

CONSERVATION COMMISSION MEETING MINUTES

Date: December 7, 2023

Time: 6:00 – 8:09 pm

Location: Town Hall Veterans Hall

Full application plans and narratives referenced in these minutes are available on the Commission's website: <https://www.sturbridge.gov/conservation-commission/pages/meeting-calendar-and-documents-0>

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

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

DECISIONS

I. PUBLIC HEARINGS

1. 505 Main Street– 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: colored 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:
 - Proof of abutter notifications and legal ad received to open hearing.
 - DEP file number not issued to date.
 - Site visit performed.
 - Project was filed in January of 2023 but was withdrawn. Project appears to have been revised since original submission.
 - Project site is not located within Priority & Estimated Habitat.
 - Site is within buffer zone to a Bordering Vegetated Wetland located just off the property. FEMA Map included. Shown near a Zone AE. Engineer to confirm that site is not within elevations for BLSF. Property is outside of Riverfront Area associated with the Quinebaug River.
 - As project includes an increase of impervious surface, the project is considered a new project per MA Stormwater Standards. Staff are pleased to see the use of the bioretention basin for stormwater management. Stormwater report and supporting documentation appears to cover standards. O&M plan includes use of salt alternatives. Snow storage area shown on the plan.
 - Project includes new paved parking areas within the 50' no new structure setback. There is some existing and deteriorating/remnant pavement within this area. Per Bylaw Regs definitions a structure includes: "Any man-made or man-assembled impervious or partially impervious combination of materials and includes but is not limited to buildings, asphalt driveways, retaining walls, patios, swimming pools, sheds (decks, porches), framework, or any part thereof existing on, above or below the level of land or water."
 - 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.
 - Project would require a waiver. Waiver was not requested. Applicant should review waiver requirements and provide the required information in order for the board to consider it. Can project be revised to eliminate some of paved areas at rear of lot to meet standards? The removal of the back two parking spots could allow for the rain



Conservation Agent

Rebecca Gendreau

Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

V-Roy Bishop

Karsten Stueber

V-Ted Winglass

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garden to be elongated and for the outlet discharge and outlet protection to be removed from the 25' no disturb. This could be a good alternative towards a waiver. The area of the outlet discharge is within what a vegetated area in the 25' no disturb and would appear to be a new disturbance. Mitigation would be required.

- Applicant will look at all comments and come back to the next meeting with an update.

- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 505 Main Street to January 4, 2024. AIF 5-0

2. 241 & 245 Main Street –NOI – Paving of a commercial parking lot – DEP File #300-XXXX

- Owner/Applicant: Sturbridge Service Center Representatives: R. Lussier, CMG Environmental
- Request: Issue Order of Conditions.
- Documents Presented: colored plan
- Project Summary:
 - Project includes paving a parking lot at a commercial facility.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received to open hearing.
 - DEP file number not issued to date.
 - Project site is not located within Priority & Estimated Habitat.
 - Site noted to be within buffer zone to a Bordering Vegetated Wetland, contains BLSF and small portion of site shown as Riverfront Area. CMG notes area adjacent to BVW associated with a tributary to Hobbs Brook. Review of area shows that is in fact Hobbs Brook.
 - The applicant would need to demonstrate that the areas lack riverine characteristics per the WPA. If work is proposed in Riverfront Area the applicant must demonstrate that the project meets the performance standards in 310 CMR 10.58(4). An additional filing fee may be required if work is proposed within Riverfront Area.
 - Portion of site shown as Zone A. Bordering Land Subject to Flooding corresponds with the 100-year floodplain. Zone A FEMA flood zones cannot be used to define the limit of BLSF. The location of BLSF should be established using the criteria in 310 CMR 10.57(2)(a)(3). Any work within BLSF must meet the performance standards contained in 310 CMR 10.57(4).
 - Full depth pavement restoration proposed to include removal of 6' of subsurface and 4' of pavement.
 - Site visit conducted. Some of the areas shown as historic pavement are gravel areas. Project would appear to result in increase of impervious surfaces over existing conditions and needs to meet standards for new development.
 - Project shown as redevelopment for stormwater standards. This doesn't appear accurate based on existing conditions. Much of site is currently gravel. Site is also noted as a towing facility which is a Land Use with a High Pollutant Load.
 - Keith Beecher of the ACOE contacted staff with concerns in regards to property line discrepancies and encroachment onto ACOE land. He also contacted CMG staff. Applicant is working to address these concerns.
 - T. Winglass will abstain from discussion and vote of this Hearing due to a personal interaction with the Property Owner.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 241 and 245 Main Street to January 4, 2024. AIF 4-0-1(Winglass Abstain)

