

CONSERVATION COMMISSION DETAILED AGENDA

Posting Date: Sept. 8, 2023
Meeting Date: Sept. 14, 2023
Time: 6:00 pm



DECISIONS

I. WETLANDS DECISIONS

1. **Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a manufactured housing community-DEP File# 300-1156**
 - Owner: M. Sosik Applicant: Justin Stelmok
 - Representative: B. Madden, LEC Environmental
 - Request: Issue an Order of Conditions
 - Documents Presented: draft conditions
 - Jurisdiction: Buffer Zone (WPA & SWB) & Vernal Pool Habitat (Sturbridge Wetland Bylaw)
 - Project Description: Construction of a manufactured home community with associated appurtenances.
 - Staff Notes:
 - Project was continued to work out details for permitting.
 - CR language Lot 3 and Lot 4B and additional revised documents provided which include:
 - New plan set to include updated sheets
 - Revised Open Space Plan w/ labels and sizes
 - CR language for Lot 3 and Lot 4B Open Space
 - CR recently sent to Town Counsel for review. Awaiting comments. Staff initially reviewed. Overall requested language is consistent no significant changes noted to legal terms. Some permitted uses should include “with prior review and approval of grantee”. CRs do limit public access w/ ability to change that in the future w/ grantor and grantee approval. These are just for the Lot 3 open space and lot4B open space (see plan online). Lot 4B may be deeded to DFW in future so would then need to allow public access. Lot 4A open space parcel should not restrict public access as will be deeded to DFW. That parcel was designated for open space. Other 2 for vernal pool protections.
 - CR and DR language can be continued to be worked out after permit issuance. Restriction approvals will require formal vote at a public meeting.
 - Staff requested revisions to the open space plans as the signage locations and details had been omitted since the last revision. To be received on 9-11-23.
 - Staff Recommendations: Review updated draft conditions and provide any recommendations. Recommend voting on project.
2. **63 Beach Ave. – Removal of concrete shoreline wall to be replaced with naturalized shoreline of plantings, coir logs and boulders DEP File# 300-1174**
 - Applicant: Johnna Doyle Owner: same
 - Representative: M. Thibeault, Landscape Evolution
 - Request: Issue OOC
 - Documents Presented: Sketch plans
 - Performance Standards: Bank
 - Project Summary:
 - Project includes the removal of a failing concrete block shoreline retaining wall. The wall will be replaced with a dry laid boulder wall with plantings and two sections will be naturalized with plantings and coir logs.
 - Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - DEP file number issued with no comments.
 - Project site is not located within Priority Habitat or Estimated Habitat.
 - Staff site visit performed.

Conservation Agent

Rebecca Gendreau

Assistant Agent

Erin Carson

Conservation Commission Members

Ed Goodwin
Erik Gaspar
Roy Bishop
Ted Winglass
Karsten Stueber

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

www.sturbridge.gov

- Site has open OOC for house addition and lifting.
- Previous engineered plan for property shows MAHW line at the shoreline wall. No BLSF past the wall or BVW. Resource area impacts include Bank only. No work shown or requested on Land Under water (LUW).
- All equipment is proposed to be located within the upland portions of the property.
- Proposing additional shrub plantings on site.
- Boulder portion of the wall may require a Chapter 91 license as work on a Great Pond. Applicant responsible to check on requirements.
- Profile plan demonstrates no LUW impacts and that height of proposed wall is not higher than the existing wall. Total linear feet of Bank impacts disclosed on NOI as 60 feet.
- As Bank is currently a concrete wall, staff have no concerns with an adverse impact on wildlife habitat and meeting performance standards. Wall will be an improvement over existing conditions providing more wildlife habitat and BLSF capacity.
- Staff Recommendations: Provided that the, abutter notifications are received, staff recommend to vote to close the hearing.
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - All work shall follow the submitted and approved sketch. The replacement wall shall not exceed the footprint of the existing retaining wall.
 - A drop cloth or similar material shall be placed on the Land Under Water during work. All fallen materials shall be removed at the end of each work day.
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
 - Toe of boulders and stairs must end at existing extent of wall. Wall will have to conform to existing conditions (height).
 - Prior to the Pre-Activity Meeting, the limits of the existing shoreline shall be staked and photographed. The photographs shall be provided at the pre-activity meeting. Toe of boulders must end at wall. Stakes shall remain in place to guide as a visual locator of the limits of the shoreline. Post-construction photographs shall also be provided.
 - Applicant is required to receive all other permitting including a Chapter 91 license if required.
 - Require plantings as proposed. Landscape plantings must be installed in compliance with the approved plans. Applicant to ensure plantings survive.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the above noted special conditions. Property already has a bond in place for current work therefore no need for new bond.

3. 82 Paradise Lane– Notice of Intent-Raze and rebuild of a lakefront cottage-DEP File #300-1170

- Owner/Applicant: Glenn Ellis Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
 - **Buffer Zone** 10.53(1): General Provisions & SWB Regs. 365-1.1E - H.; 365-1.2, 365-1.3
- Project Summary:
 - Project includes the removal of the existing house and rebuilding a new house.
- Staff Notes:
 - DEP File # issued with no comments.
 - Project was continued for plan revisions to include restoration of the 25' BZ. Plan has not been provided.
- Staff Recommendation: Continue hearing to next meeting, Oct. 5, 2023 to allow for plan submission.

