

# CONSERVATION DEPARTMENT DETAILED AGENDA

Date: May 12, 2022

Time: 6:00 pm



## DECISIONS

### I. PUBLIC HEARINGS

#### 1. 19 Mashapaug Road-NOI-Replacement of failed culverts-DEP File# 300-XXXX

- Owner/Applicant: Thousand Trails      Representative: S. Morrison, EcoTec
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans
- Jurisdiction: Bank and Buffer Zone
- Project Summary:
  - Project includes an after-the-fact Notice of Intent for an Emergency Certification issued March 17, 2022 to allow failed culverts to be replaced. This application also includes removal of an existing wood crossing upstream of the culvert.
- Staff Notes:
  - Proof of abutter notifications received. Proof of legal ad received.
  - DEP File # and comments have not been received.
  - Project site is located within Priority & estimated Habitat. Emergency approvals received separately from NHESP.
  - Site visit previously performed. Post-installation report received.
  - Project also includes the removal of a wooden footbridge in the vicinity of the culvert replacements.
  - Staff have no significant concerns. Removal of the bridge will be an improvement. Seeding should be native. It would be an improvement to stop mowing up to the stream and leave an unaltered vegetated buffer around the stream even if it was 5-10 feet where possible.
- Staff Recommendation: Continue to the next hearing, 6-2-22, as DEP has not issued a file and no NHESP comments received. When appropriate, close the hearing and issue an OOC to include after the fact removal and replacement of the culverts and for approval of the removal of the footbridge w/ the following conditions:
  - Native seed mix for altered areas under the footbridge.
  - No equipment to enter resource areas.
  - Pre-work meeting & associated conditions during work.
  - Establish unaltered vegetated buffer on the stream (if deemed appropriate)
  - File for CoC when stabilized.

#### 2. Town of Sturbridge Main Street- RDA- Herbicide Treatment on the Town's right of way

- Applicant: Town of Sturbridge DPW      Representative: none
- Request: Issue a Determination
- Documents Presented: maps, YOP
- Jurisdiction: Buffer Zone
- Project Summary: Project includes herbicide treatment of sidewalks on Rt 20 and 131.
- Staff Notes:
  - Proof of legal ad received.
  - The DPW has filed a Yearly Operation and Management Plan (YOP) for the management of vegetation along sidewalks on Rt. 20 and Rt. 131. The project includes the use of herbicides. Therefore, the YOP has been filed with the Dept. of Agricultural Resources. The purpose of the chemical treatment is noted from safety concerns raised by residents.
  - MDAR identifies sensitive areas which must be excluded from chemical management. Sensitive Areas, as identified by MDAR and as noted in the YOP, will be excluded from the herbicide and mechanically managed.
  - The DPW will be required by MDAR to mark out all areas to be excluded all sensitive areas.
  - Under the WPA,

**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

308 Main Street.

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“(6) Presumption Concerning Application of Herbicides.

(a) Any application of herbicides within any Area Subject to Protection under M.G.L. c. 131, § 40 or the Buffer Zone associated with a structure or facility which is:

1. existing and lawfully located;
2. used in the service of the public; and
3. used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services

shall be presumed to constitute work performed in the course of maintaining such structure or facility, and shall be accorded the exemption of such work under M.G.L. c. 131, § 40, only if the application of herbicides to that structure or facility is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: *Rights of Way Management*, effective July 10, 1987.

(b) Any application of herbicides within the Buffer Zone, other than as provided in 310 CMR 10.03(6)(a), shall be presumed not to alter an Area Subject to Protection under M.G.L. c. 131, § 40, only if the work is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: *Rights of Way Management*, effective July 10, 1987. This presumption shall apply only if the person proposing such activity has requested and obtained a determination of the boundaries of the Buffer Zone and Areas Subject to Protection under M.G.L. c. 131, § 40 in accordance with 310 CMR 10.05(3)(a)1. and 2.; and has submitted that determination as part of the Vegetation Management Plan.

(c) Any application of herbicides for management of rights of way within a riverfront area not subject to 310 CMR 10.03(6)(a) or (b), provided the area is outside any other resource area and qualifies under the provisions of 310 CMR 10.58(6)(a), shall be accorded an exemption of such work under M.G.L. c. 131, § 40, provided that the application of herbicides is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: *Rights of Way Management*.”

- Under the SWB, 365-5.8

- “The Commission prohibits the use of pesticides, fertilizers and herbicides within the 100-foot buffer and prohibits the use of salts, quick-release pesticides, quick-release fertilizers and quick-release herbicides within the 200-foot buffer.
- The only exemptions to these regulations are the application of herbicides within the buffer zone to a resource area, and application of salt in areas for the express interest of public safety where no other measures are adequate or practicable. The herbicide exemption applies only if the work is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00 and is applied by a Massachusetts state-licensed applicator. Rights-of-way management shall apply only if the person proposing such activity has requested and obtained a determination of the boundaries of the buffer zone and areas subject to protection and has submitted that determination as part of the vegetation management plan...Notification of aquatic or terrestrial herbicide treatment, to the Commission, the local Board of Selectmen and local Board of Health is required at least 30 days in advance of the treatment.”
- Staff Recommendations: Appears that the herbicide exemption would apply provided that it is carried out as outlined in the MDAR YOP. All sensitive areas must be flagged and treated mechanically. Close the hearing and issue a DOA: Negative #5 (work meets exemption WPA ROW) provided work is in compliance with an approved MDAR YOP and Negative #6 (SWB meets exemption ROW) provided that they follow the provisions of YOP and 365-5.8. CA to review exclusion areas w/ DPW prior to any work. Approved MDAR plan required prior to the start of work.

**3. 290 Clarke Road Ext.-continued NOI- Addition of accessory unit above the garage-DEP File# 300-1123**

- Applicant: Steven & Meagan Tardanico      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions
- Documents Presented: colored plan & maintenance plan
- Jurisdiction: Buffer Zone
- Project Summary: Project includes: construction of a second story addition to an existing garage w/ stairs, installation of sewer and water lines extensions to the garage, removal of a brick patio (covered by a roof) and replacing it with a raised decking surface and new supports for the roof.
- Staff Notes:

- Project was discussed at the last meeting. The SCC was concerned with the runoff from this property directed onto the adjacent property. A plan was to be developed to address these concerns.
  - Revised plan received which includes removal of the paved driveway to be replaced with pervious pavers.
  - New plan does not show swale. Is this to be removed? Staff have asked for a narrative for the maintenance activities for both the drip strips and pervious pavers. There may be some concern with the dirt road clogging the pavers but this may be avoided by continued maintenance activities. The engineer should make a recommendation on the frequency of maintenance activities.
  - Maintenance plan received.
  - Staff Recommendations: Provided the board is satisfied, close the hearing and issue an OOC with the following conditions:
    - Standard OOC conditions
    - Installation of the drip strips and pervious pavers shall be documented by a Professional Engineer and certification of such shall be submitted to the SCC with photographic evidence. The documentation shall include photographs which show the surrounding landscape for proof of install.
    - Remove swale (portion located on this property) directing stormwater onto adjacent property.
    - Perpetual conditions for the maintenance of the stormwater structures.
- 4. 86 & 88 South Shore Drive-*continued* NOI-Raze and rebuild of a single family home and associated site work-DEP File# 300-1127**
- Owner/Applicant: Steven & Marcy Reed      Representative: L. Jalbert, Jalbert Engineering
  - Request: Issue an Order of Conditions
  - Documents Presented: n/a
  - Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
  - Project Summary:
    - Project includes plans to demolish an existing cottage and construct a new single family home with associated site work including a new septic system within the existing developed lot.
  - Staff Notes:
    - Project was discussed at the last meeting. Representative to address staff, SCC and DEP comments.
    - No new information has been received.
  - Staff Recommendation: A plan shall be developed to address SCC and DEP comments. Discuss status of project with representative. Continue hearing to allow representative to address comments. See if next meeting provides sufficient time for them. The next meetings are on 6-2-2022 & 6-23-2022.
- 5. 246 Big Alum Road – RDA (Request for Determination of Applicability)-Installation of a French drain on a lakefront lot**
- Owner/Applicant: Andrea Speed      Representative: M. Thibeault, Landscape Evolution
  - Request: Issue a Determination
  - Documents Presented: photos
  - Project Summary: Proposed work to include the installation of a French drain on the road side of the lake-front home. The project is outside the 50' buffer.
  - Staff Notes:
    - **Proof of abutter notifications required**. Proof of legal ad received.
    - Project site is not located within Priority or Estimated Habitat.
    - Site visit performed.
    - Project is proposed within buffer zone to Bank.
    - Project is to assist intercepting groundwater and roof runoff from entering the basement and diverting it around the house. Options discussed including perimeter drain. Property owner recommend to discuss w/ the contractor to see if/what options may exist that may negate the problem better.
  - Staff Recommendations: Close hearing, staff recommend approval of the project through issuance of a DOA:
  - **Negative #3**: The work described in the Request.....will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
    - a. Sedimentation controls shall be installed and maintained during work.
    - b. Stockpiles of excavated material to be immediately removed from the site or protected with a tarp and ECs until removed or used and permanently stabilized.
    - c. Standard conditions for erosion control measures, pre-construction and post-construction.
  - **Positive #5** (subject to local bylaw) with the condition noted above.

**6. 108 Westwood Drive – NOI-Landscape Improvements for a lake-front home-DEP File# 300-XXXX**

- Owner/Applicant: Kevin Jadin      Representative: M. Thibeault, Landscape Evolution
- Request: Issue an Order of Conditions
- Documents Presented: colored site plans & photos
- Project Summary: Proposed work to include removal of cinder block stairs and replacing with stone stairs, pea stone patio along with creation of a terrace with plantings.
- Jurisdiction:
  - **Buffer Zone** 10.53(1): General Provisions
    - “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Staff Notes:
  - **Proof of abutter notifications required**. Proof of legal ad received.
    - Project site is not located within Priority or Estimated Habitat.
    - DEP File # and comments have not been received.
    - Site visit performed.
    - Project is proposed within buffer zone to Bank.
    - Site is a developed lakefront lot. Work is proposed on a steep bank w/ maintained herbaceous vegetation. No tree or shrub removal proposed.
- Staff Recommendations: Continue to the next hearing, 6-2-22, as DEP has not issued a file and no NHESP comments received. When appropriate, close the hearing and issue an OOC w/ the following conditions:
  - Standard OOC conditions.
  - Sedimentation controls shall be installed as shown on the plan and maintained during work.
  - Landscape plantings must be installed in compliance with the approved plans and must survive after at least 1 growing season. Deceased plantings are required to be replanted. The applicant is responsible for maintaining the plantings and ensuring the success of the plantings.

