

# CONSERVATION COMMISSION DETAILED AGENDA

Date: February 15, 2024

Time: 6:00 pm

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

---

## DECISIONS

### I. PUBLIC HEARINGS

1. **97 Shore Road – NOI – Notice of Intent–Raze and rebuild of a lake-front home- DEP File #300-XXXX**

- Owner/Applicant: Jane and Timothy Seitz
- Representatives: L. Jalbert, Jalbert Engineering, Inc.
- Request: Issue Order of Conditions (OOC)
- Documents Presented: plans
- Project Summary:
  - Applicant is requesting to demolish the existing cottage and rebuilding a year-round home with new well and associated site improvements.
- Staff Notes:
  - Proof of legal ad and receipt of Abutter mailings required.
  - Site visit conducted. Photos attached.
  - DEP File # and comments have not been issued.
  - House is located within the 50 foot no new structure setback. New house primarily located within the same footprint however addition shown which moves house closer to the lake.
  - Calculations included on plan. Shows reduction within 50' BZ. Appears paver patio used as structure for calculations. Paved driveway will increase in size. Project includes BMPs for roof runoff.
  - Unclear if this will be a full foundation or slab. A narrative is needed that includes details of the new house. How many floors? If house is to have foundation and will have a new floor then why does it need to be extended within the 50'? Is there a rendering which can be provided? How much needs to be dug out around the foundation? Will this impact roots?
  - No waiver requested, alt. analysis or mitigation provided. Alternative analysis to be provided.
  - Review of alternatives should be demonstrated to show that it couldn't be located further from the resource area. Some constraints exist and discussed on site.
  - A condition for a construction sequence plan should be submitted. Well decommissioning BMPs, etc. The site is very small, where will stockpiling, staging, parking, dumpster occur, etc. Catch basin along road in front of #93 leads to lake needs to be protected. ECs or tracking pad needed along roadway to prevent material entering roadway and catch basin. Will the adjacent tree roots be impacted by the digging for the foundation and/or will it need to be limbed for the raising of the house height? Tree root zone protections to be shown on plan. Will the perimeter drain trench impact roots? Driveway will be removed adjacent to house but replaced and expanded. Shown as paved. Pervious options should be explored.
  - Project will require waiver from board. Mitigation required. Restoration of the 25' BZ would be advisable.
  - Review of records: 2008 letter permit for portable shed located.
- Staff Recommendations: Recommend that notes above are addressed including alternative analysis documented and provided to board and to look at revisions to meet standards, mitigation options for waiver, etc. Continue to next meeting to address comments and for DEP File #. Next meeting is March 7, 2024.



**Conservation Agent**  
Rebecca Gendreau

**Assistant**  
Erin Carson

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

308 Main Street.  
Sturbridge, MA  
01566  
T 508/347-2506

[www.sturbridge.gov](http://www.sturbridge.gov)

**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
- 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.
  - Revised materials received (posted on website):
    1. Stormwater Report (including Checklist) last revised 1/24/2024
    2. Graves Engineering Letter dated 1/24/2024
    3. Revised Plans last dated 1/24/2024
  - Project was revised to address board and DEP comments. The parking spaces were removed from the 50' No New Structure BZ. Snow storage has been relocated to this area which is shown over crushed stone.
  - In addition, a wood guardrail has been added in front of the bioretention area and no mow signage added at the restoration area. Staff had recommended fencing or similar material to prevent snow storage in the basin.
  - Bioretention basin has been redesigned to only provide pre-treatment to meet standards. Infiltration structures not allowed within 50' of surface water. Additional underground structure provided to infiltrate roof runoff to meet ground water recharge standards.
  - Revisions appear to meet standards.
  - 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: 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.
    - Installation of the rain garden shall be supervised by a professional with documented experience in rain garden construction. Such person shall be retained to supervise and monitor construction of the rain garden areas.
    - Following construction of the rain gardens area, the professional shall certify to the SCC that the areas has been constructed in compliance with the approved plans.
    - Restoration plantings must be installed when the bioretention basin is installed. If this is done outside of the growing season, then it must be completed at the beginning of the next growing season.
    - Perpetual conditions for stormwater structures, guardrail and signage.
    - Evidence of maintenance of the stormwater management system shall be provided to the Commission on annual basis.
    - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the rain garden plantings and restoration 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. \$10,000 for commercial developments has been previously required. To be released upon issuance of a Certificate of Compliance.

