 25, 2024, no discussion took place.
  - Vote: No votes taken
  
2. **505 Main Street– continued NOI – Commercial property redevelopment – DEP File #300-XXXX**
  - Owner: Jenny Bounphasaysonh                      Applicant: STL Group, LLC
  - Representatives: R. Mendez, Graves Engineering, Inc.
  - Request: Issue Order of Conditions (OOC)
  - Documents Presented: plans
  - Project Summary:
    - Redevelopment of a commercial property including removal of existing building and parking areas and the construction of a new building, parking areas and associated stormwater management.
  - Presentation and Discussion:
    - Project was continued to allow applicant to address comments and as the DEP file number had not issued.
    - New materials received:
      1. Plan, “Overlay: Pre-development versus Post-Development” dated 12/19/2023
      2. Graves Waiver Request Letter dated 12/20/2023
    - Graves provided the requested overlay plan w/ impervious pre- and post- calculations within the 25’, 50’ and 100’ buffer zones. Calculations show elimination of impervious in 25’ no disturb, a reduction of impervious within the 50’ no build and an increase within the 100’.
    - Commission discussed shrinking the size of the building and/or eliminating two parking spots to keep the development outside the 50 ft buffer.
    - Plan shows asphalt pavement covered with brush. This area has a significant amount of Japanese knotweed growing within it. The proper removal of the invasive is recommended.



**Conservation Agent**  
Rebecca Gendreau

**Assistant**  
Erin Carson

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

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- Dumpster pad question has been clarified with the BOH and what has been shown is sufficient.
- Staff recommend that no mow signage be installed in the restoration area and a split rail fence or similar fence is installed between the parking areas and rain garden to serve as a barrier for future snow plowing.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 505 Main Street to January 25, 2024. AIF 4-0

**3. 200 Haynes Street – *continued SWB* Notice of Intent-Construction of a commercial solar facility with associated appurtenances**

- Applicant: Sturbridge PV LLC      Owner: 30 Swift LLC
- Representative: BSC Group
- Request: Issue OOC.
- Documents Presented: n/a
- Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
- Presentation and Discussion:
  - Project was continued to allow response to peer review comments and for the wetland peer review to be completed for off-site areas.
  - Documents reviewed before this meeting
    - CMG Report
    - Ecosystem Solutions Report
    - Revised plan and BSC comment letter to Planning Board.
  - Ecosystems Solutions joined the meeting virtually and presented his findings included in the report provided before the meeting.
    - A few concerns were noted with clear-cutting the forest.
    - Weekly monitoring should be considered during work
    - Erosion Controls proposed will not be enough considering the steep slopes of the site.
    - The full report is available in the meeting documents for review.
  - BSC will provide the board and staff a response to Conservation to cover both stormwater comments and wetland comments.
- Public Comment:
  - Mark Murphy/ 30 Bentwood Drive-Thanked Ecosystem Solutions for a very thorough review.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 200 Haynes Street to January 25, 2024. AIF 4-0

**4. 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.
- Presentation and Discussion:
  - Project was continued to allow for DEP File # and comment issuance and for applicant to address discussion at 12/7/23 meeting.
  - DEP file number still not issued to date.
  - Applicant has provided a table for potential herbicides to use w/ associated information and product sheets for each herbicide. Table includes maximum allowable dosage rates per acreage and target species group.
  - The representative provided the Commission an overview of the table and treatment plan. There are three propose treatment plans. Any deviation from these plans would require a permit amendment or new Order all together.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue to next meeting, Jan. 25, 2024. AIF 4-0.

**5. 72 Paradise Lane- *continued NOI* – Construction of a cantilevered dock - DEP File #300-1180**

- Owner/Applicant: R. Muscaro      Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans

- Project Summary:
  - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide
- Presentation and Discussion
  - Project was continued to address board comments, allow site visit and for DEP File # and comments.
  - Site visit conducted.
  - DEP has issued a file # for the project with comments.
  - M. Lavigne for Ground Effects presented on the DEP comments. The project meets standards for a Chapter 91 license.
  - Commission discussed some mitigation plantings so project would qualify for a waiver.
  - Ground Effects states that he has installed six other similar docks on Big Alum Lake, this style of dock minimizes disturbance to the bank.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to close the Hearing for #300-1180 at 72 Paradise Lane. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to approve the project with an Order of Conditions for #300-1180, 72 Paradise Lane with the following conditions under the Wetland Protection Act:
  - Standard OOC conditions.
  - No work to occur in water. Work on Bank to occur during drawdown if water conditions are within the work area.
  - All excavated materials to be immediately removed from the site.
  - All impacted areas to be restored to existing conditions. BMPs must be in place to minimize impacts to access route for equipment use.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - Conditions to include mitigation plantings
- Vote to approve and issue an Order of Conditions pursuant to the Sturbridge Wetland Bylaw with the following special conditions:
  - SWB only - Require a security deposit of \$2,500 during work to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. AIF 4-0

