

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: September 15, 2022

Time: 6:00 pm



DECISIONS

I. PUBLIC HEARINGS

1. 43 Collette Road- RDA-Landscape Improvements

- Owner/Applicant: Brad Green Representative: Boston Outdoor Living
- Request: Issue a DET
- Documents Presented: sketch drawing & site photos
- Jurisdiction: Buffer Zone
- Project Summary:
 - Project includes: landscape improvements within a developed yard and driveway runoff mitigation.
- Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit performed.
 - Site is within BZ. Extent of work/yard appears at or just within the 100 ft. BZ.
 - Existing walls are rotting and need to be replaced. Small outdoor kitchen and steps to be added.
 - Stormwater BMPs to mitigate runoff from previous driveway expansion. Rutting within driveway. Berm was added to the end of the driveway/roadway to eliminate road runoff entering the driveway. Stormwater BMPs to be installed within existing developed area. Filter fabric under rip-rap and should be slightly concave/a bowl or have check dams to capture and slow down runoff. Details can be worked out between staff and contractor on site. This will be an improvement.
 - Erosion controls may only be necessary for swale work and if areas are left exposed for a period of time.
- Staff Recommendation: Close the hearing and issue a DOA:
 - Negative #3 with conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install between work and BVW for swale work.
 - Stormwater BMP to be within existing developed footprint. Parameters of stormwater BMP to be worked out w/ Agent on site. Swale to include filter fabric.
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions noted above.

2. 131 Shore Road-RDA-Addition on a lakefront house

- Owner/Applicant: Douglas & Susan Purves Representatives: Nathaniel Messier
- Request: Issue a DET
- Jurisdiction: Buffer Zone
- Documents Presented: colored site plans & site photos
- Project Summary: Removal of existing deck and gazebo to be replaced with a smaller deck, pervious patio. An area below an existing sunroom will be lowered and a new sunroom constructed under the existing sunroom.
- Staff Notes:
 - Proof of abutter notifications & proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit conducted.
 - Project approved by ZBA.
 - Project includes the addition of a second story to the existing structure and improvements to the existing deck.
 - No expansion of footprint is proposed. ECs shown on the plan.

**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

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

www.sturbridge.gov

- Staff Recommendations: Close the hearing and issue a DOA:
 - Negative ##5: 310 CMR 10.02(2)(b)(1)
 - Positive #2b: no resource area approval
 - Positive #5 w/ conditions:
 - Standard pre-work and sign off conditions.
 - Straw wattle install as proposed due to steep slope and in case footing replacement necessary.
 - Only repairs to existing deck are approved. No expansion or change of impervious surfaces or size expansion proposed or approved.

3. 231 & 233 Cedar Street- NOI-Construction of a Single Family Home and associated site work-DEP File# 300-XXXX

- Owner/Applicant: Bradley Marszalkowski Representative: S. Jordan, EcoTec
- Request: Issue an Order of Conditions
- Documents Presented: colored plans
- Jurisdiction: Buffer Zone to BVW w/ Intermittent Stream
- Project Summary: The project includes the construction of a single family house with attached garage, private well, septic and driveway within the buffer zone.
- Staff Notes:
 - Proof of abutter notifications required to open hearing & proof of legal ad received.
 - DEP has not issued a file # or comments.
 - Project site is not located within Priority & Estimated Habitat.
 - Site visit conducted.
 - Property has recently been reviewed and permitted for driveway culvert install and wetland restoration for past DEP OOC. ORAD recently issued. Post-install report received. Requires wetland monitoring and reporting as outlined in OOC DEP File #300-1107 by new property owner.
 - These 2 lots have changed ownership. They are proposing one development on the 2 lots. Need to check if lots have been merged into one. Not necessary for our application provided both addresses are listed. However, is needed for other permitting.
 - Property contains a BVW in the front of the property and a BVW in the area with an associated intermittent stream.
 - Applicant's responsible to demonstrate that the project will not impact the resource area. Application does not include detail for the SCC to make this assessment. Application does not include alternative analysis as required in the SWB Regs either.
 - A paved driveway will be installed along the existing vegetated cart path within the 25 foot no disturb setback. A waiver and mitigation is required for working within this area. A waiver has not been requested, shown to be required or mitigation shown. Additional detail on how the driveway (i.e. extent of work, excavation, raising height, etc.) will be constructed and maintained to not impact the BVW which is immediately adjacent is required.
 - Staff recommend that stormwater BMPs be installed and details provided on how the driveway will maintained in the future. Salt use is a concern immediately adjacent to the wetlands. Alternatives to salt should be provided. Snow should not be plowed into wetlands.
 - Telephone poles are proposed along the driveway. It would appear that trees and or limbs will need to be removed. The applicant needs to provide details on work required to install the poles for board to evaluate.
 - The backyard and septic is proposed on a slope to the BVW and stream. No work within 50 feet however slope is of concern. The applicant shall demonstrate how the construction of the project and the long term use will not impact the resource areas. Nutrients from yard can be of a long term concern. A water quality swale along the rear of the property would be beneficial.
 - Septic plan needs to be filed with the BOH prior to approval of the SCC.
 - Should the project meet provisions for permitting, the board should require permanent demarcation to prevent encroachment into the BZs. Staff recommend a spilt rail fence at the limit of approved work. Alternative options for consideration could include signage on posts or boulders. Signage should be on permanent structures not trees.
 - Debris on slope to stream should be removed (plywood, lumber, barrel, etc.)
 - Staff Recommendation: Continue as no DEP File # and to allow Applicant to address comments. Continue to next meeting October 6, 2022.