4. 595 Main Street & Rt. 20 ROW -Notice of Intent- MA DOT Rt. 20 Drainage Project-DEP File #300-XXXX

- Owner: Blackstone Building LLC Applicant: MA DOT Representative: LE. Olson, VHB
- Request: Issue an Order of Conditions
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Project includes the repair and replacement of failed drainage structures.
- Staff Notes:

- DEP File # still has not been issued. NHESP comments received.
 - Project was continued for DEP file # and for property owner signatures. 9 Holland Road signature received. Still need signature for 595 Main.
 - Staff Recommendations: Continue to next meeting, Oct. 5, 2023, to obtain property owner signature and DEP #.
- 5. National Grid ROW 301 Line - Notice of Intent-Subsurface Geotechnical Borings-DEP File #300-1173**
- Owner: Applicant: MA DOT Representative: LE. Olson, VHB
 - Request: Issue an Order of Conditions
 - Jurisdiction: BVW, Bank, BLSF, Buffer Zone, Riverfront Area
 - Documents Presented: n/a
 - Project Summary: Project includes subsurface geotechnical borings.
 - Staff Notes:
 - DEP File # issued w/ no comments. NHESP comments not received.
 - Project continued. Peer review required. Applicant needed to submit revised plans with wetland flags shown for verification. Recently received. Peer review requests for proposals sent out. Awaiting responses. Staff requested board allow staff to select to keep this moving forward.
 - Beaver Solutions will be attending the meeting to discuss the proposed beaver protection plan and breaching.
 - Staff Recommendations: Continue to next meeting, Oct. 5, 2023, to allow for peer review process to begin once proposals are received.
- 6. 263 New Boston Road– continued NOI- Construction of a Single Family House and associated site work-DEP File #300-1166**
- Owner/Applicant: Five Star Realty Trust Representative: G. Krevosky, EBT Environmental
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone & SWB 365-1.1 – 1.3, 3.11, 5.6
 - Project Summary: Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development.
 - Documents Presented: n/a
 - Staff Notes:
 - No new information has been received.
 - Quote for additional peer review provided to applicant’s representative.
 - Site was requested by representative to be staked. Staff have not been made aware that site was staked for conservation site visit, therefore, it was postponed.
 - Unclear how the applicant wants to proceed at this time. Staff recommend that the applicant discuss if they want to:
 - a) have 2 consultants meet on site to review or b) have board look at changes (site needs to be staked) and see if they agree with wetland flags as they have ultimate say and then discuss project and see if/how project could meet permitting standards or not.
 - Staff Recommendations: Continue to next meeting, Oct. 5, 2023 to provide them time to discuss comments and peer review and for board site visit to review peer review findings.
- 7. 200 Haynes Street -Notice of Intent- Commercial solar array**
- Applicant: Sturbridge PV LLC Owner: 30 Swift LLC Representative: BSC Group, Inc.
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
 - Staff Notes:
 - Proof of legal ad received. Proof of abutter notifications required.
 - Applicant and property owner signature required.
 - LOW is at the 100-foot buffer zone so if delineation is accurate no WPA review required. Project is within the Sturbridge Wetland Bylaw 200-foot buffer zone and within the Sturbridge Zoning Bylaw Chapter 300-4.1E.
 - Slopes on site are up to 35%.
 - Project is not within Priority and Estimated Habitat.
 - Stormwater Checklist included. Engineering/stormwater peer review initiated through the Planning Dept. w/ CMG Environmental.
 - Due to size of project site to review and need to review off site areas, staff recommend peer review for resource area jurisdiction.

- Most of site will be cleared for solar array. A detailed phased plan will be required. Property contains steep slopes and clearing and grubbing needs to be phased to avoid having large amounts of land open on steep slopes. A SWPPP will be required. Staff recommend that it is laid out in advance for contractors. Staff recommend areas are divided with contour lines w/ 100 foot or so swaths that are cleared at a time and this is done going downhill. Areas grubbed after clearing and then seeded immediately. Clearing can be done on next section as last section is grubbed and so on.
- Site plan only shows compost sock. Additional BMPS, wire welded silt fence should be included on wetland sides due to slopes. Construction erosion control narrative includes additional BMPs during work but
- New driveway proposed within 200 foot BZ. Staff had initial consultations and recommended using existing driveway on site outside of BZ to minimize disturbance. It was noted that the utility connection needs to be in that location.
- Is a well proposed or needed for fire needs? Area does not have public water service. Seeding and plantings will require watering.
- Planting plan includes habitat enhancements, nesting areas, pollinator seed mixes, etc.
- Full sized plans need to be provided.
- Does this project trigger a MEPA filing?
- Staff Recommendations: Continue hearing to next meeting, Oct. 5, 2023, for applicant and property owner signatures and for peer reviews.