**6. 62 Mt. Dan - *continued* Notice of Intent – Construction of a cantilevered dock - DEP File #300-1181**

- Owner/Applicant: Dan St. Onge Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: revised plans
- Project Summary:
  - Project includes the installation of a singular cantilevered dock, 32 feet long by 8 ft wide
- Presentation and Discussion:
  - Project was continued to address board comments, allow site visit and for DEP File # and comments.
  - Site visit conducted.
  - DEP has issued a file # for the project with comments.
  - Additional information provided by M. Lavigne from Ground Effects on DEP Comments.
  - Document includes reference to Bank and Land Under Water performance standards and explanation of no impact to those resource areas.
  - Project revised to shift dock 4' to keep it within the existing wall area. Leaving the boulder and not affecting the natural shoreline.  
Commission discussed additional plantings are added to minimize impacts for waiver approval for disturbance associated with 25' no disturb zone.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to close the Hearing for #300-1181, 62 Mt. Dan Road. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by K. Stueber the Commission vote to approve the project and issue an Order of Conditions for 62 Mt. Dan Road, DEP #300-1181 with the following conditions:
  - Pursuant to the MA Wetlands Protection Act, the following special conditions:
    - Standard OOC conditions.
    - No work to occur in water. Work on Bank to occur during drawdown if water conditions are within the work area.
    - All excavated materials to be immediately removed from the site.

- All impacted areas to be restored to existing conditions. BMPs must be in place to minimize impacts to access route for equipment use.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - A tree must be planted within 25 feet of the lake.
- Vote to approve and issue an Order of Conditions pursuant to the Sturbridge Wetland Bylaw with the following special conditions:
- SWB only - Require a surety deposit of \$2,500 to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. AIF 4-0
- 7. 324 The Trail – Notice of Intent Construction of 2 cantilevered docks - DEP File #300-1183**
- Applicant/Owner: Matt Kibbe Representative: M. Lavigne, Ground Effects
  - Request: Issue an OOC
  - Documents Presented: n/a
  - Project Summary: Project includes the installation of two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
  - Presentation and Discussion
    - Written request for continuance received to the Jan. 25, 2024 meeting.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 324 The Trail to January 25, 2024. AIF 4-0
- 8. 328 The Trail – *continued* Notice of Intent Construction of 2 cantilevered docks & repair of shoreline wall - DEP File #300-1182**
- Applicant/Owner: Rocco Falcone Representative: M. Lavigne, Ground Effects
  - Request: Issue an OOC.
  - Documents Presented: n/a
  - Project Summary:
    - Project includes the installation of two cantilevered docks and replacing an existing stone and mortar wall with a more natural bolder wall with planting pockets to enhance the natural look.
  - Presentation and Discussion
    - Written request for continuance received to the Jan. 25, 2024 meeting.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 328 The Trail to January 25, 2024. AIF 4-0
- 9. 263 New Boston Road– *continued* NOI- Construction of a Single Family House and associated site work-DEP File #300-1166**
- Owner/Applicant: Five Star Realty Trust Representative: G. Krevosky, EBT Environmental
  - Request: Issue an Order of Conditions
  - 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.
  - Documents Presented: n/a
  - Presentation and Discussion:
    - A written request for continuation was received to the next meeting of January 25, 2024.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 263 New Boston Road to January 25, 2024. AIF 4-0
- 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.
  - Presentation and Discussion:
    - Written request for continuance received to the Jan. 25, 2024 meeting.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 241 & 245 Main Street to January 25, 2024. AIF 4-0
- 11. 274 Big Alum Road - NOI -Repair of historic boat notch - DEP #300-XXXX**

- 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.
- Presentation and Discussion:
  - Applicant has requested to continue the hearing to Jan. 25, 2024.
- Vote: On motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to continue the Hearing for 274 Big Alum Road to the January 25, 2024 meeting.