4. 5 Ladd Road- NOI-After the fact Driveway expansion-DEP File# 300-XXXX

- Owner/Applicant: Lorenzo Monaco Representative: none

- Request: Issue an Order of Conditions
- Documents Presented: colored sketch plan
- Jurisdiction: Buffer Zone to BVW and Bank
- Project Summary:
 - Project was conducted without wetland permitting. NOI required by board.
- Staff Notes:
 - DEP File # not received.
 - Site visit performed.
 - Proof of abutter notifications required to open hearing. Proof of legal ad received.
 - Project site is not located within Priority & Estimated Habitat.
 - Driveway was expanded, partial rock wall installed and vegetation removed to expand driveway. No grades were changed. Large portion of rock wall was existing from when the house was built. Proposing to remove millings. Stones on trees to be removed and native shrubs proposed as shown on the sketch. Narrative includes 3 options for driveway surface. He would like to pave it but is unsure if that can be accomplished. Other options include: loam and seed for lawn or ¾ inch crushed stone.
- Staff Recommendation: No action to be taken until DEP File # received. Board should discuss options for driveway. Staff recommend allowing the driveway surfaces as options in the permit which can then be noted in CoC at the end of the project. Once received, staff recommend approval pursuant to the WPA and the SWB with the following conditions:
 - Allow for 3 options for project.
 - Native replacement plantings as shown. Options for native shrubs can be provided to SCC for approval prior to install.
 - Standard OOC conditions.

5. 150 Charlton Road- *continued* NOI- Development of a light Industrial building and supporting infrastructure - DEP File #300-1115

- Owner/Applicant: Cobra Realty Trust Representative: G Krevosky, EBT Environmental
- Request: Issue OOC
- Documents Presented: revised plans & draft OOC conditions
- Project Status Summary: Project was continued to allow for team to address SCC comments.
- Staff Notes:
 - Peer review had been completed. Last comments okay with adding in conditions.
 - SCC requested fence as industrial use and final use unknown to not impact wildlife habitat.
 - Revised plans received which included the fence 6' tall except 4' in setback.
 - Draft OOC conditions provided.
- Staff Recommendations: Approve project through issuance of an OOC pursuant to the WPA and the SWB with the noted attached draft conditions.

6. 698 Main Street-*continued* ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1133

- Owner: National Grid Applicant: Interstate Towing Representatives: G. Krevosky, EBT Environmental
- Request: Issue ORAD
- Documents Presented: n/a
- Project Status Summary:
- Staff Notes: Continued to allow revision to plan.
 - Revised plan received 9/8/22.
- Staff Recommendations: Continue if peer review comment has not been received.

7. 16 Mt. Dan Road- NOI-Raze and Rebuild of a lakefront home-DEP File #300-1135

- Owner/Applicant: Deborah Weber Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an OOC
- Documents Presented: n/a
- Jurisdiction: Buffer Zone & Bank
- Project Status Summary:
 - Project includes the raze and rebuild of the existing house. The parking area will be expanded to park five cars with a gravel base and stone top on the opposite side of the private road. 2 sets of stairs proposed within the bank of the pond. Project was continued to allow the Applicant to address the board's comments.
- Staff Notes:

- No new information received in time for detailed agenda posting.
 - Staff Recommendation: Continue to allow Applicant to address comments. Continue to the next meeting on Oct. 6th, 2022.
- 8. 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 Status Summary:
 - Project was continued for further revisions.
 - Staff Notes:
 - Written continuation request received from the Applicant.
 - Staff Recommendation: Continue to next meeting: Oct. 6, 2022 as requested.
- 9. 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# 300-1132**
- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
 - Request: Issue an Order of Conditions
 - Documents Presented: Peer Review Report (dated 8-25-22)
 - Project Summary: Project was continued to allow for project revisions based on comments to date.
 - Staff Notes:
 - Revised conceptual materials received on 8-19-22. Peer review report received after meeting opened so was not seen in time for last meeting.
 - Report provided to SCC and Applicant. Applicant to address report and follow up comments in the 9-7-22 email.
 - Peer review expresses concerns with extent of development and concerns for impacts to populations related to vernal pool A, directing amphibians through crossing structure and water quality impacts to VPs. Idea of grated bridge presented as option for crossing structure from Oxbow. Team should explore option as would appear to address concerns for light and moisture within crossing structure. Also would be wider and more likely wildlife would use it.
 - Staff recommend that supporting documentation is provided for the proposed crossing structure and supporting documentation that support no significant adverse impact to VP habitat and not result in a decrease to extant wildlife populations as noted in LEC's 8-18-22 letter. Staff recommend that the grated bridge crossing structure is explored.
 - The SCC requested that current approvals for Town water and sewer be provided for this project.
 - Team to work to address stormwater comments and peer review comments.
 - Peer review funds depleted. New proposal sent to applicant. Funds have not been received to date.
 - Staff Recommendations: Await peer review comment and provide feedback of conceptual plans. Continue to next meeting Oct. 6, 2022.
- 10. 235 Podunk Road- NOI- Construction of a single family home-DEP File #300-1134**
- Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental
 - Request: Issue OOC
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary: Construction of a SFH lot. Project was continued to allow for joint site visit.
 - Staff Notes:
 - Request received for continuation as unavailable to attend the site visit. However, dates for continuation do not coincide with the meeting and site visit dates.
 - Staff Recommendation: Continue to next meeting: Oct. 6, 2022 with a site visit date of Sept. 27th.
- 11. 237 Podunk Road- NOI- Construction of a single family home-DEP File #300-1138**
- Applicant: Dave Brunelle Representative: M. Dipinto, Three Oaks Environmental
 - Request: Issue a Determination
 - Documents Presented: n/a
 - Jurisdiction: Buffer Zone
 - Project Status Summary: Construction of a SFH lot. Project was continued to allow for joint site visit.
 - Staff Notes:

- Request received for continuation as unavailable to attend the site visit. However, dates for continuation do not coincide with the meeting and site visit dates.

II. WETLANDS DECISIONS

12. 530 Leadmine Road- Request for a Certificate of Compliance-DEP File#300-271

- Applicant: Attorney Michael Colognesi Permit Holder: Victor Morano
- Request: Issue a COC
- Staff Notes:
 - Project required wetland replication for a driveway crossing.
 - Staff requested documentation on this. Not received to date.
 - CoC Request fee required.
- Staff Recommendations: Do not issue the CoC until supporting documentation and fee received.

13. 367 New Boston Road – Request for Certificate of Compliance -SCC# 17-45

- Applicant: Angelo Sposato Permit Holder: Diverdi Builders
- Request: Issue COC
- Staff Notes:
 - Site visit performed.
 - Supporting documentation received. Site stabilized. Restoration plantings installed.
- Staff Recommendations: Issue complete CoC w/ following perpetual conditions: SC 31, 34 & 35.

III. ADMINISTRATIVE DECISIONS

14. Minutes of 8/25/22 to be approved

UPDATES

IV. OLD BUSINESS

V. ADMINISTRATIVE UPDATES

Committee Updates: CPA, Trails, Open Space, and Lake Advisory

VI. NEW BUSINESS

15. 8 Birch Street – DEP File #300-1055

- Documents Presented: site photos & EcoTec Memo (dated 9-6-22)
- Staff Notes: Staff performed a site inspection of ongoing work. It did not appear to be in compliance with the approved plans. Staff noted that both trailers seemed identical in size. The previous trailer #8 was shorter and did not extend into the 25 foot no disturb area. There was a condition that the trailers were only approved within the footprint of the existing trailers. Staff required documentation showing the existing locations of the trailers in comparison to the past locations. In addition, a fence was installed between trailer #7 and the abutting trailer to the south. This is typically a minor activity but still requires permitting. A patio and walkway to the lake was also installed which was not shown on the plan or approved as part of the project which would have required permitting.
- Permit holder's representative provided additional information. Trailers are smaller in size and one was moved further from the lake. Also stated that there was a patio and/or walkway near the trailers previously. Fence provide gap underneath for wildlife. Patios are pervious. Shrubs and trees planted near the water. Permit holder had indicated some other minor improvements that they would like (additional fenced in area, & then walkways etc. by last trailer to be installed).
- Staff Recommendations: Changes should have been discussed prior to work being completed as outlined in OOC. Changes appear to be minor and would have met standards for approval but required prior approval. Staff recommend that the changes be approved. The board should consider how they would like the modifications to be approved either through a formal amendment or to be shown on an as-built. Additional work not completed requires permitting.