8. 212, 216, & 226 Charlton Rd – NOI –Development of a Commercial site-DEP File#300-1172

- Owner: Various (see NOI) Applicant: Sturbridge Retail Management
- Representatives: J. Kline, Stonefield Engineering
- Request: Issue an OOC
- Jurisdiction: Buffer Zone & Riverfront Area
- Project Summary: Project includes the demolition of 3 residential homes to accommodate the construction of a 2,402 SF restaurant with drive-thru and 5079 SF medical building with associated parking and stormwater structures.
- Staff Notes:
 - Written request for hearing postponement to the next meeting received.
- Staff Recommendations: Postpone hearing to the meeting as requested.

II. WETLAND DECISIONS

9. 115 McGilpin Road-Request for Certificate of Compliance –DEP File #300-1122

- Requester: 13 Gables Inc., D. Gemme Request: Issue a COC
- Staff Notes: Site visit to be conducted on 9-11-23.
- Staff Recommendations: Provided no concerns w/ site, issue a CoC, no perpetual conditions: Special Conditions: 55-61.

10. 70 Paradise Road-Request for Certificate of Compliance –DEP File #300-929

- Requester: Donna Reardon Request: Issue a COC
- Staff Notes: Site visit conducted 7-11-23.
- Staff Recommendations: Provided no concerns w/ site, issue a CoC, no perpetual conditions: Special Conditions: 16 & 17.

11. 33 Breakneck Road-Request for Certificate of Compliance –DEP File #300-1142

- Requester: David Monroe Request: Issue a COC
- Staff Notes: Site visit to be conducted on 9-11-23.
- Staff Recommendations: Provided no concerns w/ site, issue a CoC, no perpetual conditions: Special Conditions: 41-44.

12. 94 South Shore Drive -Request for Certificate of Compliance –DEP File #300-1141

- Requester: William Tetrault Request: Issue a COC
- Staff Notes: Site visit to be conducted on 9-11-23.
- Staff Recommendations: Provided no concerns w/ site, issue a CoC, no perpetual conditions: Special Conditions: 37-39.

13. 22 Birch Street-Request for Certificate of Compliance –DEP File #300-1114

- Requester: Jeff Burdick Request: Issue a COC
- Staff Notes: Site visit to be conducted on 9-11-23.
- Staff Recommendations: Provided no concerns w/ site, issue a CoC, no perpetual conditions: Special Conditions: 38-40.

14. 6 Cormack Road-Request for Certificate of Compliance –DEP File #300-1060

- Requester: Trust of Betty Rae Poppo Request: Issue a COC
- Staff Notes: Site visit to be conducted on 9-11-23.
- Staff Recommendations: Issue complete CoC w/ perpetual conditions: 46 & 47.

III. ADMINISTRATIVE DECISIONS

15. Minutes of 8/24/23 for approval

IV. OLD BUSINESS

16. 23 Old Hamilton Rd. Enforcement Order

- Staff Notes: Restoration Plan received. Reviewed at last meeting. They requested to reduce the # of trees due to new basal growth coming up since cuttings. Staff recommend approval of plan. Allow flexibility based on stock available. Allow Agent to give approval for changes in stock and size based on availability when ordered if needed. 2 year monitoring of plantings w/ replacement of deceased. Qualified landscape professional to monitor for 2 years. At least one site visit during the growing season required. Removal debris piles. After 2 growing seasons and planting success release EO.

17. 392 Main Street

- Staff Notes: Existing condition plan provided with notes. Sketch restoration plan requested for discussion at this meeting.

V. ADMINISTRATIVE UPDATES

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

VI. CORRESPONDENCE

VII. NEW BUSINESS

18. Sturbridge Trail Committee Plan Updates

19. Board Restructure

20. Agent's Report

21. Next Meeting-October 5, 2023 and Site Visit Schedule-Sept. 27, 2023

DEP File #300-1156
(add information)

Materials Referenced:

To be included

Findings:

To be included

**Special Conditions Issued by the Sturbridge Conservation Commission
under the Wetlands Protection Act, MGL Ch. 131, sec 40,
the Sturbridge Wetland Bylaw (Chapter 286) and the Sturbridge Zoning Bylaw (Chapter 300-4.1E)**

Additional Conditions Apply to the Sturbridge Wetland Bylaw which are on Pages 7h

Special Conditions

1. This Order is not final until all administrative appeal periods from this order have elapsed, or if such an appeal has been taken, until all proceedings before MA DEP or Superior Court have been completed.
2. General Conditions # 8, 9, and 10 have been met (see pages 4 and 5).
3. This Order shall apply to any successors and assigns in interest or control and any other person engaging in activity on the property identified in the Notice of Intent.
4. The term “Applicant” and or “Permit Holder” as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions.
5. The Sturbridge Conservation Commission (herein “the Commission” or “SCC”) shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
6. This permit expires three (3) years from the original date of issuance. An extension may be granted. A request for an extension must be submitted at least one (1) month prior to the expiration date. Working without a valid permit can result in enforcement action taken by the SCC or MA DEP.
7. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to procure all required permits or approvals. This permit does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
8. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 and the Sturbridge Wetland Bylaw and supporting Regulations.
9. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.

10. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent at (508) 347-2506.
11. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order. The Conservation Commission and the Conservation Agent have full powers to act in administering and enforcing this Order.
12. Work shall be halted on the site if a member of the Sturbridge Conservation Commission (SCC), an Agent of the SCC, or DEP determines that any of the work is not in compliance with this Order of Conditions.
13. Violation of any condition may result in Enforcement Action.
14. The SCC reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
15. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the Sturbridge Wetland Bylaw, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
16. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission.

Prior to Construction

17. Prior to the start of work, a copy of the authorized EPA Notice of Intent and completed Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Conservation Commission.
18. Prior to the commencement of any activity on this site other than the placement of all erosion controls, the applicant shall arrange with the Commission or its agent to conduct a Pre-Activity Meeting. The meeting shall occur between the applicant or the applicant's representative, the contractor(s) responsible for the work, and a member of the Conservation Commission or its agent.
19. Prior to commencing any activity on the site, the applicant shall submit the Certificate of Understanding signed by the applicant and/or owner of the property that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, Sturbridge Wetland Bylaw and this Order.
20. Prior to commencing any activity on the site, the applicant shall submit the Certificate of Understanding signed by the contractor(s) of this project that such individual(s) understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, Sturbridge Wetland Bylaw and this Order.
21. Prior to the Pre-Activity Meeting and any work commencing on the site, the applicant shall display the DEP file number for this Order on a sign with minimum dimensions of two feet by two feet at a location clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
22. Prior to the Pre-Activity Meeting, all erosion controls shall be installed, by survey, along the line approved by the Commission. The surveyor/engineer shall provide a letter to the Conservation

Department verifying that this has been completed. The installation of erosion controls shall be inspected by the Commission or its agent during the Pre-Activity Meeting. The installation of the erosion control measures is to be phased to coincide with the phased work. This condition shall apply separately to each phase of the project.

23. Haybales shall not be used. Biodegradable controls are preferred such as rolled erosion control products (i.e. mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles etc.) which must be 100% natural biodegradable material. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable.
24. Silt fences must be backed with a welded wire fence where designated by the SCC or it's staff. Suitable similar materials may be substituted with prior approval by the SCC.
25. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion controls and/or bounds where required.
26. A copy of this Order of Conditions, construction plans, the Stormwater Management Report, SWPPP, and the Operation and Maintenance Plan, shall be on the site upon commencement and during any site work for contractors to view and adhere to.
27. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond the limit of work (erosion control barrier) at any time.
28. Prior to the start of work, the limits of wetland resource areas closest to construction activities shall be flagged with surveyor's tape and the flags shall remain in place during construction.
29. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
30. Prior to any activity on the site, the Permit Holder shall designate an on-site Erosion Control Monitor who shall be responsible for the daily inspection and maintenance of all stormwater BMPs (i.e. erosion controls, silt sacks, etc.) The Erosion Control Monitor shall inspect and direct the maintenance of all erosion and sedimentation control measures on site and shall keep an inspection log.
31. Prior to the start of work, an Environmental Monitor shall be designated, who shall be responsible for monitoring all activity within wetland resource area buffer zones to ensure compliance with this Order of Conditions. The Environmental Monitor shall be responsible to perform inspections of the project during construction. The Applicant is required to obtain and fund these services throughout the duration of the project. The Permit Holder shall provide the SCC with the names and qualifications of an individual who can perform such work to the SCC for approval. The individual shall have previous experience monitoring construction sites, inspecting erosion controls, and have previous experience monitoring work associated with Orders of Conditions and wetlands. Should the SCC not find the candidate qualified, the Applicant shall provide additional names to the SCC for review and approval.
32. The Environmental Monitor shall perform weekly site inspections and submit regular progress/monitoring reports to the Conservation Commission throughout construction. The Environmental Monitor shall submit to the Conservation Commission written progress reports within 7 days if said inspections. **Any violations or imminent concerns shall be reported immediately to the SCC and/or Conservation Department staff.** Progress reports shall include what work has been completed and what work is anticipated over the next reporting period. The reports shall also address the current condition of erosion and sedimentation controls; describe any erosion and sedimentation control repair and/or replacement; and describe any erosion or sedimentation problems and mitigation measures necessary to be implemented. The inspection schedule can be modified at

the discretion of the SCC depending on factors such as extent of work currently being conducted, time of year, etc. Any requested changes to the schedule must be reviewed and approved by the SCC.

33. Prior to the Pre-Activity Meeting, the applicant shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
34. Stabilized construction entrances/tracking pads shall be installed as needed during project phasing. These areas shall be properly maintained throughout the duration of work. Stormwater best management practices (BMPs) shall be installed at the construction entrances at end of work day to prevent runoff into developed areas w/ functioning stormwater systems.