## II. WETLAND DECISIONS

### 12. 233 Cedar Street – Request for a Certificate of Compliance - DEP File #300-1139

- Permit Holder: B. Marszalokowski
- Requester: Jalbert Engineering
- Request: Issue COC.
- Presentation and Discussion: Site visit conducted. Site had been hydroseeded and some growth achieved prior to the end of the growing season although additional growth needed to achieve stabilization. Likely requires additional seeding in the spring.  
Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to take no action on the request at 233 Cedar Street. AIF 4-0

### 13. 9 Holland Road – Request for a Certificate of Compliance - DEP File #300-959

- Permit Holder: Banjo Boy
- Requester: EBT Environmental
- Request: Issue COC.
- Presentation and Discussion:
  - NOI and OOC was result of historic Enforcement Orders. Some of work had been completed but in 2019 another EO was issued for activities conducted on site without permitting and for non-compliance with this OOC. Since then OOC has been brought into compliance and discussed at past SCC meetings. CoC Request submission was awaiting completion of orders associated with the 2019 EO. Drainage improvements had been reviewed and documented on site. Tree planting success rate was needed to close the EO.
  - Perpetual conditions related to extent of Riverfront Area allowable uses and restrictions of further development not included for perpetual conditions now as ORAD had been issued (after OOC) which shows that portions of the property qualify as a historic mill under RA exemptions. Therefore, cannot be a perpetual condition.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue a complete Certificate of Compliance for 9 Holland Road, DEP File#300-959 with perpetual conditions: SCC #'s 12, 25, 32 – 36, 39, 40, 50 & 59. AIF 4-0

### 14. 5 Lakewood Trail – Request for a Certificate of Compliance - DEP File #300-545

- Permit Holder: Stephen Murphy
- Requester: same
- Request: Issue COC.
- Presentation and Discussion: Project included construction of a new house and associated site work within buffer zone and Riverfront Area. Permit issued in 2003. A Request for CoC had been submitted in 2007 but not issued at the time. Was not issued as final site stabilization required and an as built plan. As built submitted and staff site visit conducted. No concerns noted with project.  
Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to issue a complete Certificate of Compliance with no perpetual conditions noted. AIF 4-0

### 15. Emergency Request – 33 Putnam Road

- Requester: Justin Barton, Property Owner
- Request: Emergency certification issued after driveway at 33 Putnam Road washed out on Dec. 18<sup>th</sup> storm. Driveway was impassable. DPW visited site on Dec. 19<sup>th</sup> as staff unavailable and plan developed. Staff visited site on Dec. 20<sup>th</sup> and EC issued for work being conducted.
- Pipes installed and driveway repairs made.

Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to ratify the issued emergency certification for 33 Putnam Road. AIF 4-0

### III. ENFORCEMENT ORDERS

#### 16. MA Department of Transportation I-90 Cedar Lake

- Presentation and Discussion: EO issued in 2018 for failed drainage structures along I-90 discharging into Cedar Lake and unnamed perennial stream that flows into the lake. This EO was ready to be closed out in Fall of 2023 but a repair was required to a damaged drainage structure. All drainage areas had been reviewed and all necessary paperwork provided for the release of the EO then. DOT has provided a commitment to monitoring the structures. Staff reviewed repairs that had been made and they conform to original plans and were not damaged from Dec. 18<sup>th</sup> storm.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to release the Enforcement Order for MA DOT. AIF 4-0

#### 17. Banjo Boy LLC, 9 Holland Road

- Presentation and Discussion: An Enforcement Order was issued in 2019 for failure to comply with an issued Order of Conditions and for un-permitted vegetation removal. Work to address OOC completed and 23 trees planted and monitored for survival. Work completed.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to release the Enforcement Order for 9 Holland Road. AIF 4-0

#### 18. Tsantinis, LLC & Cruise Control Transportation, 110 Brookfield Rd.

- Discussion: Postponed to the January 25, 2024 meeting.

### IV. ADMINISTRATIVE DECISIONS

#### 19. Minutes for approval

- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by T. Winglass the Commission vote to approve the minutes of November 16, 2023 as presented. AIF 4-0

### V. CONSERVATION LAND DECISIONS-None

### VI. OLD BUSINESS-None Discussed

### VII. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space and Lakes Advisory-no update provided

### VIII. CORRESPONDENCE

#### 20. National Grid 2024 Operation Plan (YOP)

- Discussion: Yearly notification provided as required of proposed maintenance work, Commission had been provided the material prior to the meeting and there were no questions.

### VII. NEW BUSINESS

#### 21. Agent's Report

- FROST will meet January 23, 2024 at the Publick House for the Annual Meeting at 7 PM. Time will be allotted for brief dedication to David Barnicle for his long service to the organization.

#### 22. Next Meeting: Thursday Jan. 25, 2024 and Site Visit Schedule – TBD

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*On a motion of K. Stueber, 2<sup>nd</sup> by E. Gaspar the Commission vote to adjourn the meeting at 9:06 PM. AIF 4-0*