

# CONSERVATION COMMISSION DETAILED AGENDA

Date: January 25, 2024

Time: 6:00 pm

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

## 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.
- Staff Notes:
  - Proof of legal ad and receipt of Abutter mailings required.
  - Site visit conducted.
  - Additional BMPs will be required for well work. Septic change is an improved system requested by the BOH which will result in increased treatment. LOW similar just modified slightly for the well.
  - Well location cited to be 100 feet from septic systems. Well is at shown 25' buffer zone. Appears closer w/ elevated water levels. Can this be shifted off the top of the slope? Shown at 15' from property line (BOH setback requirement).
- Staff Recommendations: See if well can be shifted away from the slope. If the board has no concerns, staff would recommend that the following conditions to be added to the OOC conditions under the joint WPA and SWB Special Conditions:
  - Prior to the start of work, a plan shall be developed and submitted for approval to include additional BMPs for the control of well drilling spoil materials and water for well installation and decommissioning. Erosion control BMPs must be installed between the work area and the decommissioned well.

#### 2. 505 Main Street– *continued* NOI – Commercial property redevelopment – DEP File #300-1185

- Owner: Jenny Bounphasaysonh                      Applicant: STL Group, LLC
- Representatives: R. Mendez, Graves Engineering, Inc.
- Request: Issue Order of Conditions (OOC)
- Documents Presented: revised plans, overlay, & response letter
- 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.
- Staff Notes:
  - Project was continued to allow applicant to address comments and as the DEP file number had not issued.
  - DEP File # issued with comments. See attached.
  - New materials received since DEP File # issuance:
    1. Plan, "Overlay: Pre-development versus Post-Development" dated /9/2024
    2. Graves Response to DEP Comments Letter dated 1/10/2024
    3. Revised Plans last dated 1/9/2024



**Conservation Agent**  
Rebecca Gendreau

**Assistant**  
Erin Carson

**Conservation Commission Members**  
Ed Goodwin  
Erik Gaspar  
Roy Bishop  
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- Project was revised to address board comments. The parking spaces were removed from the 50' No New Structure BZ. Snow storage has been moved to this area which is shown over crushed stone.
- In addition, a wood guardrail has been added in front of the bioretention area. Staff had recommended fencing or similar material to prevent snow storage in the basin.
- Staff recommend that no mow signage be installed in the restoration area and that be added to the O&M Plan so it is not mowed.
- DEP has provided clarification on comments. Bioretention as designed provides pre-treatment and ground water recharge. Ground water recharge is not permitted within the 50' BZ. If basin was designed to only provide pretreatment it can be allowed in location. However, redevelopment standards do not apply for this project as it increases impervious cover on the site. Applicant will need to either redesign the stormwater design or move bioretention basin to meet Stormwater Standards.
- Staff recommend exploring options to add stormwater structures under the proposed rear parking lot if they do not want to lose impervious cover. The parking area could be raised if depth to groundwater needed and/or to provide proper elevations for outlet.
- As noted in 12-7-23 detailed agenda, the Applicant has an open OOC for 423 Main Street. Project has been completed for some time and is required to be closed out when completed. A Request for a Certificate of Compliance needs to be submitted to close out that project. Staff did visit the property on 1-12-24 and snow is being stored in the rain garden which has damaged vegetation (alder knocked over) and the side slope of basin to the river is not fully stabilized (see attached photos). Snow storage compacts soil media. As part of OOC, O&M logs are required to be submitted. None have been received. It is necessary that the correct maintenance is done to ensure that these systems function as proposed. OOC expires on March 3, 2024. Extension appears needed to close out after growing season starts to allow review of restoration area and rain garden review. Rain garden soil media likely compacted and requires maintenance and vegetation. It would be advisable to add a fence or guardrail in front of rain garden.
- Staff Recommendations: Continue project to allow applicant to revise stormwater design to meet standards. Otherwise, project would not appear to meet permitting standards.

**3. 274 Big Alum Road - *continued* NOI -Repair of historic boat notch - DEP #300-XXXX**

- Owner/Applicant: Virginia Roscioli     Representatives: n/a
- Request: Issue an OOC
- Documents Presented: Applicant's response letter
- Project Summary:
  - Project includes the restoration of a former boat notch.
- Staff Notes:
  - DEP File # and comments not received.
  - Staff have provided the Applicant with information to assist with demonstrating meeting performance standards for a shoreline wall project as requested by the board.
  - Additional information received: Letter from Applicant dated 1/25/24 received on 1/17/24 (date should be changed as is meeting date). See website for document.
  - Project requires work on Bank and in Land Under Water (LUW). Appears within BLSF, too. Calculations provided at 22 yards of material to be removed from LUW. This would include boulders, rocks, earthen material (tree roots, soil, etc). Unknown how 22 yards was calculated. Removal of material within LUW is considered dredging. Would appear that removal of the substrate below water surface is to be removed too as likely needed for boat parking as planned.
  - It is an interesting area as it has naturalized and the Bank in back portion of the notch is now a sloped natural Bank. It's unknown if water fully extends underneath this or not and some of the upland pockets could be BVW.
  - 401 Water Quality Certification likely required.
  - Altering the area to provide boat parking does not seem to be a benefit and the presumption that the areas are not significant for the interests that they serve has not been overcome. The current conditions would be better for wildlife habitat.
  - As previously noted this is not a simple project per permitting standards. A sketch and generalized comments are not sufficient to consider this project. The board should carefully review the WPA and SWB Regulations for the resource areas. Property already has altered Bank. There are limits. The boat notch was abandoned for over half a century. This is not a typical wall repair as it was not maintained.