16. 100 Breakneck Road-Unpermitted Work

- Staff Notes: On July 15, 2022, staff were notified of work occurring on this property by DPW. Trees were cleared in preparation of a SFH development. Portions of property are within buffer zone to wetlands and Riverfront Area. Staff performed site visit with property owner and DPW. Does appear that work occurred within BZs and potentially within RA. Staff gave a verbal cease and desist which was agreed to. Staff were informed that an engineer was developing a site plan. Staff requested that the new tree line be shown to determine the extent of work that occurred in jurisdiction. Staff have sent letters and emails following up on this and no plan or additional information received to date. As time has passed, staff have requested that the property owner attend the meeting. In addition, the town was made aware of a concern of ATV use on the property and concerns for commercial uses associated with that. A FCP was conducted on this property prior to the current ownership.

- Staff Recommendations: Discuss next steps with property owner. As it has been 2 months since cease and desist issued and the plan has not been received, it may be necessary to issue an Enforcement Order setting a timeframe for a plan to show all resource areas (site has been flagged – no approvals given for delineations), extent of work and a restoration plan.

17. 2 Glenridge Road-Unpermitted Work

- Staff Notes: Earlier this year, staff had been made aware of work occurring on this property. It is a developed SFH lot which contains BVW, a perennial stream and Riverfront Area. Property owners were just clearing our brush etc. and wanted to expand the yard into these areas. They are new owners and not aware of the wetland laws. Staff met and discussed concerns and options. A restoration plan and confirmation of plan to move forward be submitted. Staff have sent multiple letters with no response. Staff did see the property owner. Staff were told that they were going to leave the area and stay within the developed yard. Staff asked for written confirmation of this which has not been received to date. Staff have gone by the site and it does appear that the areas of concern have revegetated and are being left alone. To date, no communication has been received so staff informed the board and they requested they come to the meeting.
- Staff Recommendations: Discuss next steps with property owner. Provided written confirmation received close file.