**7. 70 Paradise Lane – RDA (Request for Determination of Applicability)-Site compliance for a lakefront single family home**

- Owner/Applicant: Tim Reardon      Representative: S. Bressette, Tauper Land Survey/Summit Engineering
- Request: Issue a Determination
- Documents Presented: colored site plans & photos
- Project Summary: Proposed work to include completing site development per OOC #300-0929 and provide mitigation for the unpermitted paver patio as requested by the SCC.
- Staff Notes:
  - **Proof of abutter notifications required**. Proof of legal ad received.
    - Project site is not located within Priority or Estimated Habitat.
    - Site visit performed.
    - Original permit has expired. New permitting needed for work to be completed.
    - Drainage improvements proposed to mitigate for roof runoff which had not been implemented as part of the previous OOC and to mitigate for the patio.
    - 8 shrub plantings also proposed which had been part of the original permit.
    - The SCC had also requested that the mitigation include drainage improvements across the street.
    - Staff have requested that the shrub locations be shown on the plan and be located staggered adjacent to the BVW.
    - Revised plan provided showing drainage improvements across the street, location of plantings and proposed species list.
- Staff Recommendations: Close hearing and issue a DOA:
- Negative #3: The work described in the Request.....will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:
  - a. Sedimentation controls shall be installed and maintained during work to be verified by Cons. Agent.
  - b. Stockpiles of excavated material to be immediately removed from the site or protected with a tarp and ECs until removed or used and permanently stabilized.
  - c. Standard conditions for erosion control measures, pre-construction and post-construction.



- Positive #5 (subject to local bylaw) with the condition noted above.

DOA is to bring project back into compliance with DEP File #300-0929. Staff recommend that the board discuss with the Applicant a reasonable timeframe to conduct the project and require completion soon. A Request for Certificate of Compliance and As-Built to be filed after project is complete and plantings have established.

**8. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – *continued* NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-XXXX**

- Owner: M. Sosik      Applicant: Justin Stelmok      Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Project Summary: Project includes construction of a private roadway network, 71 manufactured house lots, a clubhouse, parking, and associated stormwater management measures.
- Staff Notes:
  - Project was continued to solicit peer review proposal from Oxbow Associates as discussed at the last meeting.
- Staff Recommendations: Approve peer review proposal. Applicant to stake site for peer review proposal (LOW, BZs, etc.). Impact calculations need to be provided as requested at the last meeting.

**9. 263 New Boston Road—*continued* RDA (Request for Determination of Applicability)**

- Owner/Applicant: Ken Leblanc      Representatives: G. Krevosky, EBT Environmental
- Request: Issue a Determination
- Documents Presented: n/a
- Project Status Summary: Project was continued to allow the applicant's representative to review the area identified as a potential vernal pool.
- Staff Notes: End date established for monitoring at last meeting. Final report received. Areas were reviewed for over 2 consecutive months. Both areas do not hold water long enough to support vernal pool habitat.
- Staff Recommendations: Close hearing and issue a DOA:
  - Positive #1 the area described is an area subject to the Act...requires filing a Notice of Intent.
  - Positive #5 the area and/or work described ...subject to review of the SWB.
    - Wetlands reviewed for suitability as Vernal Pools have been demonstrated to not hold water for sufficient time to serve as VP habitat. Therefore, it does not appear that these wetlands meet criteria for vernal pool habitat as defined under the SWB. The wetlands in question are the wetlands on the subject parcel: 263 New Boston Road and 269 New Boston Road.
    - It should be noted that the Applicant's representative did document wetlands suitable for VP habitat on 247 New Boston Road which would appear to project a VP Habitat jurisdictional under the SWB onto the subject parcel.
    - Due to the proximity of wetlands and the steepness of the slopes, it appears that it may be difficult to meet the SWB standards to gain access to the back portions of the property. It should also be noted that it appears that the subject parcel was subdivided in 2007. It appears that the parcel did have additional upland road frontage at that time. A hardship could have been created if SWB and WPA permitting standards cannot be met.

**10. 150 Charlton Road- *continued* NOI- Development of a commercial building, truck parking, and supporting infrastructure for a tow truck facility- DEP File #300-1115**

- Owner/Applicant: Interstate Towing      Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: n/a
- Project Status Summary: Project was continued from the last hearing to allow for review of revised project plans.
- Staff Notes: Additional funding was requested to continue the PE peer review as this is the 4<sup>th</sup> review. The Applicant submitted a letter notifying that he is withdrawing his applications. An email was later received saying that he would like to retract the withdrawal and that the property owners want to continue with the applications.
- Staff Recommendations: The Property Owner needs to inform the board of their intents with this application.

**11. 174 Charlton Road—*continued* RDA (Request for Determination of Applicability)-Restoration of Riverfront**

- Owner: G5 Enterprises      Applicant: Jeremy Procon, Interstate Towing      Representatives: G. Krevosky, EBT Environmental
- Request: Issue a Determination
- Documents Presented: n/a
- Project Summary: Restoration of RA as part of mitigation for project at 150 Charlton Rd.

- Staff Notes:
  - Hearing was continued. The Applicant submitted a letter notifying that he is withdrawing his applications. An email was later received saying that he would like to retract the withdrawal and that the property owners want to continue with the applications.
  - Project should be filed as a separate NOI or under the current NOI for all work on this property associated with the project on 150 Charlton Rd as the work is proposed as mitigation for resource area impacts. Due to the proximity of resource areas and work in RA conditions including BMPs are required in addition to monitoring which should be done through issuance of an OOC.
- Staff Recommendations: Close hearing and issue a DOA:
  - Positive #1 the area described is an area subject to the Act...requires filing a Notice of Intent.
  - Positive #3 the work...is subject to the Act...requires filing a Notice of Intent.
  - Positive #5 the area and/or work described ...subject to review of the SWB.

## II. WETLANDS DECISIONS

### 12. 36 Mt. Dan Road – Tree removal Permit Application

- Applicant: Sue and John Stagis
- Request: Remove 3 trees on lakefront lot
- Staff Notes:
  - Site visit performed.
  - Arborist evaluation received.
  - A tree removal permit was issued in 2016 for the removal of 13 trees. Replacements were required. A plan was required to be submitted which has not been received and trees not planted.
  - Drainage swale from catch basin on Mt. Dan Rd is a concern. Swale was full of road material. Material is washing into the lake. The swale should be cleaned and modified to assist with trapping sediment. This could be accomplished by adding rock in the swale and adding a plunge pool near the end of the swale prior to the bank of the lake.
- Staff Recommendations: A new permit should not be issued as conditions of the past permit was not followed. Issue a letter stating such. Inform of concerns with the swale.

### 13. 365 New Boston Road-Request for Certificate of Compliance-DEP File #300-0998

- Requestor: JC Kady Builders
- Request: Issue complete CoC
- Staff Notes:
  - Request just received. Staff to perform site visit on 5-10-22.
  - OOC had been amended. Conditions met: as-built plan and install restoration plantings. Growing season requirements have passed. Letter of substantial compliance received by PE.
- Staff Recommendations: Provided all set, issue a complete CoC with the following perpetual conditions: SC #'s 48-52. Erosion controls and DEP sign can now be removed. Silt fence must be removed and disposed of.

## III. ADMINISTRATIVE DECISIONS

### 14. Minutes of 4/21/22 to be approved

## UPDATES

### IV. OLD BUSINESS

#### 15. 508 International

### V. ADMINISTRATIVE UPDATES

#### 16. Committee Updates: CPA, Trails, Open Space, and Lake Advisory

### VI. NEW BUSINESS

#### 17. 5 Ladd Road – work within buffer zone

- Staff Notes: Staff made aware of work which had been conducted within the buffer zone to a BVW w/out permits. Staff have been in contact with the property owner and have been on site. A driveway was extended, area filled and stone wall (portion of wall was not altered) was pushed back towards the BVW and built up. No trees were removed however appears shrubs and other vegetation removed. Some of the work appears within the 25' no disturb setback. Property owner is coming in to discuss w/ the board.

#### 18. Forest Cutting Plan – 227 Brookfield Road access through Brimfield

- Staff Notes: FCP received. Has already been approved by DCR prior to submission to Conservation. Plan also includes work in Brimfield. Access will be through Brimfield. Site contains wetlands and Priority Habitat. Work shown within PH. Site contains 2 PVPs. Harvesting proposed within those wetlands. As they are no CVPs, DCR does not require setbacks. Filter strip shown on intermittent stream. Plan requires filing with the BOS under their Forest Harvesting Bylaw. Plan

preparer has been notified of such. Con com property to north of this property (32 Warren Rd). Abutter notification provided with Property boundaries are to be marked prior to cut. Should be verified.

- Staff Recommendations: Schedule site visit for review for comment to the BOS.
- 19. Agent's Report**  
**20. Next Meeting**-June 2, 2022 **and Site Visit Schedule**- May 24, 2022 9am-12 pm

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***OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR***  
***ADJOURN***

19 Mashapaug Rd – NOI  
Structure to be removed



## Maintenance Of Pervious Pavers

Project: 290 Clarke Road Extension, Sturbridge, MA  
DEP FILE NUMBER 300-1123

Interlocking concrete pervious paver systems typically will require periodic visual inspections (preferably after a major rainstorm) to determine that the storm water is infiltrating into the system. Areas that have pooled water standing on the surface need to be addressed as a remedial repair as opposed to normal maintenance.