3. 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: sketch plan
- Project Summary:
 - Project includes the restoration of a former boat notch.
- Presentation and Discussion:
 - Proof of abutter notifications and legal ad received to open hearing.
 - DEP file number not issued to date.
 - Site visit performed.
 - Project occurs on Bank, Land Under Water and is within the SWB 25' no disturb area. Project appears within Bordering land Subject to Flooding.
 - Project site is not located within Priority & Estimated Habitat.

- Project noted as restoration of boat notch that will be a wetland improvement. Area was a historic boat house that had dry staked stone walls. Boathouse is gone. According to the owner it has fallen in over time. Area had naturalized. All vegetation within the area and immediately surrounding was removed since staff site visit. Removal of vegetation was discussed on 10/16/23 with staff. Property Owner was made aware that vegetation removal would be a violation. Intent is to rebuild staked stone walls (as needed) and remove material and vegetation to allow boat parking. Vegetation that has grown in the area was removed. All work is within resource areas and within the SCC's no disturb area.
- Applicant is requesting waiver on local filing fees.. SWB Regs allow fee waivers as noted: "Waivers. The Conservation Commission may waive the local filing fee for an application or request filed by a government agency, and may waive the filing fee for a request for determination of applicability filed by a person with no financial connection to the subject property. Said request for waiver shall be made at the time of submittal of the application."
- Applicant is requesting limited project status for restoration but does not meet criteria for that.
- Additional information is needed to evaluate this request. Applicant should seek assistance from professionals to assist with resource area documentation and for compliance with permitting standards that is required. Leaving the area as is would appear to be more beneficial for resource areas then clearing area out for boat parking.
- Vote: On a motion of T. Winglass, 2nd by E. Gaspar the Commission vote to continue the Hearing for 274 Big Alum Road to January 4, 2024. AIF 5-0

4. Big Alum Pond - 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:
- Project Summary:
 - Project includes an aquatic vegetation management plan for Big Alum Pond.
- Presentation and Discussion:
 - Proof of abutter notifications & proof of legal ad received.
 - DEP file number not issued to date.
 - Project site is not located within Priority & Estimated Habitat.
 - Current management plan and permit is required to be updated as management needs have changed. Therefore, new NOI filed for new plan. Staff thank the lake association for their efforts on updating the plan.
 - Past OOC and plan was for the use of Reward to target curly pondweed and an annual drawdown. Additional concerns have arisen since issuance in 2007 and the management strategies have changed.
 - Purpose of project is to remove/manage aquatic nuisance vegetation.
 - Plan noted to follow Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in MA (2004) and the Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetland Protection Act (2004).
 - Project is filed as a Limited Project Ecological Restoration as project results in 8,494,000 feet of LUW impacts.
 - Lake is 200 acres. Total area to be treated is 75 acres (littoral zone). Max area to be treated in one application is 40 acres. Treatments are primarily proposed in April. Treatments at this time of year (early growing season) are stated as being more effective as plants are less established. Spot treatments as needed may be at other times of the year.
 - Treatments are proposed as granular or boat based herbicide drip technology.
 - Requesting that multiple active ingredients are listed in the OOC as different plant conditions may vary from year to year. Active ingredients listed: copper based products for filamentous algae and aquatic plants; diquat dibromide spot treatment for aquatic plants; fluridone (systemic herbicide) for lake-wide control and early season curly leaf pondweed management.
 - Specificities of yearly treatments noted to be developed each year based on results of previous surveys.
 - Flexibility within the plan is acceptable and recommended to avoid need for multiple permits and/or yearly permits. However, some additional parameters will be needed for the board to evaluate to ensure no impacts to resource areas under the WPA and SWB. Chemical treatments need to be evaluated by the board to ensure no significant impacts so the dosage amounts are important to know.
 - The representative will go back and have Staff additional detail to provide related to target plants and/or plant groups, amounts of chemical distribution (and/or max. amounts be established), target application rates and

documentation supporting that these amounts have been documented to be safe for fish, wildlife and aquatic organisms. Each year's specific plan is to be submitted prior to treatment.