During Construction

35. Any changes to the construction phasing plan and project timeline shall be provided to the SCC prior to initiation of said change.
36. SWPPP inspection reports shall be provided to the Conservation Department within 7 days of inspection.
37. The following dust control measures shall be adhered to throughout the entire demolition/construction process:
 - a) Spray disturbed areas with water on dry and windy days as needed;
 - b) Wash vehicle wheels before leaving the site as needed;
 - c) Periodically clean surrounding roadways near the entrance to the site;
 - d) Anti-tracking pads shall be installed and maintained throughout the construction process/phases.
38. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission unless indicated otherwise on the approved plan. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
39. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
40. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Cement washout areas/systems shall be designated on site.
41. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, strawbales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
42. The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
43. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
44. At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.
45. If soils are to be disturbed for longer than 14 days, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures,

firmly anchored, to prevent soils from being washed by rain or flooding. This shall apply to all earth stockpiles. These shall either be temporarily stabilized as noted above or be under cover and surrounded by a staked straw bales or straw wattles.

46. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
47. Subsequent to seeding, disturbed areas will be covered with a salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until seed germination. Erosion control netting must include biodegradable stitching.
48. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
49. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s).
50. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent.
51. All waste products, grubbed stumps, slash, construction materials, etc. shall be removed from the project site, unless specified in this Order.
52. All construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, the Department of Environmental Protection Stormwater Management Policy, SWPPP and as approved by the SCC in this Order of Conditions.
53. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
54. Additional stormwater BMPs may be required during construction. The stormwater management system shall be constructed and functioning as part of the initial project phase as to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period.
55. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
56. In the event that groundwater is encountered during the installation of the infiltration structures, the applicant shall contact the engineer of record and the SCC to immediately to discuss alternative designs/solutions.

Operation and Maintenance Activities

57. The property owner shall be responsible for maintaining the basin side slope restoration areas as shown on the plans. These areas are to be restored as noted on the approved plans and designated to be in a naturalized state. No mowing or removal of vegetation is permitted in these areas. The only vegetation allowed to be removed would be invasive species. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
58. The property owner of record or designee, is responsible for the implementation of the Operation and Maintenance Plan for the stormwater system components, the wildlife crossing structure and associated structures. This shall be noted in the Certificate of Compliance and shall be an ongoing

condition.

- a. The applicants, owners, and their successors and assignees shall maintain all components of the stormwater management system including, but not limited to, all collection basins, hooded deep sump catch basins, retention and detention ponds, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.
 - b. The Stormwater operations and maintenance plan and site records shall be stored on site to ensure employees are familiar with the demands of the plan.
 - c. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on an annual basis. An annual maintenance report shall be provided to the Conservation Commission by June 1st of each year reporting on the maintenance and operation procedures which have been met for that year. This reporting requirement will follow the issuance of a Certificate of Compliance.
 - d. The Conservation Commission shall be notified in writing when any maintenance functions are required to be performed which may impact the wetlands, such as, but not limited to, placing backfill and repairing drains and terraces, removing accumulated sediments at the outfall pipe, prior to the work being conducted.
 - e. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether “bioengineered” or mechanically-stabilized slopes. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
 - f. All stormwater outlets must be inspected bi-annual basis. Any evidence of channelization or scour at the outlets must be reported to the SCC. Additional BMPs may be required to mitigate scour and/or channelization into wetlands.
59. Provide a schedule for measuring the monitoring well water levels after each storm event of the two years or greater duration. Monitoring well water levels shall be measured at the end of each major storm and at 72 hours thereafter for the first year of operation for each detention system. These measurements will be reported to the SCC. If the basin still contains water at 72 hours, water levels shall be measured at the 24- hour internals until the basin or infiltration system is empty. These procedures will be incorporated into the Operations and Maintenance Plan for the project. Corrective action will be required if the basin consistently does not empty within 72 hours after two storm events. This standard shall apply during the lifetime of the system.

Rain garden details

60. The area of the proposed rain gardens shall not be used for the staging of materials or equipment and all measures shall be taken to avoid soil compaction in the area. All soils and aggregates shall be stored on a tarp or hard surface, kept separate and contained by erosion controls and covered to prevent mixing or the addition of fines (as this will significantly reduce the ability of water to pass through). All aggregate materials must be washed with NO fines.
61. Rain Garden soil mix and mulch depths shall follow the specification so the approved plans. The soil mix must be free of weeds and contaminates. Transport vegetation to site as close to installation as possible, clearly mark and label plant species, and protect plants from sun damage and root damage. Plant plants in spring or fall to ensure time for root establishment. After planting, mulch as soon as possible as mulch keeps the soil moist, allowing for trouble-free infiltration of rainwater. Un-mulched surfaces may develop into hardpan, a condition in which the soil surface becomes cemented together, forming a hard, impervious layer. Mulching also protects plants and reduces weed growth.
62. The rain gardens shall be constructed in accordance with the Plans referenced above. Any change of rain garden plantings shown on the approved plan shall require prior approval by SCC.