### Normal Maintenance:

Paver surfaces and adjoining pavement surfaces will require standard structural BMP practices for pavement maintenance regarding sweeping procedures. A dry vacuum type sweeper may be used during dry periods to remove encrusted sediment, leaves, grass clippings, etc. Vacuum and sweeper settings may require adjustments to prevent uptake of aggregate from the paver voids and joints. Once a year sweeping is normal unless excessive silts and fines are present, which will require additional monitoring of surface to determine silt build-up and then adjust sweeping schedule to remove accumulated debris. Additional void materials may be added by mechanically or manually sweeping into joints and void areas if necessary. It is not recommended to utilize pressure washer on open jointed systems.

Adjacent properties, pavements, landscaped areas and grasses should be monitored periodically to ensure that run-off from these sources is not depositing silts and debris on the permeable surface.

Settlements in pavement surface, access for utility repair, removal of broken or damaged pavers may be performed by an experienced paver installer. Pavers will be removed, setting bed and void materials will be salvaged and kept separate. Base materials are to be removed if access for utilities is required, Settlement repair depending on depth will be restored with additional base materials if settlement exceeds ½". Setting bed will be made level and pavers re-instated with void materials replaced in joints and voids with compaction bringing the pavers to flush condition and ready to use.

### Remedial Maintenance:

Application of a commercial vacuum sweeper with water jets, sweeper and vacuum bar attachment will cause evacuation of clogged void materials from joint and void openings. This material may be recycled at a wash site or new aggregate materials may be utilized. Jointing materials are to be swept into joints and void openings until full, typically the bottom of chamfer is full.

### Winter Maintenance:

Snow Removal: A four season parking surface may be plowed with truck-mounted blades, power brooms, snow-blowers or manually shoveled. Salt may be used to melt ice, but will affect the quality and pH of water leaving the paver system and could require additional monitoring and analysis. Sand should not be used as this will accelerate rate of clogging in voids and will require increased frequency of sweeping. Open graded chips may be used for traction when ice is present, but more than likely will require sweeping and removal in the spring.



# YEARLY OPERATION PLAN (YOP)

Town of Sturbridge

2022



Produced By:

Town of Sturbridge

Department of Public Works

Sturbridge MA, 01566

508-347-2515



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### **Table/Figure-**

Table: Control Strategies for Sensitive Areas

Figure: 2022 Herbicide Treatment

Sensitive Areas Not Readily Identifiable in the Field.

## 1.0 Main Goals and Purpose of the Operation Plan

The intention of 333 CMR 11.00, Rights of Way (ROW) management, is to promote and implement integrated vegetation management (IVM techniques and practices. The purpose is also to set procedures in place that minimize the risk of unreasonable adverse effects on human health and the environment associated with the use of herbicides along curbs and sidewalks in Sturbridge. Problem vegetation control materials are selected and applied in a manner that minimizes risks to human health, beneficial, non target organisms, and the environment. The regulations of the vegetation control program give the opportunity for the public and municipal agency to review and input feedback ton the right to way plans. The town of Sturbridge will able to post the operational plan on the town website.

A Yearly Operational Plan (YOP) must be submitted to the Massachusetts Department of Agricultural Resources (MDAR) every year herbicides are intended for use to maintain rights of way in town. The yearly operational plan provides a policy and procedure for vegetative management the whole year. The Town of Sturbridge has submitted a VMP for approval the MDAR and it will be reviewed by the town hall officials as well.



*Pictures above show sidewalks in right of way that are proposed to be treated.*

## 2.0 Personnel Supervising YOP

Name and Title: Mr. Mark Augello  
Department: Department of Public Works  
Address: 1 New Boston Road, Sturbridge, MA 01566  
Telephone and Email Address: 508-347-2515 [maugello@sturbridge.gov](mailto:maugello@sturbridge.gov)

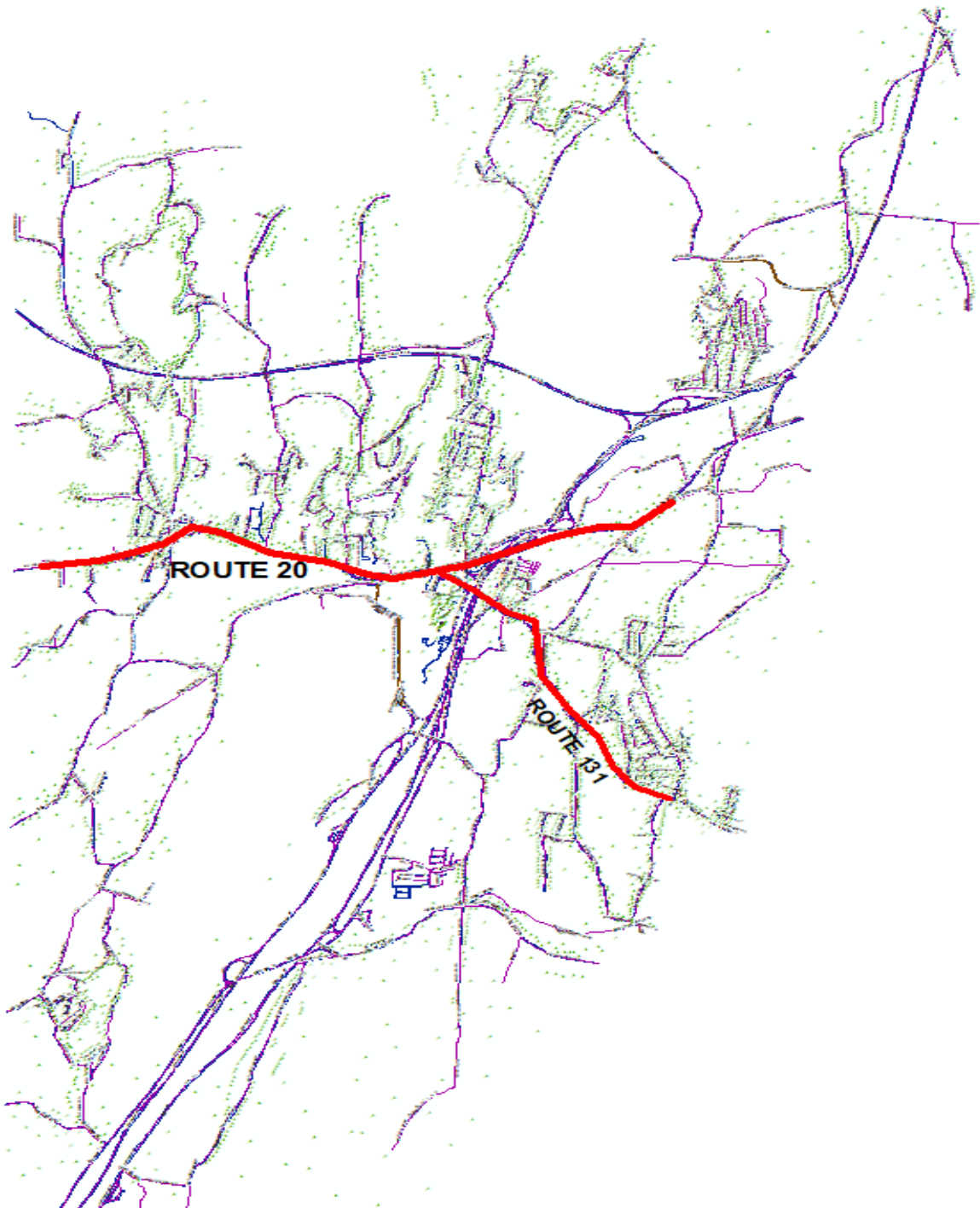
### **Personnel Performing Herbicide Treatments:**

Mr. Greg Dorman is foreman at Northern Tree Company, Palmer, Mr. Dorman will be performing all herbicide applications in the Town of Sturbridge. Mr. Dorman currently holds a Massachusetts Pesticide Applicators Certification, Certification number CC-0003947 Category 40.

Company Information:  
Northern Tree Services Inc  
Tree service in Palmer, Massachusetts  
**Address:** 1290 Park St, Palmer, MA 01069  
**Phone:** (800) 232-6132

### 3.0 Extent of Work Area in Sturbridge:

*Red line shows length of work on route 20 and route 131 below.*



## 4.0 Herbicide Application Techniques and Alternative control measures.

The herbicide will be applied in accordance with the manufactures herbicide labels. For alternative control procedures when the public works is not able to spray, the public works personnel will run hand trimmers along the sidewalks. Other alternative controls will include routine street sweeping along with crack and road repairs.

**Foliar treatments:** These will be made using ready to use squirt bottles or hand pump backpacks. High volume foliar application may include a truck mounted hydraulic sprayer not to exceed 60 psi. In both cases, the herbicide solution is applied to lightly wet the target plant area. These techniques have few limitations with the exception of being reduced effectiveness on tall, high density target vegetation and will not be used on vegetation over 12 feet in height.

**Cut stump treatments:** These measures will not need to be performed in which mechanical cutting is performed on the stump and herbicide is then applied to it.

**Use of Equipment:** The equipment the applicator will use is the spray truck, a low-volume pressure sprayer and a pump tank for smaller areas like the medians

Our contractor will keep all equipment they are using in good working condition so they can produce quality work for the town. The town also requires that the equipment the contractor utilizes be calibrated to be the most effective to control the target vegetation.

**Safety Measures :** The town will make sure that the vegetation management work is carried out in a professional and efficient manner and an efficient manner so it effects to environment occur as little as possible which is important with these sidewalks in close proximity to the Quinnebaug River. Moreover they have knowledge of what vegetation should be removed and what should be protected. The contractor will have a certified applicator and supervision which should be watching for the proper use of personal protective equipment.

**Regulations:** The applicator will comply with all applicable federal and state laws and regulations. OSHA regulations apply in town as well as Mass DOT since route 20 and route 131 are state roads. The applicators will be expected to follow right of way laws per **333 CMR 11.00** . Along with adhering to the regulations, the town expects that applicators will use common sense and not work on the during bad conditions. Bad conditions for applying pesticides would be high wind, heavy fog, extreme heat, or deep snow/ice.