- Applicant is requesting waiver on local filing fees. See letter in application packet. 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.”
  - Staff recommend that the board require additional information in form of an engineered plan identifying resource areas and impact calculations. Depending on the impacts noted, a habitat assessment could also be required. These are direct wetland impacts to multiple resource areas and the provided information is not sufficient.
  - Staff Recommendations: Require additional information and continue project as DEP has not issued File #.
- 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.
  - Staff Notes:
    - Project was continued to allow for DEP File # and to revise project narrative. Proposed revisions were discussed at the last meeting to narrow the focus of the target species and management strategies.
    - DEP file number still not issued to date.
  - Staff Recommendations: Continue to next meeting, Feb. 15<sup>th</sup>, to finalize narrative and for DEP # and comments.
- 5. 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:
    - Project has been continued to allow applicant to address comments received to date.
    - No new information has been received.
    - Written request for continuance received to the March 7, 2024 meeting.
  - Staff Recommendations: Continue project as requested to March 7, 2024 meeting.
- 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 has been continued to allow applicant to address comments received to date.
    - No new information has been received.
  - Staff Recommendations: Discuss with Applicant timing needed to prepare and submit materials. Continue project to Feb. 15, 2024 meeting if 2 weeks is sufficient if not out further.
- 7. 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.
  - Staff Notes
    - Project was previously continued after DEP and board comments received.
    - Project requires to be done during lake drawdown and a Chapter 91 license. As the project will not occur during drawdown this winter, the Representative has submitted a written request for continuance received to the Sept. 12, 2024 meeting.
  - Staff Recommendations: Continue project as requested to Sept. 12, 2024 meeting.
- 8. 324 The Trail – *continued* 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.
  - Staff Notes
    - Project was previously continued after DEP and board comments received.
    - Project requires to be done during lake drawdown and a Chapter 91 license. As the project will not occur during drawdown this winter, the Representative has submitted a written request for continuance received to the Sept. 12, 2024 meeting.
  - Staff Recommendations: Continue project as requested to Sept. 12, 2024 meeting.
- 9. 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.
  - Staff Notes:
    - Project was continued to allow response to all peer review comments since last meeting.
    - The Representative has submitted a written request for continuance received to the Feb 15, 2024 meeting to address comments.
  - Staff Recommendations: Continue to allow project team to address comments based on final wetland review to Feb. 15<sup>th</sup> as requested.

## II. WETLAND DECISIONS

- 10. 505 Main Street – Request for a Certificate of Compliance - DEP File #300-0878**
- Permit Holder: Jenny Bounphasayoh
  - Request: Issue COC.
  - Staff Notes: Work was not conducted under this OOC.
  - Staff Recommendations: Issuance of CoC for Invalid (work not conducted).
- 11. 279 Holland Road – Request to Extend an Order of Conditions - DEP File #300-0977**
- Permit Holder: Stevens Construction
  - Requester: Alex J. Perron (current property owner)
  - Request: Issue a 2-year extension
  - Staff Notes:
    - Project was permitted in 2017 received extension and then an automatic COVID extension. Permit expires in May. New property owner who is starting the project. Staff have conducted a pre-construction meeting. Work will start soon.
  - Staff Recommendations: Issue 2-year extension as requested.
- 12. 125 Mashapaug Road – Request for a Certificate of Compliance - DEP File #300-0591**
- Permit Holder: Stephen Celuzza
  - Requester: same

- Request: Issue COC.
- Staff Notes: Project included construction of a new house and associated site work. Permit issued in 2004. Property owner has plans for new work and it was realized that OOC was never closed. Site had been cleared prior to permit issuance and conditions included. Staff informed and as-built plan and request submitted. Site visit required to confirm as-built which includes new wetland delineation completed in Nov. 2023. Ground conditions not appropriate to review site conditions. Staff have tentative visit scheduled if conditions allow before the meeting.  
Staff Recommendations: Recommend continuation to allow for site review.

### **III. ENFORCEMENT ORDERS**

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

- Staff Notes: Work completed as required through EO discussions. Release of EO postponed as plan is to be recorded. Awaiting plan recording.
- Staff Recommendation: Vote to release the EO if plan recorded. If not, postpone to allow additional time.