**3. 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.
  - Revised materials received. Posted on website. Includes:
    - Revised NOI Narrative, dated 2/5/2024
    - Map: Clasp Leaf Pondweed Cover, dated
    - Treatment Plan for 2024 Big Alum Pond
  - Draft condition to be provided. Note: approval for 5 years for vegetation management vs. 3 years.
- Staff Recommendations: Provided DEP # and comments received, close the public hearing and issue an Order of Conditions pursuant to the WPA and the SWB with conditions attached.

**4. 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: Applicant's response letter
- Project Summary:
  - Project includes the restoration of a former boat notch.
- Staff Notes:
  - DEP File # and comments received. Attached.
  - No new information received.
  - Board advised applicant to receive professional services to assist providing the required information needed to evaluate the project (identifying resource areas and impact calculations, demonstrating to meet permitting standards, etc.).
- Staff Recommendations: Discuss status of project. Continue out if applicant needs additional time.

**5. 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 to the March 28, 2024 meeting to address comments.
- Staff Recommendations: Continue to allow project team to address comments to March 28, 2024 as requested.

**6. 212, 2216, 226 Charlton Rd. – *postponed hearing*-Notice of Intent-Redevelopment of 3 single family house lots to a commercial site-DEP File #300-1172**

- Applicant: Sturbridge Retail Management     Owner: Katherine Thompson-212, Christine Lena-126, Steven & Theresa Saletnik-226
- Representative: J. Kline, Stonefield Engineering
- Request: Issue OOC.
- Documents Presented: n/a
- Project Summary: Demolish 3 single-family homes and develop as a multi-building commercial site with associated site work.
- Staff Notes:

- Project team has asked to withdraw the application without prejudice.
- Staff Recommendations: Vote to accept the withdrawal w/out prejudice as requested.

## II. WETLAND DECISIONS

### 7. 24 Hamilton Road, HR&GC – Request for a Two-Year Extension DEP File #300-1087

- Staff Notes: The OOC is for vegetation management on the dams. Most of work is completed however larger trees along 2<sup>nd</sup> dam. NHESP timing restriction for rare species limits time of year work can be done. They are also doing most work by hand to avoid large equipment in sensitive areas.
- Staff Recommendations: Issuance of a Two-year Extension as requested.

### 8. Cedar Lake Aquatic Vegetation Management Plan – Request for an Extension- DEP File #300-726

- Staff Notes: The Lake Association is working on developing a NOI for new treatment plan as needed. They do need a request to be able to continue treatment this year.
- Staff Recommendations: Issuance of a One-year Extension as requested.

### 9. 100 Charlton Road – Request for a Certificate of Compliance - DEP File #300-1083

- Permit Holder: J. Panter, Kimley-Horn
- Request: Issue COC.
- Staff Notes: We'll need to wait until the growing season to verify that the restoration plantings have been successful. We have only received one report on the plantings. In addition, it does look like there are some wall repairs that are recommended to be made. Those should be conducted first. Also, the OOC has expired and there is an additional fee that needs to be submitted. Staff have requested the additional fee and for an update on the status of the wall repairs.
- Staff Recommendations: Recommend not issuing (holding off) on CoC issuance until fee received, wall repairs made and plantings can be verified.

### 10. 118 Leadmine Lane – Request for Certificate of Compliance-DEP File #300-0684

- Permit Holder: Gary & Sherry Kellaher
- Request: Issue CoC.
- Staff Notes: Request received on 3/7/2024. Added to agenda to meet 21-day requirement. Information provided to demonstrate that OOC has been complied with. Enforcement Order issued for non-compliance with OOC and for additional work conducted on the property. When the SCC first became aware of issues, 118 Leadmine was a larger property that was subdivided while discussions were occurring. Staff and board were not made aware of that. EO issue for all work in violation.
- Staff had reviewed the site after initial work and plantings. All work on what is now just 118 Leadmine Lane has been completed. Inspections completed for plantings and compliance with plan.
- Staff visited site. All work appears to be in compliance for this property.
- Staff Recommendations: Issue complete CoC with perpetual conditions: 39 – 41 and 45. EO discussion noted below.