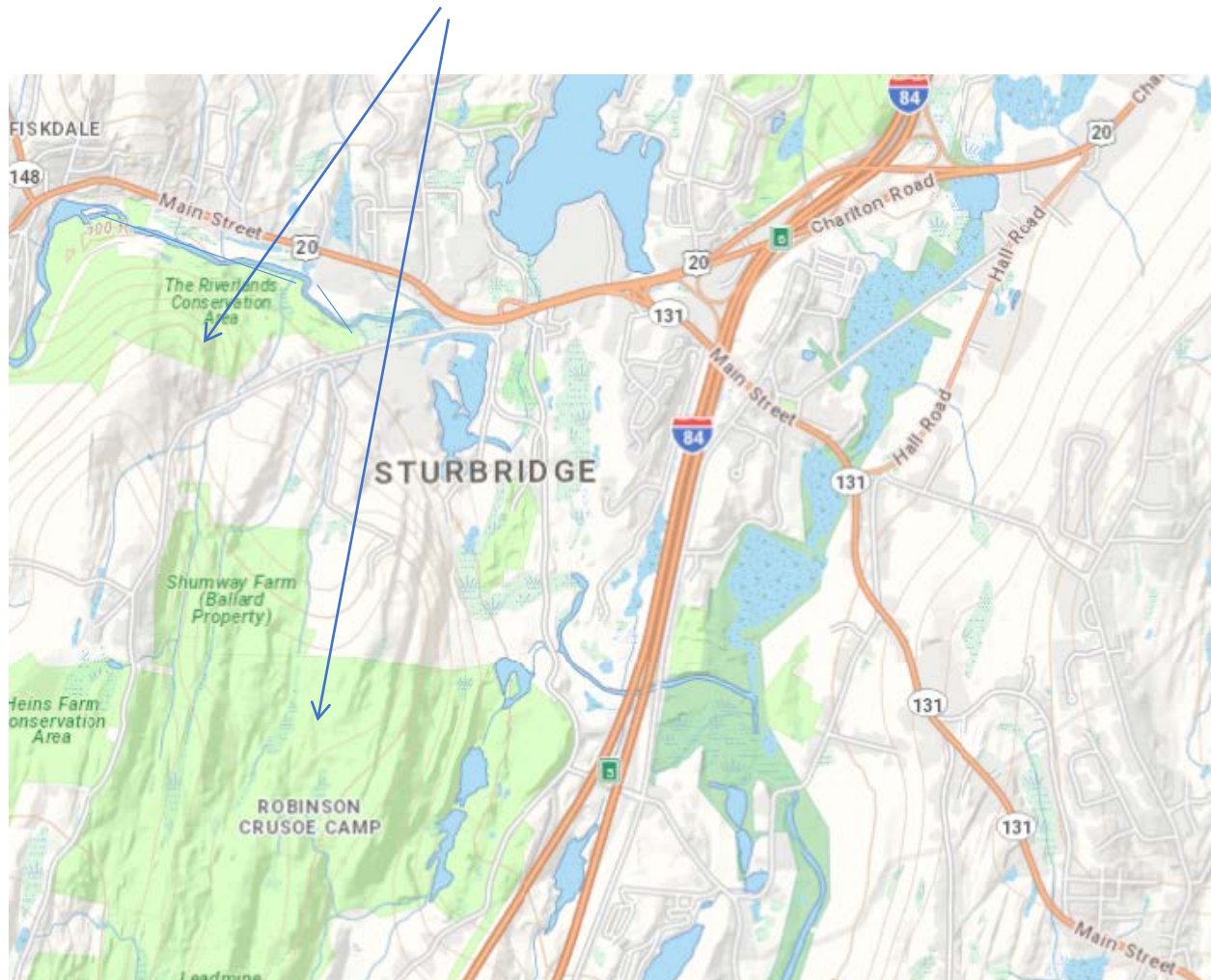
Since the town contracted applicators will represent The Town of Sturbridge we require that they document the work, they will write a ticket or report that states the date, names of workers, type of equipment used, method of application, target vegetation. They will need to outline the name of the chemicals used with the EPA numbers. Weather conditions will be included in the contractor report on the day of application.



## 5.0 Target Vegetation

The target vegetation can be labeled nuisance Vegetation, This category includes nuisance vegetation that could cause problems to the public, employees, or contractors. Target vegetation is primarily poison ivy, crabgrass, quackgrass, and sticker weed. The plants present a trip hazard to runners in which the town has received many complaints. There are also aesthetic complaints. These weeds can grow tall and block fire hydrants which is a nuisance. This type of vegetation is also detrimental to the sidewalks in terms of causing cracks which causing wear in the infrastructure. The crews will not be spraying in any areas of critical concern or for invasive species.

*Areas of concern are highlighted in green on map below*



## **6.0 Handling of Herbicides**

Herbicides will be handled and applied only in accordance with label instructions. Applicators that work for the contractor will follow safety precautions for the public and the environment.

All the mixing and loading of herbicides will be conducted at the central facility where they store the herbicides. They will only use the amount of herbicide necessary so that waste and problems are minimized. When the treatment is due to be performed, the contractor will have spill prevention kits and cleaning materials so that drainage is protected. The applicators will also carry all supporting documentation required, ie: SDS, VMP, YOP and labels.

### **Spill prevention**

As soon as any spill is observed, immediate action will be taken to contain the spill; then protect the area. The reason for the spill should be identified. Spill containment will be accomplished by covering the spill with absorptive material. If there is a large spill, the applicator should put preventative borders up. In the event of a fire or a serious problem, we will notify the Sturbridge, fire department. Materials that were used in any kind of spill such as brooms or kits will be removed from the site and disposed of properly. They should report to the Pesticide Bureau. In the event of a spill we will have to notify the Sturbridge F.D and the Mass DEP.


### **Emergency Contacts**

- Sturbridge Police Department (508) -347-2525 or 911
- Sturbridge Fire Department (508)-347-2525
- Sturbridge Department of Public Works (508-347-2515
- Mass Department of Environmental Protection Emergency Response 1-888-304-1133
- MDAR, Division of Crop and Pest Services Clayton Edwards (617-626-1700.
- MA Department of Public Health, Bureau of Environmental Health's. Environmental Toxicology Program 617-339-8351
- Massachusetts Poison Control Center
- 24 hour hotline (800) 222-1222
- National Pesticide Information Center (800) 858 7378
- National Animal Poison Control Center (888) 426-4435
- Water Department Manager-Shane Moody (508)-347-2513
- Department of Conservation in Sturbridge- (508)-347-2506



## 7.0 Herbicides Proposed

The contractor proposes to use Rodeo Herbicide which is a glyphosate herbicide for broad spectrum weed and brush control on multiple use sites, including roadside, rights of way, forestry and aquatic. It is classified as essentially non-volatile to reduce off target concerns. It binds readily with soil particles but without soil residual activity. The chemical is kept in a locked storage locker on site at Northern Tree in Palmer mass. There is a spill kit on the truck and they follow standard safety procedures and right of way rules. Chemical information is attached on the next page.

MATERIAL SAFETY DATA SHEET	
	<b>Emergency Phone: 800-992-5994</b> <b>Dow AgroSciences LLC</b> <b>Indianapolis, IN 46268</b>
<b>RODEO* HERBICIDE</b>	<b>Effective Date: 3/23/04</b> <b>Product Code: 84825</b> <b>MSDS: 006694</b>
<b>1. PRODUCT AND COMPANY IDENTIFICATION:</b>	<b>EXTINGUISHING MEDIA:</b> Foam, CO <sub>2</sub> , Dry Chemical
<b>PRODUCT:</b> Rodeo* Herbicide	<b>FIRE AND EXPLOSION HAZARDS:</b> Foam fire extinguishing system is preferred because uncontrolled water can spread possible contamination. Toxic irritating gases may be formed under fire conditions.
<b>COMPANY IDENTIFICATION:</b> Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268-1189	<b>FIRE-FIGHTING EQUIPMENT:</b> Use positive-pressure, self-contained breathing apparatus and full protective equipment.
<b>2. COMPOSITION/INFORMATION ON INGREDIENTS:</b>	<b>6. ACCIDENTAL RELEASE MEASURES:</b>
Glyphosate IPA: CAS # 038641-94-0 53.8% N-(phosphono-methyl) glycine, Isopropylamine Salt Balance, Total 46.2%	<b>ACTION TO TAKE FOR SPILLS:</b> Absorb small spills with an inert absorbent material such as Hazorb, Zorball, sand, or dirt. Report large spills to Dow AgroSciences on 800-992-5994.
<b>3. HAZARDOUS IDENTIFICATIONS:</b>	<b>7. HANDLING AND STORAGE:</b>
<b>EMERGENCY OVERVIEW</b> Clear, pale yellow liquid. May cause eye irritation. Slightly toxic to aquatic organisms. <b>EMERGENCY PHONE NUMBER: 800-992-5994</b>	<b>PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE:</b> Keep out of reach of children. Do not swallow. Avoid contact with eyes, skin, and clothing. Avoid breathing vapors and spray mist. Handle concentrate in ventilated area. Wash thoroughly with soap and water after handling and before eating, chewing gum, using tobacco, using the toilet or smoking. Keep away from food, feedstuffs, and water supplies. Store in original container with the lid tightly closed. Store above 10°F (-12°C) to keep from crystallizing.
<b>4. FIRST AID:</b>	<b>8. EXPOSURE CONTROLS/PERSONAL PROTECTION:</b>
<b>EYE:</b> Flush eyes thoroughly with water for several minutes. Remove contact lenses after initial 1-2 minutes and continue flushing for several additional minutes. If effects occur, consult a physician, preferably an ophthalmologist.	These precautions are suggested for conditions where the potential for exposure exists. Emergency conditions may require additional precautions.
<b>SKIN:</b> Wash skin with plenty of water.	<b>EXPOSURE GUIDELINES:</b> None established
<b>INGESTION:</b> No emergency medical treatment necessary.	<b>ENGINEERING CONTROLS:</b> Good general ventilation should be sufficient for most conditions. Local exhaust ventilation may be necessary for some operations.
<b>INHALATION:</b> Remove person to fresh air; if effects occur, consult a physician.	<b>RECOMMENDATIONS FOR MANUFACTURING, COMMERCIAL BLENDING, AND PACKAGING WORKERS:</b>
<b>NOTE TO PHYSICIAN:</b> No specific antidote. Treatment of exposure should be directed at the control of symptoms and the clinical condition of the patient.	<b>EYE/FACE PROTECTION:</b> Use safety glasses.
<b>5. FIRE FIGHTING MEASURES:</b>	<b>SKIN PROTECTION:</b> No precautions other than clean body-covering clothing should be needed.
<b>FLASH POINT:</b> >214°F (>101°C) <b>METHOD USED:</b> Setaflash	
<b>FLAMMABLE LIMITS:</b> LFL: Not applicable UFL: Not applicable	