18. Agent's Report

19. Next Meeting-October 6, 2022 and Site Visit Schedule- September 27, 2022 9am-12 pm

43 Collette Road - RDA



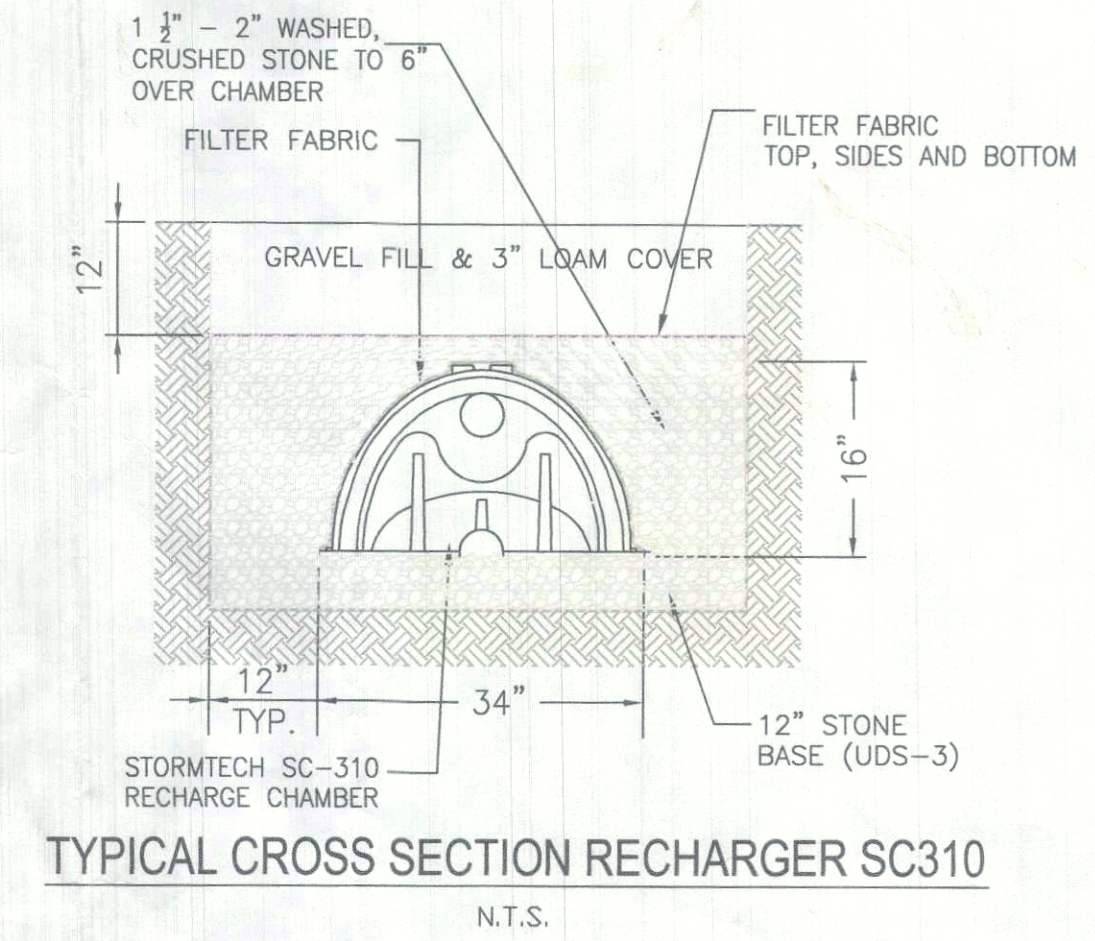
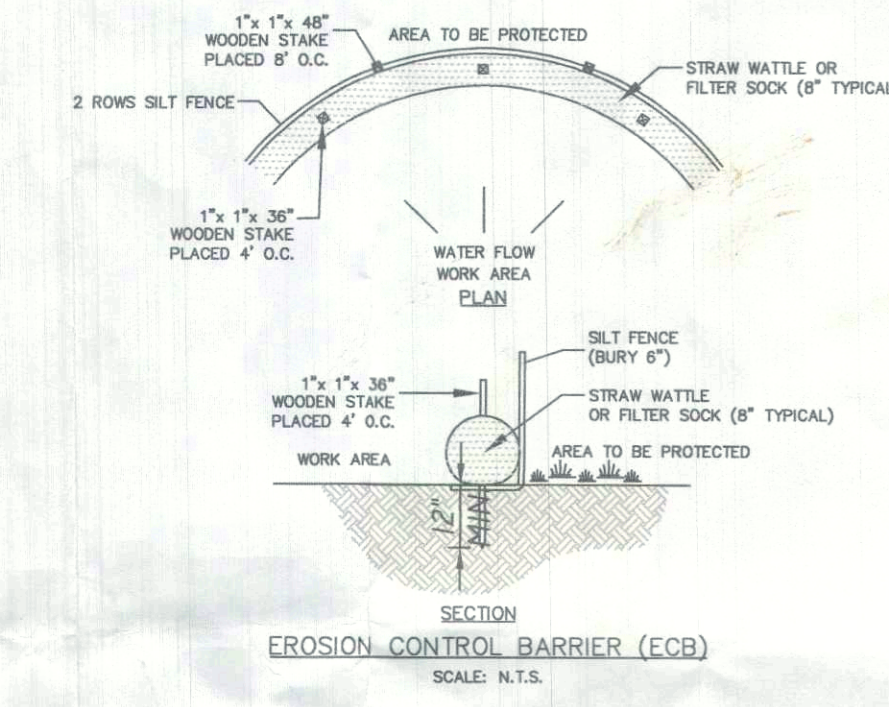
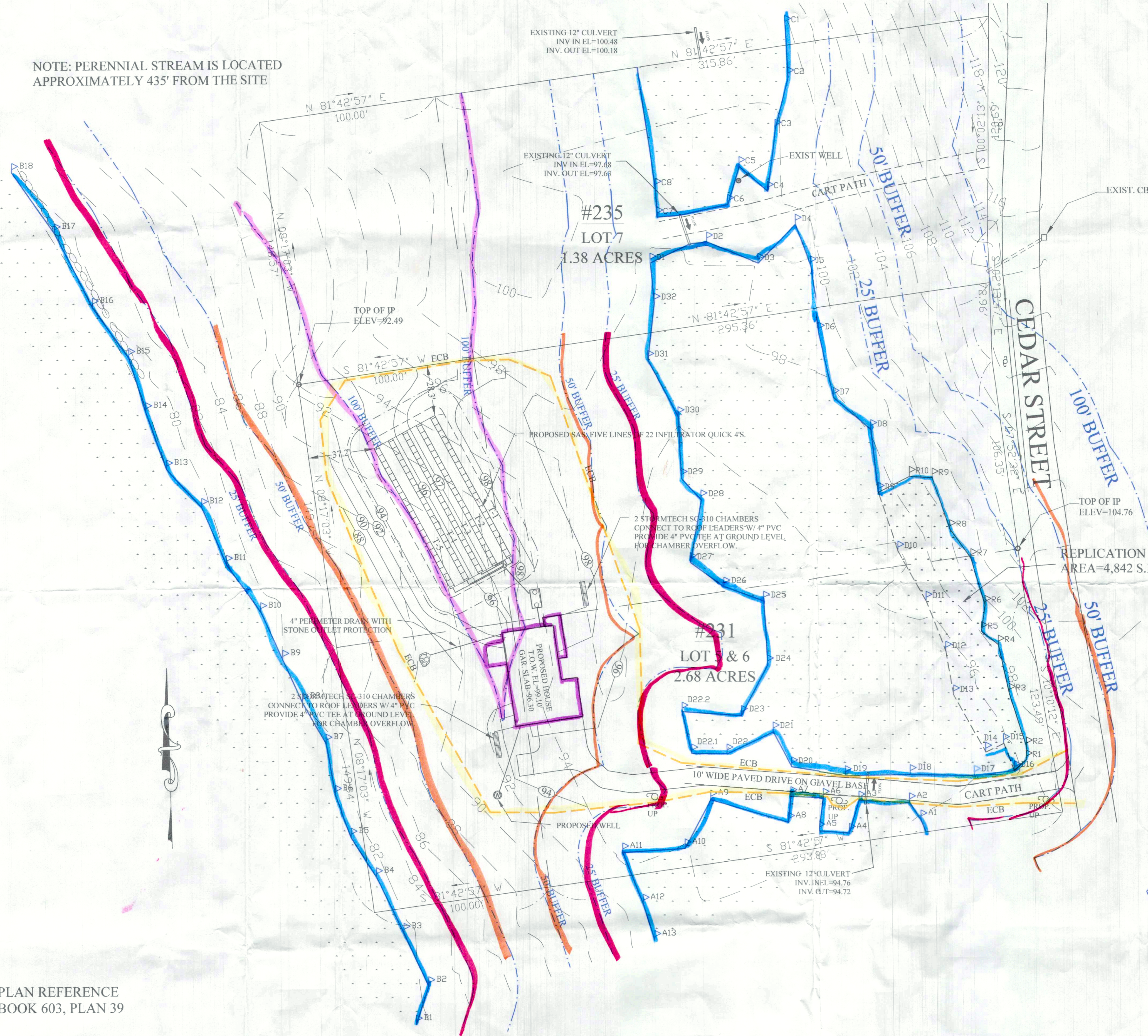