63. Rain garden construction activities must be supervised by a professional with documented experience in rain garden construction. Such a person shall be retained to supervise and monitor construction of the rain garden areas.
64. 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. This shall be done by project phase or per month depending on which occurs first.
65. Initial Post-Construction Inspection: During the initial period of vegetation establishment pruning and weeding are required twice in first year by contractor. Any dead vegetation found after the first year must be replaced. Proper mulching is mandatory and regular watering may be required initially to ensure proper establishment of new vegetation. Keep plants labeled as long as possible. Additionally, include a plant ID guide in the O&M to ensure proper plants are being preserved and not mistaken for weeds.
66. Long-Term Maintenance: Weeds and invasive plant species shall be removed by hand. Leaf Litter and other detritus shall be removed twice per year. If needed to maintain aesthetic appearance, perennial plantings may be trimmed at the end of the growing season. Trees and shrubs should be inspected twice per year to evaluate health and attended to as necessary. Re-mulch rain garden with hardwood mulch to a depth of 3 inches each spring or whenever erosion is evident. The entire area may require mulch replacement once every two to three years. Mulch depth shall not exceed 3 inches.
67. Inspections and Cleaning: The rain garden shall be inspected twice during the first year and annually thereafter for sediment buildup, erosion, vegetative conditions, etc. If sediment build-up is found, core aeration or cultivating of un-vegetated areas may be required to ensure adequate filtration. The inflow location should be inspected annually for clogging. Sediment build-up is a common problem where runoff leaves an impervious surface and enters a vegetative or earthen surface. Any built-up sediment should be removed to prevent runoff from bypassing the facility. The overflow structure and underdrain standpipes should be inspected annually to ensure that they are functioning.
68. Snow storage. Snow shall not be pushed into, or piled, in any wetland or drainage structure including the grass channels or rain gardens. Drainage structure inlets shall be kept clear of snow and ice and other debris. All snow shall be stored within paved areas of the project site. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
69. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
70. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

Completion of Work

71. Upon completion of construction, the Operation and Maintenance Plan shall be updated to include the signed Illicit Discharge Compliance Statement.
72. Upon completion of construction and all required monitoring and reporting, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- g. A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).

- h. A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in “substantial compliance” with no detailing of the deviations shall not be accepted.
- i. Final Vernal Pool Monitoring Reports.
- j. Applicable filing fee.
- k. An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act and the Sturbridge Wetland Bylaw. This plan shall include at a minimum:
 - i. All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - ii. Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - iii. Distances from any structures constructed under this Order to wetland resource areas - “structures” include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - iv. A line delineating the limit of work - “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - v. Wetland resource replication areas constructed under this Order.
 - vi. Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

Additional Special Conditions Issued by the Sturbridge Conservation Commission under the Sturbridge Wetland Bylaw (Chapter 286) and its implementing Regulations (Chapter 365)

- 73. Prior to the start of work, the applicant shall post security, in the form of proper bond or deposit, to the Town of Sturbridge, in the amount of \$50,000, to hold as surety for satisfactory completion of site work per the approved plan, and as set forth under this Order. If the Commission finds that the applicant has failed to satisfactorily complete the above work as required by the Order of Conditions, the Conservation Commission shall have the option, but not the obligation to (i) use the funds to complete the work; and/or (ii) hire its own landscaper, wetland scientist, and other consultants or contractors as deemed necessary by the Commission in order to comply with the conditions set forth under this Order. Applicant and property owner hereby agrees to allow access to the property by such consultants or contractors in such event. The bond shall be released and/or funds returned upon issuance of a Certificate of Compliance.
- 74. Prior to the start of work, the vernal pools shall be certified by the Natural Heritage and Endangered Species Program (NHESP). These pools have been documented to meet certification requirements. The Applicant shall supply the required documentation to the NHESP. Vernal Pool Certification Forms and supporting documentation shall be provided to the Natural Heritage and Endangered Species Program to certify the vernal pools. Proof of submission shall be provided to the SCC.
- 75. Invasive species monitoring and removal is required for the duration of the project and post construction for 5 years. This shall be completed by a qualified professional with documented experience. Invasive species, as identified by the Massachusetts Invasive Plant Advisory Group (MIPAG), shall be monitored and managed on an as needed basis, implementing Best Management Practices (BMPs).
- 76. The applicant/property owner shall be responsible for two planting native deciduous trees on each lot as shown on the plans. The trees shall be at least of two-inch diameter at breast height.

77. The applicant is responsible to inspect and maintain the two planted trees on each developed lot. These trees shall be allowed to develop a canopy. No pruning/sculpting except the removal of dead limbs and for hazard removal is permitted. The Permit Holder/Property Owner shall be responsible to ensure that the trees survive and any deceased trees shall be replaced. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance. Plantings shall be reviewed annually by the owner/applicant and any plant materials requiring replacement shall occur. Yearly monitoring reports to be submitted with the O & M Plan Reporting.