\*Trademark of Dow AgroSciences LLC

# MATERIAL SAFETY DATA SHEET



## RODEO\* HERBICIDE

Emergency Phone: 800-992-5994  
Dow AgroSciences LLC  
Indianapolis, IN 46268

Effective Date: 3/23/04  
Product Code: 84825  
MSDS: 006694

**RESPIRATORY PROTECTION:** For most conditions, no respiratory protection should be needed; however, if discomfort is experienced, use a NIOSH approved air-purifying respirator.

**APPLICATIONS AND ALL OTHER HANDLERS:** Please refer to the product label for personal protective clothing and equipment.

### 9. PHYSICAL AND CHEMICAL PROPERTIES:

**APPEARANCE:** Clear, pale yellow liquid

**DENSITY:** 10.0 - 10.5 lbs/gal

**pH:** 4.8 - 5.0

**ODOR:** None

**SOLUBILITY IN WATER:** Miscible

**SPECIFIC GRAVITY:** 1.21 gm/L

**FREEZING POINT:** -7°F - -10°F (-21°C - -25°C)

### 10. STABILITY AND REACTIVITY:

**STABILITY:** (CONDITIONS TO AVOID) Stable under normal storage conditions.

**INCOMPATIBILITY:** (SPECIFIC MATERIALS TO AVOID) Galvanized or unlined steel (except stainless steel) containers or spray tanks may produce hydrogen gas which may form a highly combustible gas mixture.

**HAZARDOUS DECOMPOSITION PRODUCTS:** None known.

**HAZARDOUS POLYMERIZATION:** Not known to occur.

### 11. TOXICOLOGICAL INFORMATION:

**EYE:** May cause slight temporary eye irritation. Corneal injury is unlikely.

**SKIN:** Essentially non-irritating to skin. Prolonged skin contact is unlikely to result in absorption of harmful amounts. The LD<sub>50</sub> for skin absorption in rabbits is >5000 mg/kg. Did not cause allergic skin reactions when tested in guinea pigs.

**INGESTION:** Very low toxicity if swallowed. Harmful effects not anticipated from swallowing small amounts. The oral LD<sub>50</sub> for rats is >5000 mg/kg.

**INHALATION:** Brief exposure (minutes) is not likely to cause adverse effects. The aerosol LC<sub>50</sub> for rats is >6.37 mg/L for 4 hours.

**SYSTEMIC (OTHER TARGET ORGAN) EFFECTS:** For a similar material, glyphosate, in animals, effects have been reported on the following organ: liver.

**CANCER INFORMATION:** A similar material, glyphosate, did not cause cancer in laboratory animals.

**TERATOLOGY (BIRTH DEFECTS):** For glyphosate IPA, available data are inadequate for evaluation of potential to cause birth defects.

**REPRODUCTIVE EFFECTS:** For glyphosate IPA, available data are inadequate to determine effects on reproduction.

**MUTAGENICITY:** For a similar material, glyphosate, in-vitro and animal genetic toxicity studies were negative.

### 12. ECOLOGICAL INFORMATION:

#### ENVIRONMENTAL DATA:

#### ECOTOXICOLOGY:

Material is practically non-toxic to aquatic organisms on an acute basis (LC<sub>50</sub> or EC<sub>50</sub> is >100 mg/L in most sensitive species tested).

Acute LC<sub>50</sub> for rainbow trout (*Oncorhynchus mykiss*) is >2500 mg/L.

Acute immobilization EC<sub>50</sub> in water flea (*Daphnia magna*) is 918 mg/L.

Material is practically non-toxic to birds on an acute basis (LD<sub>50</sub> is >2000 mg/kg).

Acute oral LD<sub>50</sub> in bobwhite (*Colinus virginianus*) is >2000 mg/kg.

The LC<sub>50</sub> in earthworm *Eisenia foetida* is >1000 mg/kg. Acute contact LD<sub>50</sub> in honey bee (*Apis mellifera*) is >100 µg/bee.

Acute oral LD<sub>50</sub> in honey bee (*Apis mellifera*) is >100 µg/bee.

Growth inhibition EC<sub>50</sub> in green alga (*Selenastrum capricornutum*) is 127 mg/L.

Growth inhibition EC<sub>50</sub> in duckweed (*Lemna sp.*) is 24.4 mg/L.

### 13. DISPOSAL CONSIDERATIONS:

**DISPOSAL METHOD:** If wastes and/or containers cannot be disposed of according to the product label directions, disposal of this material must be in accordance with your local or area regulatory authorities.

\*Trademark of Dow AgroSciences LLC

# MATERIAL SAFETY DATA SHEET



## RODEO\* HERBICIDE

Emergency Phone: 800-992-5994  
Dow AgroSciences LLC  
Indianapolis, IN 46268

Effective Date: 3/23/04  
Product Code: 84825  
MSDS: 006694

This information presented below only applies to the material as supplied. The identification based on characteristic(s) or listing may not apply if the material has been used or otherwise contaminated. It is the responsibility of the waste generator to determine the toxicity and physical properties of the material generated to determine the proper waste identification and disposal methods in compliance with applicable regulations.

If the material as supplied becomes a waste, follow all applicable regional, national and local laws and regulations.

### 14. TRANSPORT INFORMATION:

#### U.S. DEPARTMENT OF TRANSPORTATION (DOT) INFORMATION:

For all package sizes and modes of transportation:  
This material is not regulated for transport.

### 15. REGULATORY INFORMATION:

**NOTICE:** The information herein is presented in good faith and believed to be accurate as of the effective date shown above. However, no warranty, express or implied, is given. Regulatory requirements are subject to change and may differ from one location to another; it is the buyer's responsibility to ensure that its activities comply with federal, state or provincial, and local laws. The following specific information is made for the purpose of complying with numerous federal, state or provincial, and local laws and regulations.

#### U.S. REGULATIONS

**SARA 313 INFORMATION:** To the best of our knowledge, this product contains no chemical subject to SARA Title III Section 313 supplier notification requirements.

**SARA HAZARD CATEGORY:** This product has been reviewed according to the EPA "Hazard Categories" promulgated under Sections 311 and 312 of the Superfund Amendment and Reauthorization Act of 1986 (SARA Title III) and is considered, under applicable definitions, to meet the following categories:

Not to have met any hazard category

**TOXIC SUBSTANCES CONTROL ACT (TSCA):** All ingredients are on the TSCA inventory or are not required to be listed on the TSCA inventory.

**STATE RIGHT-TO-KNOW:** This product is not known to contain any substances subject to the disclosure requirements of

New Jersey  
Pennsylvania

**OSHA HAZARD COMMUNICATION STANDARD:** This product is a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

**COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA, or SUPERFUND):** To the best of our knowledge, this product contains no chemical subject to reporting under CERCLA.

#### NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) RATINGS:

CATEGORY	RATING
Health	1
Flammability	1
Reactivity	0

### 16. OTHER INFORMATION:

**MSDS STATUS:** Revised Sections: 3,4,11,12,13,14 & 15  
Reference: DR-0361-8028  
Replaces MSDS Dated: 1/12/00  
Document Code: D03-148-002  
Replaces Document Code: D03-148-001

The Information Herein Is Given In Good Faith, But No Warranty, Express Or Implied, Is Made. Consult Dow AgroSciences For Further Information.

\*Trademark of Dow AgroSciences LLC

## Sensitive Area Restrictions

333 CMR 11.04

### CONTROL STRATEGIES FOR SENSITIVE AREAS

Sensitive Area	Minimum Buffer Zone (feet)	Control Method	Time Restriction Code
Public Ground Water Supplies	400'	Mechanical Only	None
Primary Recharge Area	Designated buffer zone or 1/2-mile radius	Mechanical, Recommended Herbicides*	1
Public Surface Water Supplies (Class A & Class B)	100'	Mechanical Only	None
	100'-400'	Recommended Herbicides	1
Tributary to Class A Water Source, within 400' upstream of water source	100'	Mechanical Only	None
	100'-400'	Recommended Herbicides	1
Tributary to Class A Water Source, greater than 400' upstream of water source	10'	Mechanical Only	None
	10'-200'	Recommended Herbicides	1
Class B Drinking Water Intake, within 400' upstream of intake	100'	Mechanical Only	None
	100'-200'	Recommended Herbicides	1
Private Drinking Water Supplies	50'	Mechanical Only	None
	50'-100'	Recommended Herbicides	2
Surface Waters	10'	Mechanical Only	None
	10'-100'	Recommended Herbicides	2
Rivers	10' from mean annual high-water line	Mechanical Only	None
	10'-200'	Recommended Herbicides	2
Wetlands	100' (treatment in wetlands permitted up to 10' of standing water)**	Low Pressure Foliar, Cut Stump, Basal Recommended Herbicides	1
Habitated Areas	100' (for high-pressure foliar only)	Recommended Herbicides	2
Agricultural Area (Crops, Fruits, Pastures)	100' (for high-pressure foliar only)	Recommended Herbicides	2
Certified Vernal Pools	10'	Mechanical Only	None
Certified Vernal Pool Habitat	10'-outer boundary of habitat	As recommended by NHESP in their permit process, no treatment without written permission	
Priority Habitat	As recommended by NHESP in their permit process, no treatment without written permission		