- Each year, the name of the person responsible for drawdown should be provided to SCC and to DPW for work on the dam (town dam).
- Post-treatment surveys proposed w/ reporting to con comm yearly.
- Permit should be issued for 5 years and noted in OOC.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for Big Alum Pond to January 4, 2024. AIF 5-0

5. 595 Main Street & Rt. 20 ROW - Notice of Intent –DOT Rt. 20 Drainage Project –DEP File #300-1175

- Owner/Applicant: MA DOT and Blackington, LLC Representative: E. Olson, VHB
- Request: Issue OOC
- Documents Presented: n/a
- Project Summary: Project includes the repair and replacement of failed drainage structures.
- Presentation and Discussion:
 - Detailed comments and revised plans provided a few meetings ago but hearing was continued to allow the project team to obtain final property owner signature. No additional information provided.
 - Property signature received.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to close the Public Hearing for DEP File#300-1175 at 595 Main Street. AIF 5-0
- On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote for DEP File #300-1175 at 595 Main Street to
 - Approve the project pursuant to the WPA with the following conditions:
 - Standard OOC conditions.
 - Perpetual conditions for long term O & M activities
 - Prior to start of work, develop and submit for review a control of water procedure/plan for stormwater during construction.
 - Replacement mitigation plantings as proposed.
 - Applicant required to demonstrate that plantings (trees and shrubs) have survived for one year after installation. This shall include a review by a professional/qualified landscaper or certified arborist. A monitoring report shall be prepared for the plant restoration areas. The report shall be submitted by the professional demonstrating the health of the landscape plantings after one growing season. AIF 5-0

6. 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 both peer reviews to be initiated.
 - Site visit conducted.
 - Documents received (both posted for review):
 - CMG Report
 - Ecosystem Solutions Report
 - Revised plan and BSC comment letter received on Nov. 30th.
 - Both documents have been provided to project team for review. Additional off-site review needed to complete wetland peer review which should be conducted soon.
 - Responses provided to stormwater review and some plan edits made. Representatives are working to address all peer reviews.
 - Staff do not anticipate concerns with delineation that would affect the project. Verification for accuracy of projected buffer zones onto the site is needed. All wetland flags need to be shown on the plan.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 200 Haynes Street to January 4, 2024. AIF 5-0

- 7. 72 Paradise Lane- *continued* NOI – Construction of a cantilevered dock - DEP File #300-XXXX**
- Owner/Applicant: R. Muscaro Representative: M. Lavigne, Ground Effects
 - Request: Issue an OOC
 - Documents Presented: plans
 - Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
 - Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide
 - Presentation and Discussion:
 - A written request for continuation received to January 4, 2024. No discussion took place.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 72 Paradise Lane to January 4, 2024. AIF 5-0
- 8. 62 Mt. Dan Road - *continued* Notice of Intent – Construction of a cantilevered dock - DEP File #300-XXXX**
- Owner/Applicant: Dan St. Onge Representative: M. Lavigne, Ground Effects
 - Request: Issue an OOC
 - Documents Presented: plans
 - Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
 - Project Summary:
 - Project includes the installation of a singular cantilevered dock, 32 feet long by 8 ft wide
 - Presentation and Discussion:
 - A written request for continuation received to January 4, 2024. No discussion took place.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 62 Mt. Dan Road to January 4, 2024. AIF 5-0
- 9. 328 The Trail – *continued* Notice of Intent Construction of 2 cantilevered docks & repair of shoreline wall - DEP File #300-XXXX**
- Applicant/Owner: Rocco Falcone Representative: M. Lavigne, Ground Effects
 - Request: Issue an OOC.
 - Documents Presented: plans
 - Jurisdiction: Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
 - Project Summary:
 - Project includes the installation of a 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:
 - A written request for continuation received to January 4, 2024. No discussion took place.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 328 The Trail to January 4, 2023. AIF 5-0
- 10. 324 The Trail – Notice of Intent Construction of 2 cantilevered docks - DEP File #300-XXXX**
- Applicant/Owner: Matt Kibbe Representative: M. Lavigne, Ground Effects
 - Request: Issue an OOC
 - Documents Presented: plans
 - Jurisdiction: Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
 - Project Summary: Project includes the installation of a two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
 - Presentation and Discussion:
 - A written request for continuation received to January 4, 2024. No discussion took place.
 - Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to continue the Hearing for 324 The Trail to January 4, 2024. AIF 5-0
- 11. 212, 216 & 226 Charlton Rd. - Notice of Intent –redevelopment of 3 single family house lots to a commercial development–DEP File #300-1172**
- Applicant: Sturbridge Retail Management Representative: J. Kline, Stonefield Engineering
 - Request: Issue OOC.
 - Documents Presented: n/a