### **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 February 15, 2024 and Site Visit Schedule – TBD**

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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)  
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**Subject:** MassDEP NOI File Number  
**Date:** Monday, January 8, 2024 3:40:28 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: 01/08/2024 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> STL GROUP, LLC PO BOX <b>Address</b> 638,STURBRIDGE MA 01566 505 MAIN STREET , <b>Locus</b> STURBRIDGE MA 01518	<b>Owner Address</b>
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This project has been assigned the following file # : **CE 300-1185**

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 Stormwater Standards require that infiltration BMPs set a 50 ft minimum back from any jurisdictional water/wetland. See V1 Ch1 Pg.8 the MA Stormwater Handbook. If providing recharge to meet Standard 3, the current placement of the bioretention area does not appear to meet a 50 ft setback from the BVW. The Applicant should confirm that placement complies with the Handbook's requirements.

Erosion and sedimentation controls should be depicted on the final approved plan.

Should the Commission approve the project, they may also want to consider including a perpetual condition in their Order of Conditions requiring permanent memorialization fixtures such as a split rail fence, landscaping boulders, and/or signage to prevent future encroachment beyond the limit of work and into the restored BZ.

Regards,  
for MassDEP,

(508)-767-2711  
[Kimberly.Roth@mass.gov](mailto:Kimberly.Roth@mass.gov)



423 Main DEP File #300-1091 Photos 1/12/2024













## EcoTec, Inc.

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**Arthur Allen, CPSS, CWS, CESSWI**  
**Vice President**  
**Soil & Wetland Scientist**

Arthur Allen is the Vice President of EcoTec, Inc. and has been a senior environmental scientist there since 1995. His work with EcoTec has involved wetland delineation, wildlife habitat evaluation, environmental permitting (federal, state and local), environmental monitoring, expert testimony, peer reviews, contaminated site assessment and the description, mapping and interpretation of soils. His clients have included private landowners, developers, major corporations and regulatory agencies. Prior to joining EcoTec, Mr. Allen mapped and interpreted soils in Franklin County, MA for the U.S.D.A. Natural Resources Conservation Service (formerly Soil Conservation Service) and was a research soil scientist at Harvard University's Harvard Forest. Since 1994, Mr. Allen has assisted the Massachusetts Department of Environmental Protection and the Massachusetts Association of Conservation Commissions as an instructor in the interpretation of soils for wetland delineation and for the Title V Soil Evaluator program.

Mr. Allen has a civil service rating as a soil scientist, an undergraduate degree in Natural Resource Studies and a graduate certificate in Soil Studies. His work on the Franklin County soil survey involved interpretation of landscape-soil-water relationships, classifying soils and drainage, and determining use and limitation of the soil units that he delineated. As a soil scientist at the Harvard Forest, Mr. Allen was involved in identifying the legacies of historical land-use in modern soil and vegetation at a number of study sites across southern New England. He has a working knowledge of the chemical and physical properties of soil and water and how these properties interact with the plants that grow on a given site. While at Harvard Forest he authored and presented several papers describing his research results which were later published. In addition to his aforementioned experience, Mr. Allen was previously employed by the Trustees of Reservations as a land manager and by the Town of North Andover, MA as a conservation commission intern.

#### **Education:**

1993-Graduate Certificate in Soil Studies, University of New Hampshire

1982-Bachelor of Science in Natural Resource Studies, University of Massachusetts

2023-Connecticut DEEP Municipal Inland Wetlands Agency Comprehensive Training Program

#### **Professional Affiliations:**

Certified Professional Soil Scientist (ARCPACS CPSS #22529)

New Hampshire Certified Wetland Scientist (#19)

Registered Professional Soil Scientist – Society of Soil Scientists of SNE [Board Member (2000-2006)]

Certified Erosion, Sediment & Stormwater Inspector (#965)

Massachusetts Approved Soil Evaluator (#13764)

Massachusetts Arborists Association-Certified Arborist (1982 – 1998)

New England Hydric Soils Technical Committee member

Massachusetts Association of Conservation Commissions member

International Erosion Control Association, New England Chapter Board of Directors

#### **Refereed Publications:**

*Soil Science and Survey at Harvard Forest.* A.Allen. In: Soil Survey Horizons. Vol. 36, No. 4, 1995, pp. 133-142.

*Controlling Site to Evaluate History: Vegetation Patterns of a New England Sand Plain.* G.Motzkin, D.Foster,

A.Allen, J.Harrold, & R.Boone. In: Ecological Monographs 66(3), 1996, pp. 345-365.

*Vegetation Patterns in Heterogeneous Landscapes: The Importance of History and Environment.* G.Motzkin,

P.Wilson, D.R.Foster & A.Allen. In: Journal of Vegetation Science 10, 1999, pp. 903-920.