Restriction Code #1: A minimum of twenty-four months shall elapse between applications

Restriction Code #2: A minimum of twelve months shall elapse between applications

\*Massachusetts recommended herbicides for sensitive sites



246 Big Alum  
Site photos





108Westwood Dr.  
109Site Photos

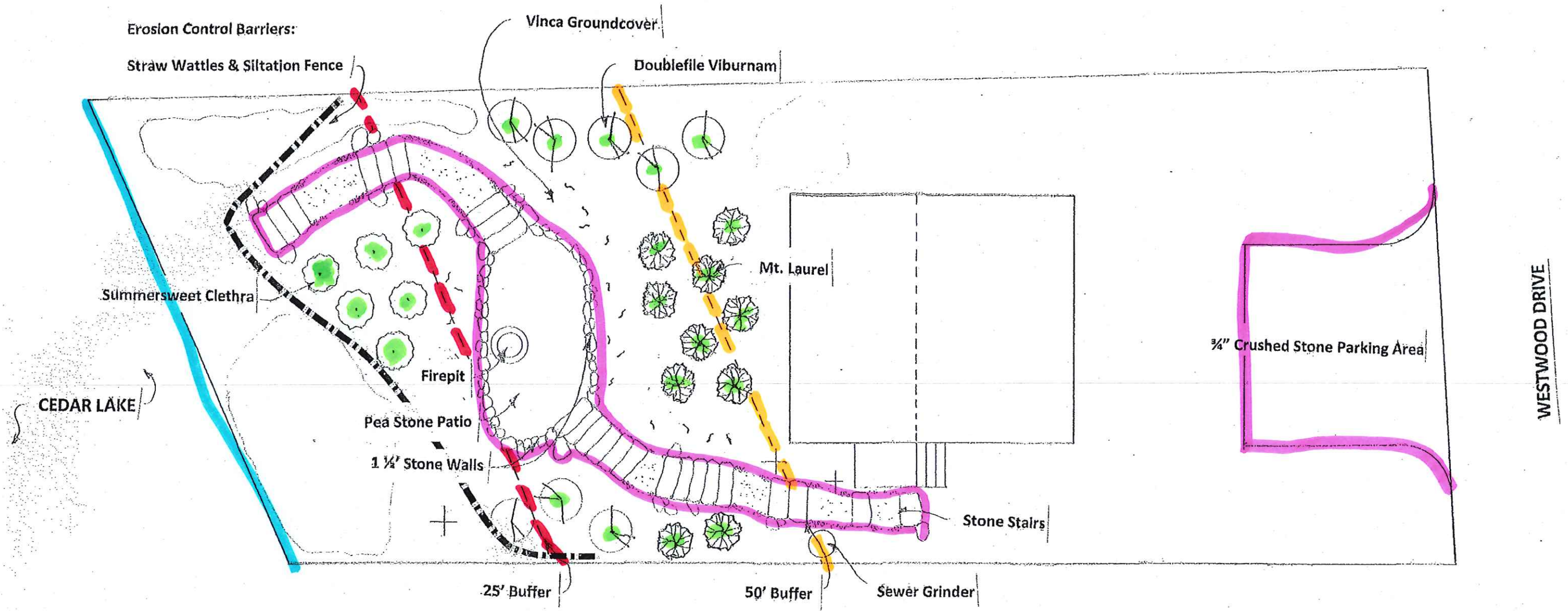




70 Paradise Lane  
Site photos  
1 of 2