- Project Summary: Project includes the demolition of 3 residential homes to accommodate the construction of a 2,402 SF restaurant with drive thru and 5079 SF medical building with associated parking and stormwater structures.
- Presentation and Discussion:
 - Project review has been postponed per request of applicant's representative to February 15, 2024.
- Vote: No votes taken

Commissioner Roy Bishop left the meeting through his virtual attendance at this time.

II. WETLAND DECISIONS

12. 290 Clarke Road Ext. – Request for a Certificate of Compliance - DEP File #300-1123

- Permit Holder: S. Tardanico
- Requester: Jalbert Engineering
- Request: Issue COC.
- Presentation and Discussion: Project included house and garage modifications, construction of a permeable driveway and site improvements. Site visit conducted. No concerns noted.
Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to Issue a complete Certificate of Compliance with perpetual conditions: SCC #'s 47-52. AIF 4-0

13. Emergency Request – 55 Champeaux Road

- Requester: Town of Sturbridge, Trails Committee
- Request: Grant emergency certification for the removal of failing culverts at a crossing.
- Presentation and Discussion: Water levels lowered recently with DOT working on the nearby bridge. Trails committee have concerns with erosion. Only exposed portions of pipe to be removed and erosion repaired. Pipes under earthen material not to be removed. Pipes will be removed off site and properly disposed of. After the fact NOI to be filed with additional trail projects proposed.
Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the Emergency Authorization of the repair of the culverts at 55 Champeaux Road along with filing a NOI after the fact. AIF 5-0 (vote taken at the beginning of the meeting)

III. ADMINISTRATIVE DECISIONS

UPDATES

IV. OLD BUSINESS

14. 110 Brookfield Road Update

- Presentation and Discussion: Required work on site completed and plan provided for review. Staff visited site to confirm. Plan appears to reflect what was discussed to be included. Staff are waiting on confirmation of recording at the registry. Will revisit at the next meeting.

15. 392 Main Street Update

- Presentation and Discussion: Revised plan received for restoration. Oil dumpster to be relocated off town property and new plan submitted. Property Owner will provide the Town proof of insurance before work starts. Commission agreed to the proposed planting plan, EBT will oversee the planting.
- Vote: On a motion of E. Gaspar, 2nd by K. Stueber the Commission vote to approve the restoration plan and release the Enforcement Order at 392 Main Street. Work will be completed by April of 2024 and be monitored for two growing seasons. AIF 4-0

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

16. Agent's Report

- RG is waiting for input from Town Counsel on a possible executive session for the next meeting.
- 2 long standing enforcement orders are wrapping up at the next meeting.

17. Next Meeting: Thursday Jan. 4, 2024 and Site Visit Schedule – Dec. 27, 2023

ADJOURN

On a motion of E. Goodwin, 2nd by E. Gaspar the Commission vote to adjourn the meeting at 8:09 PM. AIF 4-0