131 Shore Road - Photos





NOTE: PERENNIAL STREAM IS LOCATED APPROXIMATELY 435' FROM THE SITE

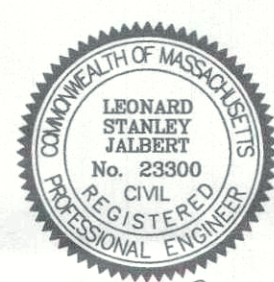


NOTES:
ECOTEC INC. CONDUCTED THE WETLAND FLAGGING AND BOUNDARY LOCATIONS ON OCTOBER 29, 2019.

DELINEATED WETLANDS ARE ALL BORDERING VEGETATED WETLAND (A/C/D/R WETLAND IS INTERCONNECTED SYSTEM VIA CULVERTS).

LENGTH OF BORDERING VEGETATED WETLAND
B BVW = 529.2 L.F.
A/C/D/R BVW = 1,586.2 L.F.

THE REPLICATION AREA WAS FLAGGED BY ECOTECH ON JUNE 3, 2022.



Leonard S. Jalbert
LEONARD S. JALBERT P.E.

PLAN REFERENCE
BOOK 603, PLAN 39

ORIGINAL		REVISIONS				
DATE	BY	REV.	DATE	DESCRIPTION	MADE	CHK'D
8/30/22	AMT					
DRAFTED BY:	AMT					
CHECKED	LSJ					
SUPERVISOR	LSJ					
REVIEWED	LSJ					
REVIEWED	JSC					
REVIEWED						

NOTES: LOTS 5 AND 6 ARE TO BE COMBINED, WITH A TOTAL AREA OF 2.68 AC.