**Site Plan Prepared For:**

Kevin Jadin

108 Westwood Drive

Sturbridge, MA

April 20.2022

**SCALE 1"=10'**



70 Paradise Lane  
Site photos  
2 of 2





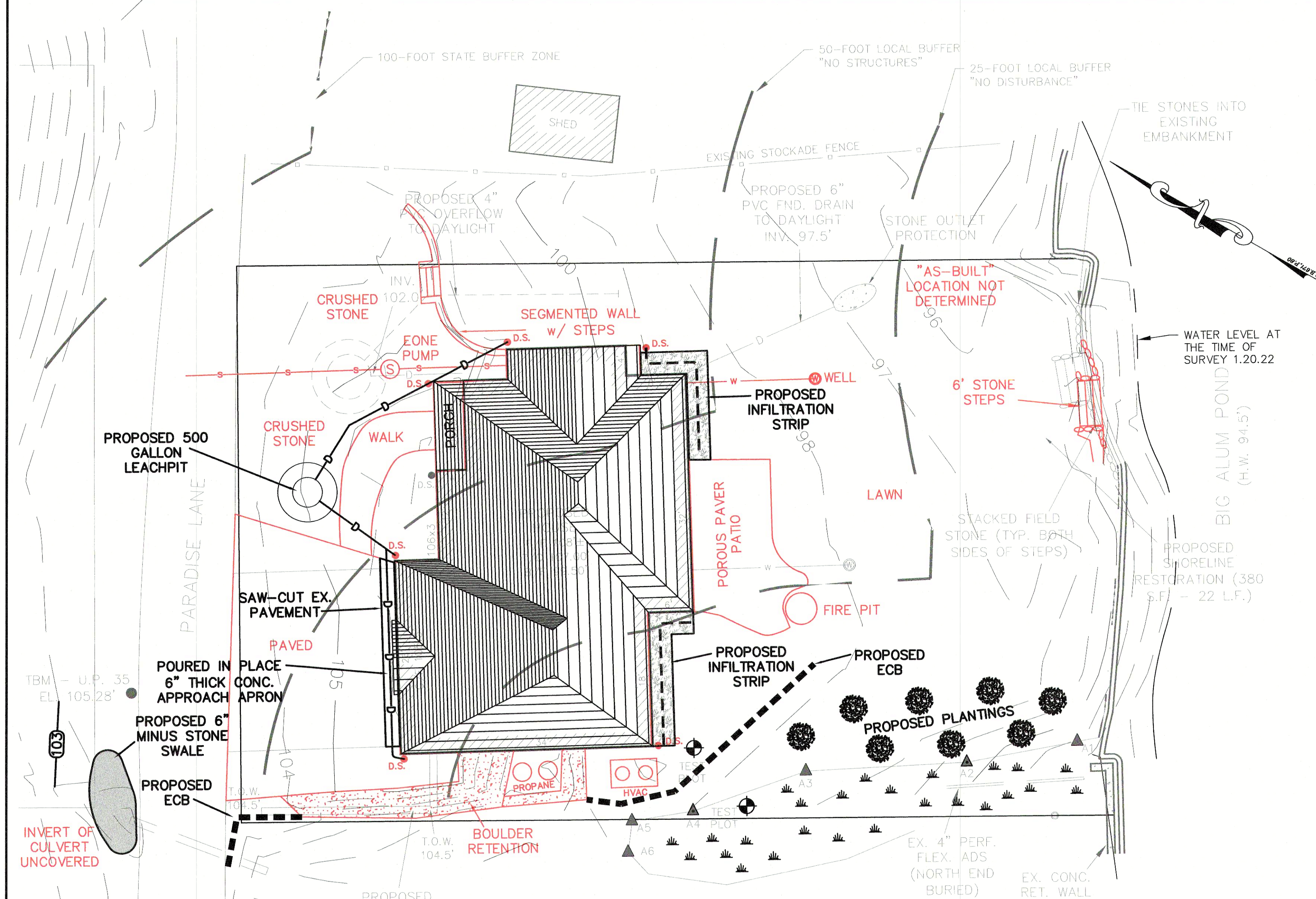
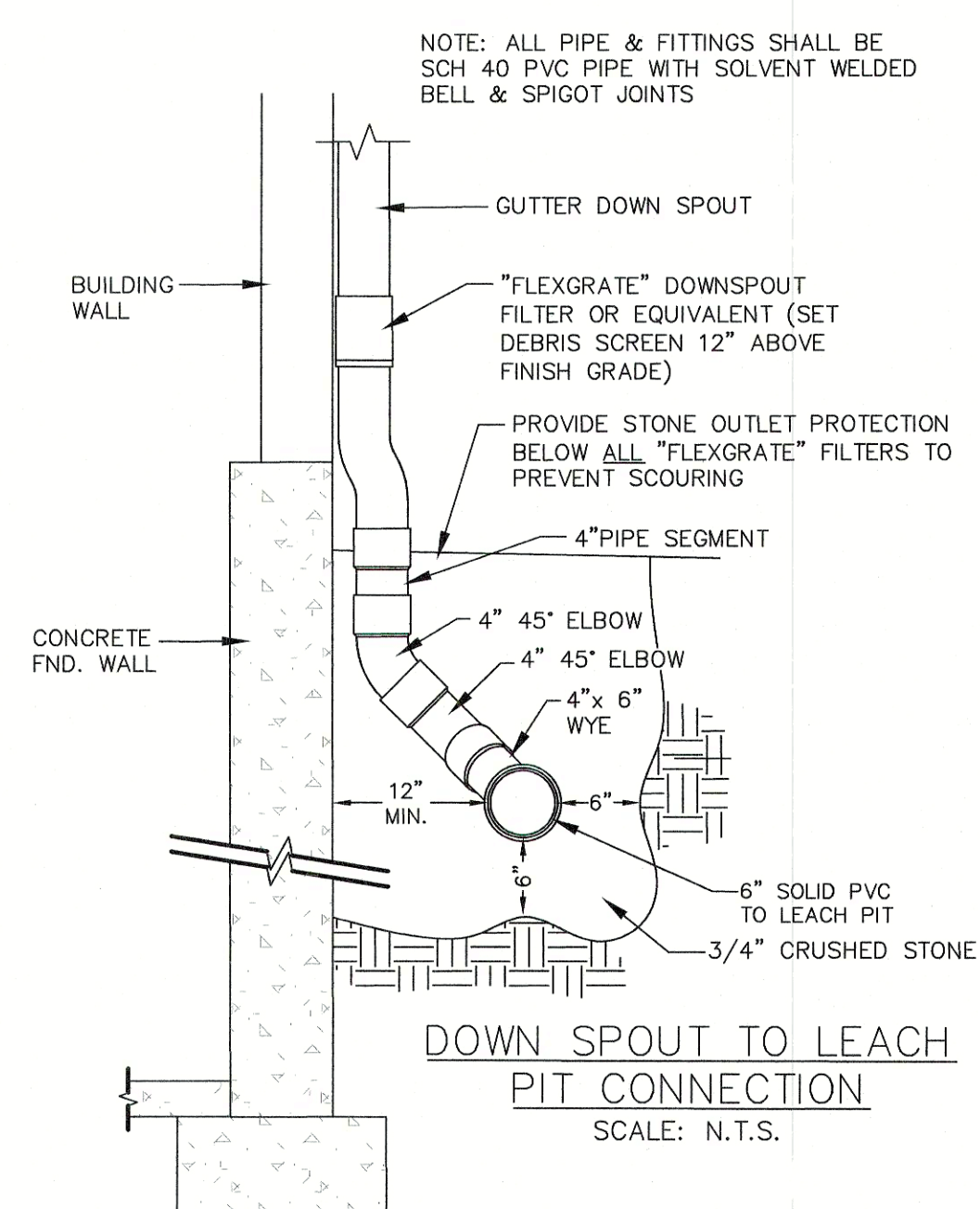
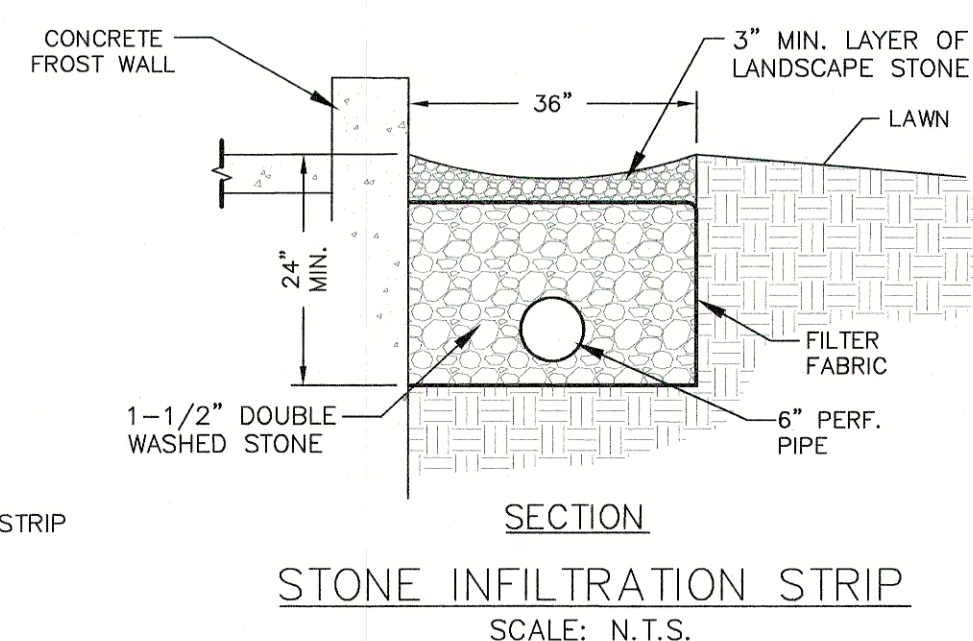
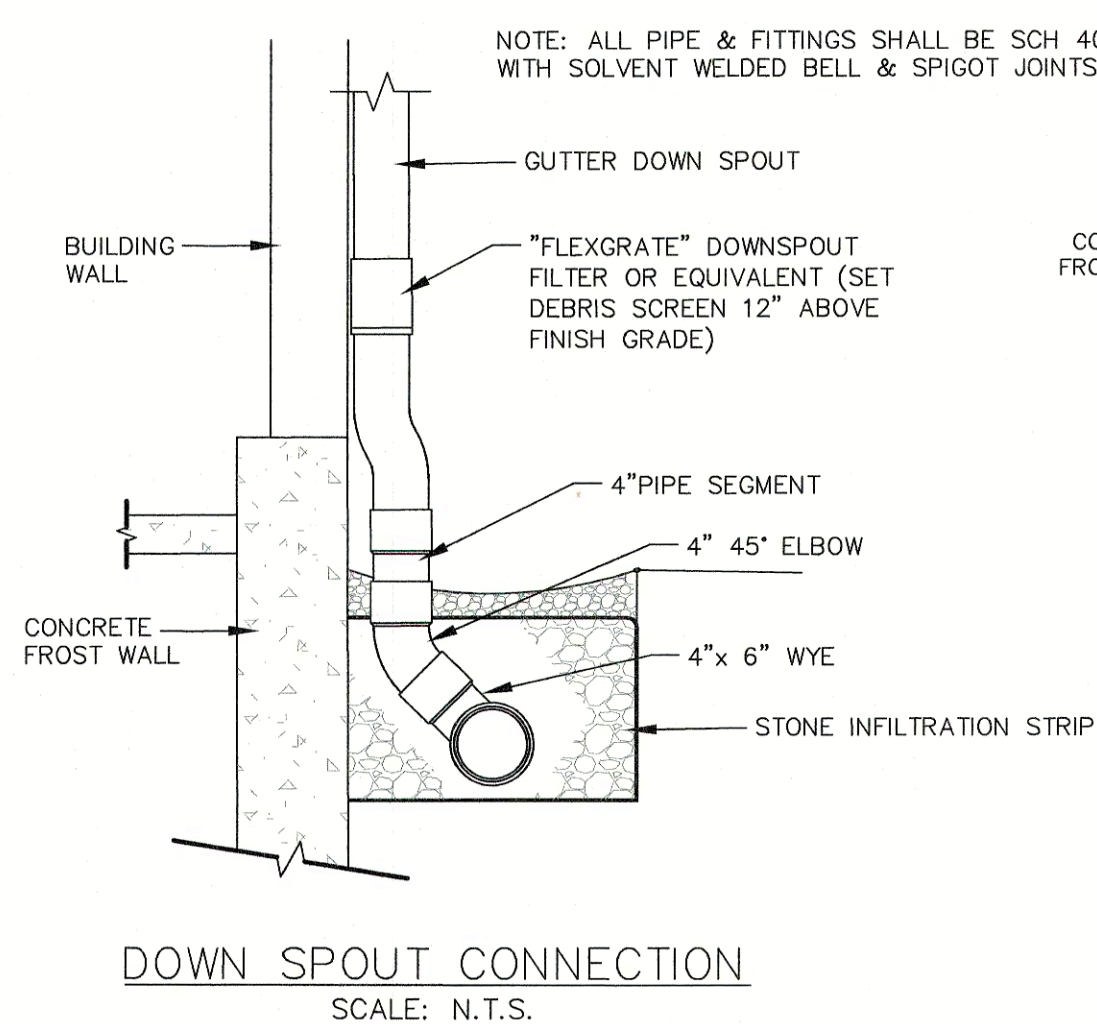
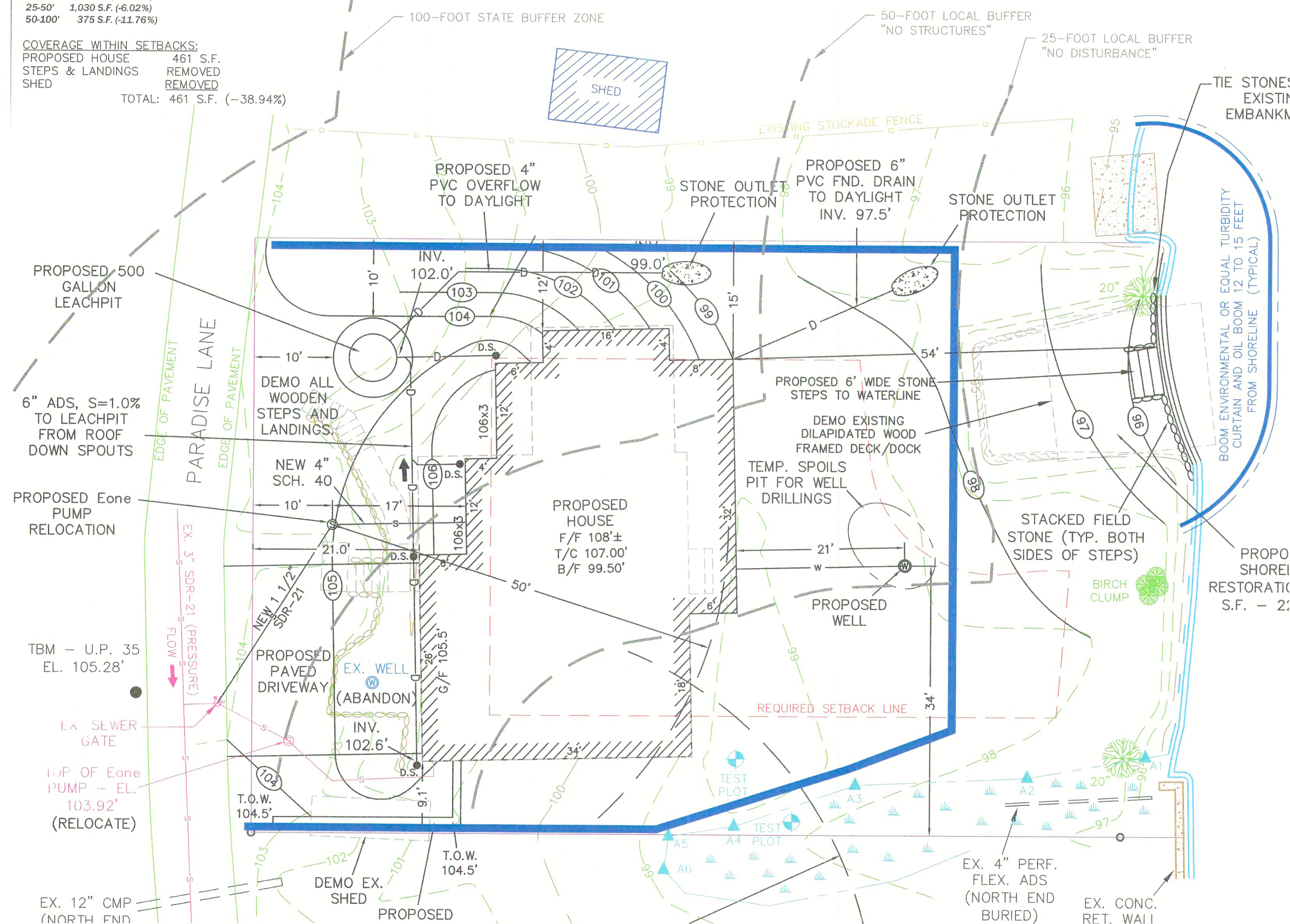
36 Mt. Dan  
Site Photos  
1 of 2