## III. ENFORCEMENT ORDERS

### 11. 118 Leadmine Lane – Request to Release Enforcement Order

- Staff Notes: Appears all work on the current 118 Leadmine Lane has been completed. Restoration of areas now on 89 Leadmine lane, referred to as “upper lot area” in 7-22-2027 SCC Letter is not complete. Most of restoration work on 89 Leadmine Lane has been completed. Buffer zone restoration still needs to be completed. Some of this was on hold until house was built so the shed can be removed. There is an OOC (DEP File #300-1073) for 89 Leadmine Lane for the development of the property and the required restoration work. OOC expires on 9/29/2024. All work should be completed by then.
- Staff Recommendations: Enforcement Order should only be released when all work referenced in the EO and subsequent letters is completed. This should be able to be accomplished once the work is completed. Complete the work so the SCC can release it.

## IV. ADMINISTRATIVE DECISIONS

### 12. Minutes for approval

## V. CONSERVATION LAND DECISIONS

### 13. New England Mountain Bike Association – Land Use Permit Request Leadmine & Heins' Farm

## VI. OLD BUSINESS

## VII. ADMINISTRATIVE UPDATES

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

## VIII. CORRESPONDENCE

## VII. NEW BUSINESS

14. Blueberry Hills DEP File #300-1156 Restriction Language Review
  15. 38 & 40 Hamilton Road Right of First Refusal
  16. Agent's Report
  17. Next Meeting: Thursday March 7, 2024 and Site Visit Schedule – TBD
- 

***UPDATES/DISCUSSION***

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

***ADJOURN***

97 Shore Road  
Site Visit Photos  
2/5/2024





**From:** [CERO\\_NOI@MassMail.state.ma.us](mailto:CERO_NOI@MassMail.state.ma.us)  
**To:** [ginros46@gmail.com](mailto:ginros46@gmail.com); [kimberly.roth@mass.gov](mailto:kimberly.roth@mass.gov)  
**Cc:** [cero\\_noi@state.ma.us](mailto:cero_noi@state.ma.us); [Rebecca Gendreau](mailto:Rebecca.Gendreau); [Erin Carson](mailto:Erin.Carson); [cero\\_noi@state.ma.us](mailto:cero_noi@state.ma.us)  
**Subject:** MassDEP NOI File Number  
**Date:** Friday, February 2, 2024 2:53:58 PM

---

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: 02/02/2024 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> VIRGINIA ROSCIOLI <b>Address</b> 274 BIG ALUM (PO BOX 212),STURBRIDGE MA 01518 <b>Locus</b> 274 BIG ALUM , STURBRIDGE MA 01518	<b>Owner Address</b>
---	--------------------------

This project has been assigned the following file # : **CE 300-1186**

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

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

As this project appears to be the restoration of a boat parking area, it would not qualify as an ecological restoration project. The removal of sediments and material to "deepen, widen, or excavate, either temporarily or permanently, land below the high water mark for inland waters" qualifies as dredging, see 310 CMR 10.04 Dredge. How was 22 yards of removal determined? Is that cubic yards? The applicant should clarify the methodology used to calculate the estimate amount of material for removal. Removal of 100 or more cubic yards of material would require a 401 Water Quality Certificate.

Erosion and sedimentation control should be incorporated into any approved final plan.

As Alum Pond is a listed Great Pond, any existing or proposed retaining walls, steps, or docks, that fall within the Mean Annual High Water line (i.e. the structure is in contact with the waterline during a typical year) may require a Ch. 91 license if not already acquired.

**ADDITIONAL REQUIREMENTS:**

A Chapter 91 license may be required. Application and transmittal forms are available on the MassDEP website <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. For additional information, contact MassDEP Waterways Program by email at [dep.waterways@mass.gov](mailto:dep.waterways@mass.gov) or visit <https://www.mass.gov/waterways-program-chapter-91>.

A 401 Water Quality Certification (WQC) (314 CMR 9.00) may be required for this project. The project qualifies for 401 Certification under the Army Corps of Engineers General Permit for Massachusetts (MAGP), provided that the project meets certain conditions outlined in 314 CMR 9.03 and 9.04, and the conditions under MAGP. WQC information is available at <https://www.mass.gov/regulations/314-CMR-9-401-water-quality-certification> and MAGP information is available at <http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/MassachusettsGeneralPermit.aspx>.

401 WQC applications must now be submitted electronically through EEA's ePLACE online tool at <https://www.mass.gov/lists/water-quality-certification-fo>