Vernal Pool, Water Quality & Wildlife Crossing Monitoring

78. Vernal Pool Biological Assessments and Water Quality Testing shall occur in the three vernal pools as outlined in the LEC Vernal Pool Monitoring Program. This shall occur pre-construction, during construction and for two years post construction.
79. Prior to the start of work, a “Vernal Pool Monitor”, who shall be responsible for implementing the LEC Vernal Pool Monitoring Program (VP Program), shall be designated. The VP Monitor shall be responsible to perform independent inspections of the project during construction. The Permit Holder shall provide the SCC with the name and qualifications of an individual who is not affiliated with the Permit Holder and/or property owner who can perform such work as outlined in Condition 78 for approval. The individual shall have previous experience performing amphibian surveys, vernal pool surveys and taking samples for water testing. Should the SCC not find the candidates qualified and/or independent of the Permit Holder, the SCC shall request additional candidates and/or solicit their own candidates. The SCC will review proposals at a public meeting.
80. The Vernal Pool Monitor shall submit regular monitoring reports to the Conservation Commission as outlined in the VP Program within two weeks of the inspection. **Any violations or imminent concerns shall be reported immediately to the SCC and/or Conservation Department staff.**

Land Protection

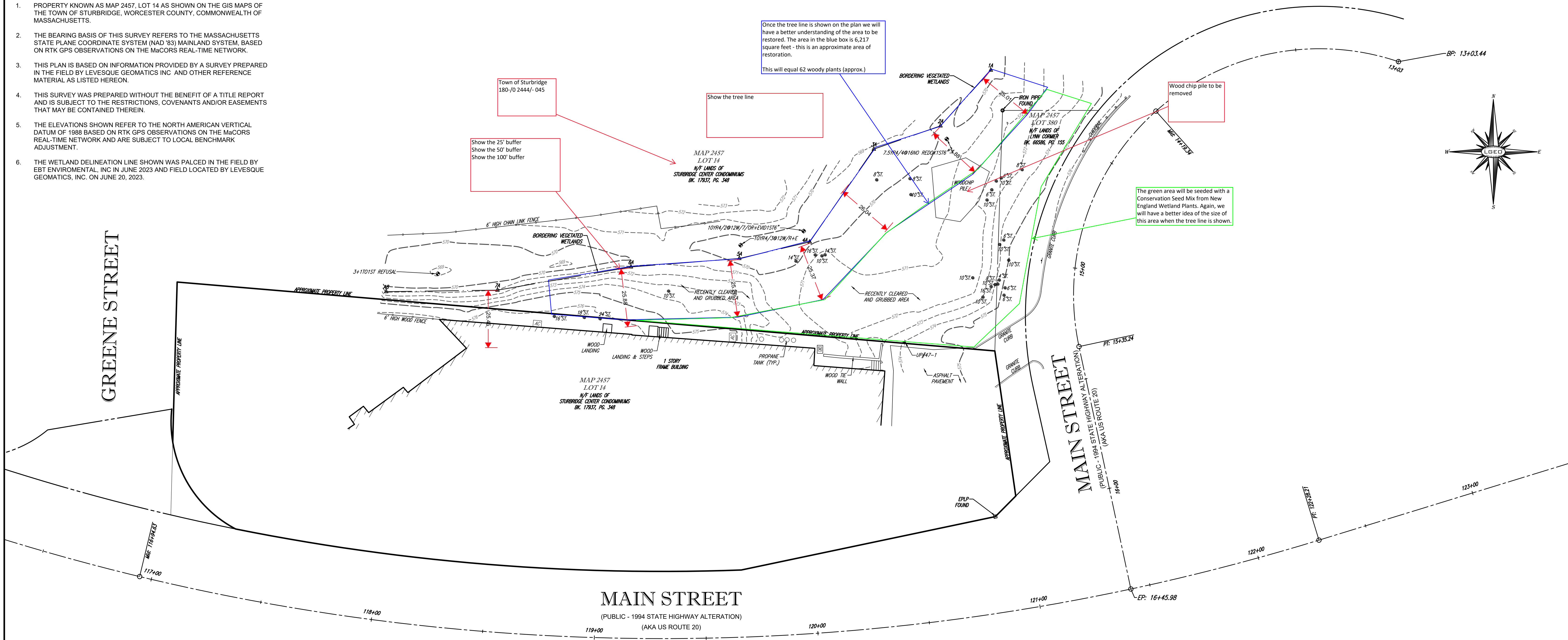
81. Prior to the start of work, the Applicant and/or current Property Owner shall record a SCC approved Declaration of Restriction (“DR”) and a recordable open space plans for the Lot 4A Open Space Parcel as shown on the Conservation Open Space Plan. Proof of recording shall be provided to the SCC.
82. Prior to the start of work, the Applicant and/or current Property Owner shall record a SCC approved Conservation Restriction (“CR”) and a recordable open space plan for the Lot 4B Open Space Parcel as shown on the Conservation Open Space Plan. Proof of recording must be provided to the SCC.
83. Prior to the start of work, the Applicant shall record a SCC approved Conservation Restriction and a recordable open space plan for the Conservation Open Space Parcels as shown on the Conservation Open Space Plan. Proof of recording must be provided to the SCC.
84. Prior to the start of work, the Applicant shall submit to the SCC a baseline report for the open space parcels on Lot 3 and Lot4B as shown on the Conservation Open Space Plans. The baseline report shall be created by a qualified entity and in a form acceptable to accompany a Conservation Restriction.
85. Within one year of the start of work, the Applicant and/or Property Owner of Lot 4 Berry Farms Road shall deed the Lot 4A Open Space parcel as shown on Conservation Open Space Plan to the Massachusetts Division of Fisheries and Wildlife (DFW) as outlined in LEC Letter document. DFW will carry out all stewardship responsibilities for land transferred to the Commonwealth. Should the DFW decline to accept the property, a SCC approved CR must be placed on the open space parcel as outlined in the DR. In addition, the Applicant shall submit to the SCC a baseline report for the parcel. The baseline report shall be created by a qualified entity

and in a form acceptable to accompany a Massachusetts approved CR. The parcel's metes and bounds shall be demarcated.