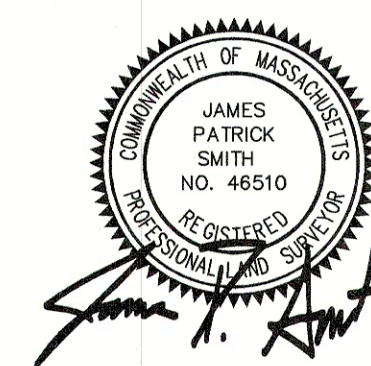
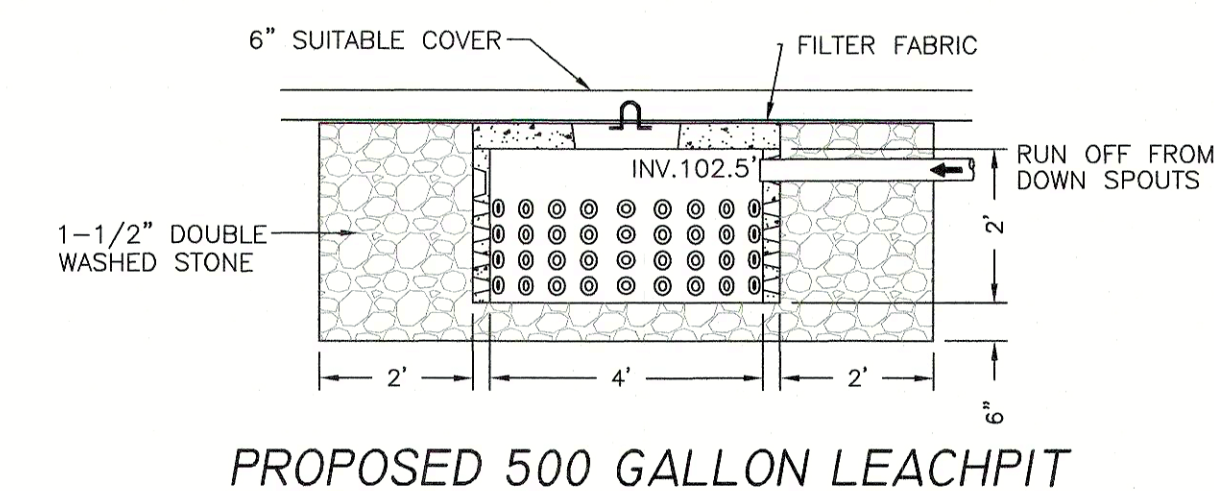


0-25'	295 S.F. (-30.75%)
25-50'	1,030 S.F. (-6.02%)
50-100'	375 S.F. (-11.76%)

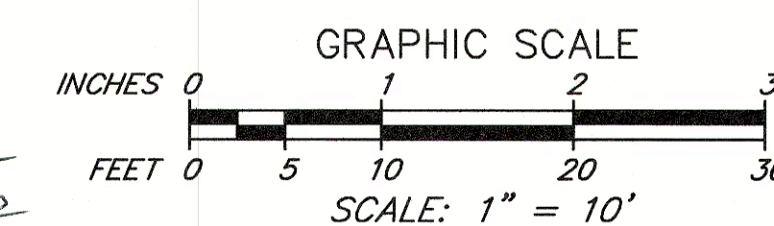
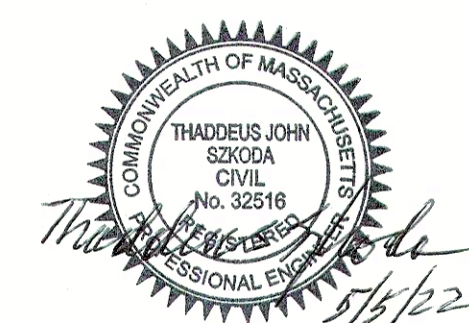
<u>COVERAGE WITHIN SETBACKS:</u>	
PROPOSED HOUSE	461 S.F.
STEPS & LANDINGS	REMOVED
SHED	REMOVED
TOTAL:	461 S.F.



native species.



CONTRACTOR TO NOTIFY DIG SAFE  
PRIOR TO ANY EXCAVATION.



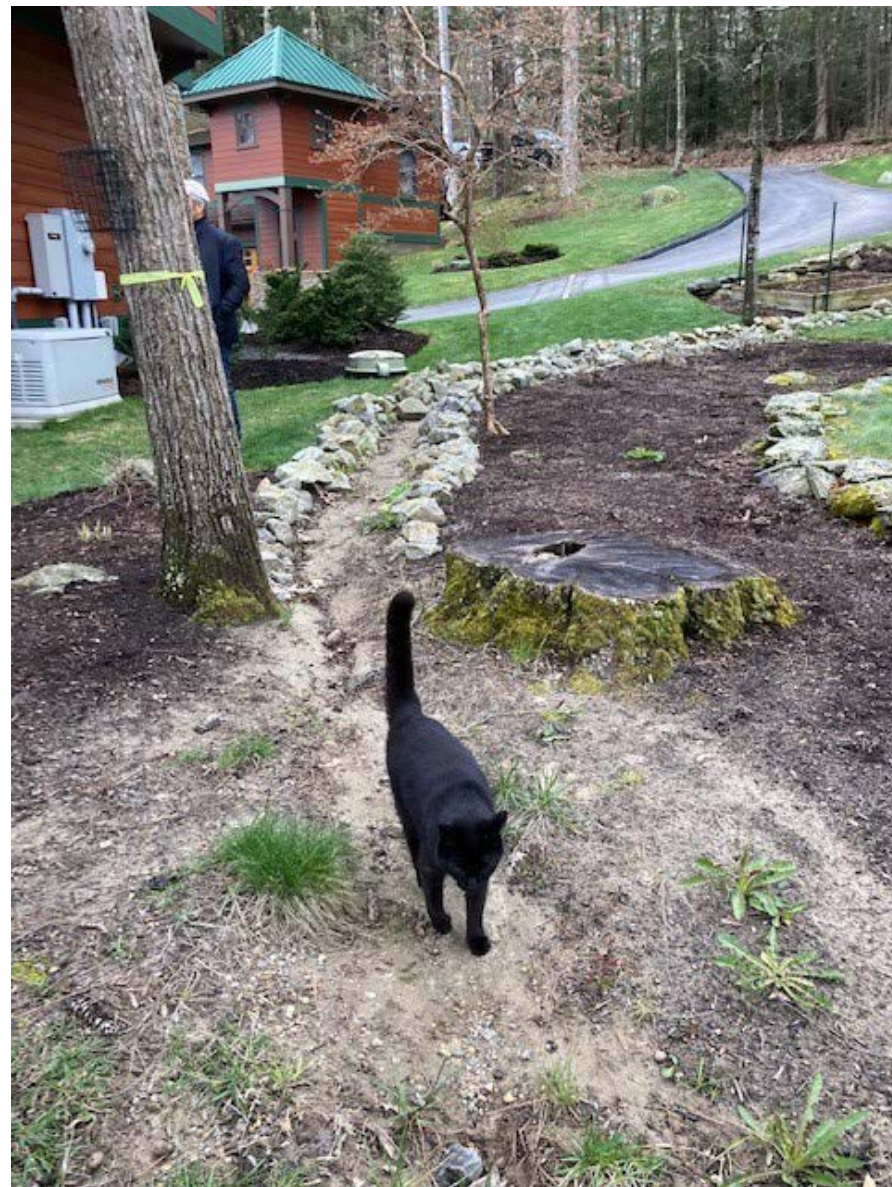
FIELD BY:	MM & AG	DATE	REVISIONS
DRAFTED BY:	SMB	2/21/22	ADDED REMEDIATION
REVIEWED BY:	JPS	4/26/22	OUTLET PROTECTION
SCALE:	1"=10'	5/05/22	PER SITE WALK
DATE:	02/08/22		
SHEET:	1 OF 1		

**TAUPER LAND SURVEY, INC.**  
710 MAIN STREET, NORTH OXFORD, MA 01537  
TEL. 508-987-8713

**Timothy & Donna Reardon**  
70 Paradise Lane  
Sturbridge, MA  
**AS-BUILT SITE PLAN**  
**WITH PROPOSED REMEDIATION**  
PLAN SHOWING IMPROVEMENTS MADE UNDER  
ORDER OF CONDITIONS - DEP FILE#300-0929  
**PROJECT: 21-350**



36 Mt. Dan  
Site Photos  
2 of 2





For the Property Belonging to:  
Trust of Roland Leclerc

For the Land Located in  
Brimfield and Sturbridge  
Massachusetts  
Off Little Alum Rd, Brimfield  
Off Brookfield Road, Sturbridge

Prepared By Kate Marquis, MLF 422  
2021

For Forestry Purposes Only

35.7 Acres

1"=300'

0 300 ft



## Legend

— Road

— Town Line

□ boundary

▨ Harvest Boundary

— Skid Trail

⊙ Landing

□ Filter Strip

▨ HabPoly

▨ Stone Wall

--- Type Lines

■ Monument

→ Stream

□ Wetland

Wet