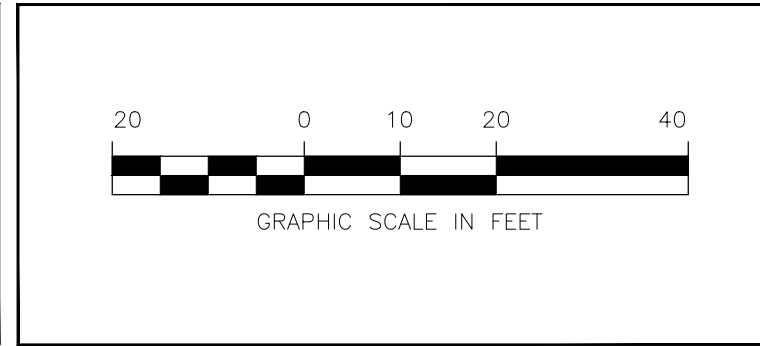
86. Prior to the start of work, the metes and bounds of the Lot 4 Open Space, as shown on Lot 4B, as approx. 7.5 acres, shall be demarcated with permanent bounds and signage as shown on Conservation Open Space Plan.
87. Upon completion of each project phase and prior to initiation of the next project phase, the Open Space signage and No Mow signs shown shall be installed as shown on the Open Space and O & M Plan. This shall apply to each project phase, as shown on the Phasing Plan.
88. The Applicant shall provide a yearly open space inspection report to the SCC. Yearly inspection of open space for compliance with the DR by a qualified individual. Reports shall be submitted at with the O & M Report.
89. The use of pesticides, fertilizers and herbicides within the 100-foot buffer zone and the use of quick-release pesticides, quick-release fertilizers and quick-release herbicides within the 200-foot buffer is prohibited. Tenants shall be made aware of these restrictions. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
90. Salt use shall follow the O & M Plan. Salt shall not be used in designated no salt zones as shown on the O & M plan. A salt brine solution is allowed to be used in areas outside of the no salt zones. Salt shall not exceed 1 part per 10th in the brine solution. The Applicant is required to obtain prior SCC approval for any alternative to the brine solution. This shall apply to all roadways and driveways. Tenants shall be made aware of these restrictions that. Should saline levels be detected in the vernal pools, the SCC must be notified and an alternative plan developed. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
91. The SCC and their Agent shall not be restricted access to the property as shown as Lot 3 and the open space on Lot 4. The SCC will provide prior notice to the property owner and/or tenants for access outside of designated roadways. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
92. In the event that any required reporting indicates that the project site is not in compliance with this Order of Conditions, the Applicant is required to fix/mitigate the problem within 30 days. The Applicant shall attend an SCC meeting to discuss the issue and reach a resolution.

NOTES:

1. PROPERTY KNOWN AS MAP 2457, LOT 14 AS SHOWN ON THE GIS MAPS OF THE TOWN OF STURBRIDGE, WORCESTER COUNTY, COMMONWEALTH OF MASSACHUSETTS.
2. THE BEARING BASIS OF THIS SURVEY REFERS TO THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM (NAD '83) MAINLAND SYSTEM, BASED ON RTK GPS OBSERVATIONS ON THE MACORS REAL-TIME NETWORK.
3. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY LEVESQUE GEOMATICS INC AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
5. THE ELEVATIONS SHOWN REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 BASED ON RTK GPS OBSERVATIONS ON THE MACORS REAL-TIME NETWORK AND ARE SUBJECT TO LOCAL BENCHMARK ADJUSTMENT.
6. THE WETLAND DELINEATION LINE SHOWN WAS PALCED IN THE FIELD BY EBT ENVIROMENTAL, INC IN JUNE 2023 AND FIELD LOCATED BY LEVESQUE GEOMATICS, INC. ON JUNE 20, 2023.



REVISIONS:		
REV	DATE	COMMENT
1		
2		
3		



PARTIAL LOCATION & TOPOGRAPHIC SURVEY
OF
MAP 2457, LOT 14
PREPARED FOR GEORGE YIANTSDIS
392 MAIN STREET
TOWN OF STURBRIDGE
WORCESTER COUNTY
COMMONWEALTH OF MASSACHUSETTS

PREPARED BY:
LEVESQUE GEOMATICS INC
43 GLENDALE ROAD
STURBRIDGE, MA 01518
PHONE: (508) 868-0041

SEAL:

PRELIMINARY
JOSEPH I. LEVESQUE III
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #53840

SCALE: 1" = 20'
PROJECT # EBT-028
DATE AUGUST 29, 2023