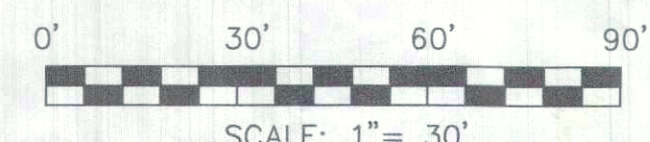


JALBERT ENGINEERING, INC.

CIVIL ENGINEERS & SURVEYORS

54 Main Street
Sturbridge, Massachusetts 01566-1244
Telephone: (508) 347-5136 • Toll Free: 1-800-339-5136
Fax: (508) 347-7962

SOIL ABSORPTION SYSTEM-NEW
PREPARED FOR: 13 GABLES INC.
LOCATED AT
231 CEDAR STREET
STURBRIDGE, MASSACHUSETTS



PLAN DATE: 8/30/22

DWG NUMBER

22068

8 Birch Street Photos





EcoTec, Inc.

102 Grove Street
Worcester, MA 01605-2629
(508) 752-9666
FAX (508) 752-9494

To: Sturbridge Conservation
Commission (DRAFT)

Date: September 6, 2022

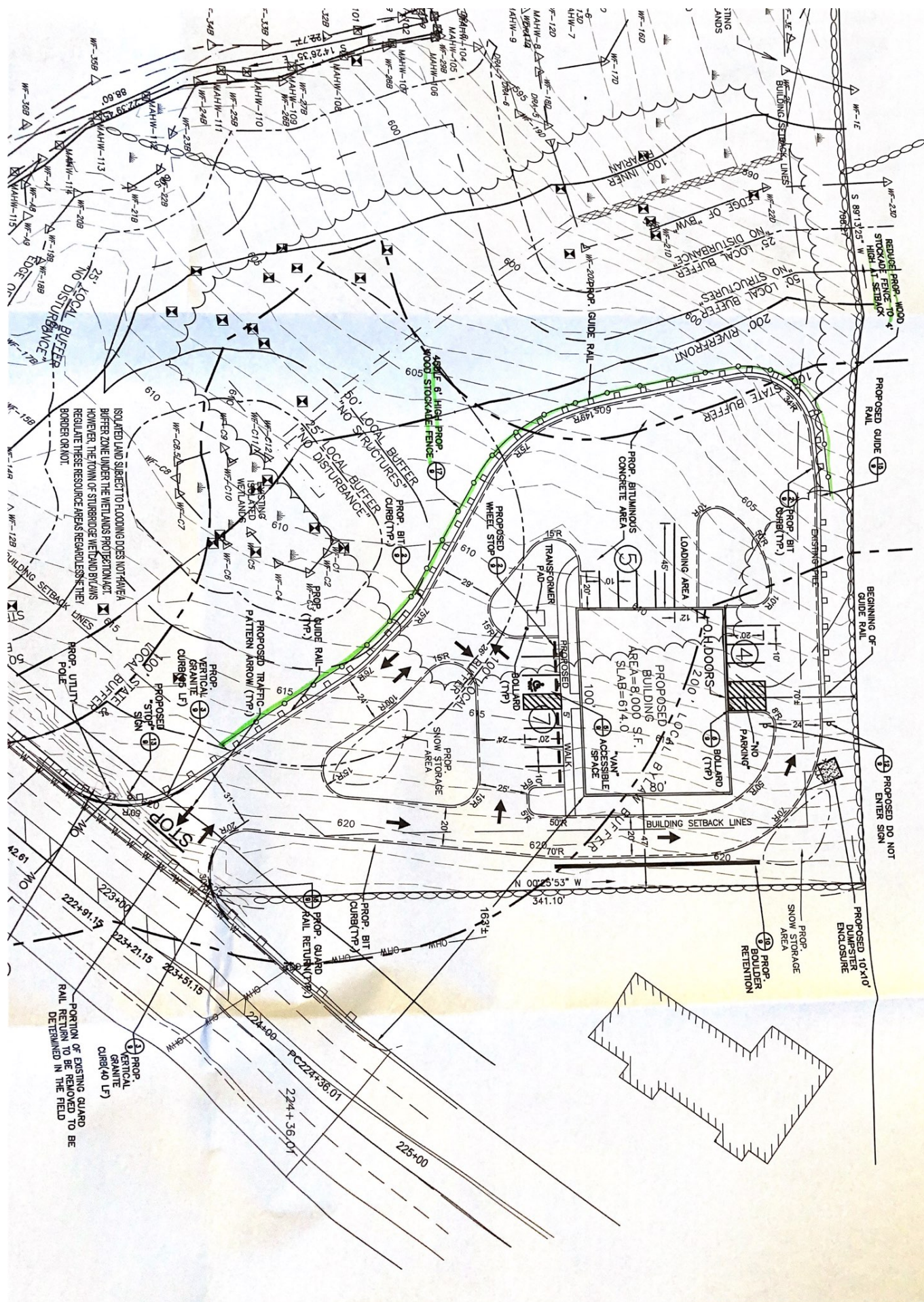
From: Scott Morrison

Re: 8 Birch Street, Sturbridge

This memo serves to respond to the August 31, 2022, email from Rebecca Gendreau, Conservation Commission Agent to Ralph Nichols regarding the above referenced site. The following are responses to the comments:

1. It is suggested that the manufactured homes are not in conformance to the approved plans. The trailers installed are 47-foot long by 10-feet wide structures providing 470 s.f. footprints. The prior trailers were 601 and 554 square foot structures as noted on the site plans. As such, the structures are smaller than approved by the Conservation Commission. Unit #7 was moved further from the Lake to move it out of the 25-foot setback and make it more uniform to unit #8. It is expected that the Commission would agree that installing a smaller unit approximately 11-feet further from the Lake does not constitute a lack of compliance with the Order of Conditions.
2. A fence was installed between units #6 and 7 to provide some privacy screening. The bottom of the fence is roughly 6" above the ground surface to allow for wildlife passage and therefore exempt under the Wetlands Protection Act. EcoTec recommends that the Commission accept this as a minor plan change as suggested by the Agent.
3. The former patios and walkways were disturbed during construction and installation of the stone infiltration trenches along the drip edges of the units. These and consisted of a combination of concrete, brick, stone, gravel, and wood. These were replaced by installing a pervious paver system to provide increased infiltration and to provide a permanently stabilized and safer walking surface.
4. There is a narrow fringe of exposed soil along a section of the pathway, which has been hydroseeded for stabilization prior to the rainfall. The erosion control barrier was removed following the grass cover and to allow for the shrub plantings to be installed.
5. Lastly, it should be noted that the applicant has installed several native shrubs along the edge of the water to enhance the wildlife habitat of the shoreline. This was not required, but was done in an effort to improve the site and the habitat of the lake.

We hope that these responses provide the information that the Commission was seeking. We would gladly meet Commission Members at the site to discuss the project and improvements that have been made and look forward to discussing the project with the Commission on September 15th.



Draft Special Conditions for SCC Review (dated 9-8-22)

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 have been completed.
2. 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.
3. The term "Applicant" 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. 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.
4. 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.
5. 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. These reviews, permits and approvals may include but are not limited to the following:
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Violation of any condition may result in Enforcement Action.
12. 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.
13. 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

(and the Town Wetland Bylaw and Wetland Bylaw Regulations), 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.

14. 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.
15. Any proposed Building Tenant and/or Use which meets the definition of a Land Use with High Potential Pollutant Load (LUHPPL) as defined in the Massachusetts Stormwater Management Standards will require an amendment to the Order of Conditions and upgrade of the Site's stormwater management system in full compliance with Stormwater Standard #5 for a LUHPPL.

Prior to Construction

16. General Conditions # 8, 9, and 10 have been met (see pages 4 and 5).
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 between the applicant or the applicant's representative, the persons or supervisor 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) 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 location and installation of erosion controls shall be inspected by the Commission or its agent during the Pre-Activity Meeting. 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. The installation of the erosion control measures can be phased to coincide with the phased work.
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. 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 control marker stakes where required.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. Prior to the start of work, an Environmental Monitor shall be designated, who shall be responsible for monitoring all activity within buffer zones to ensure compliance with this Order of Conditions. The Permit Holder shall provide the SCC with the names and qualifications of three individuals who can perform such work. The SCC will review the candidates and make a selection. The individuals shall have previous experience monitoring construction sites. The Environmental Monitor shall perform site inspections bi-weekly throughout construction and submit regular progress/monitoring reports to the Conservation Commission as outlined in Condition #37 of this Order for the duration of the project.
31. 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.
32. A stabilized construction entrance/tracking pad shall be installed prior to the start of work. These areas shall be properly maintained throughout the duration of work.
33. Prior to the Pre-Activity Meeting, a phasing plan and project timeline shall be developed and submitted to the SCC. This plan can be modified depending on duration of work and the time of year. All modifications shall be submitted to the SCC prior to initiation of said change.
34. Prior to the start of work, the SCC shall be provided with a final MA DOT approved curb cut design which prevents stormwater from Route 20 from entering the site.
35. Prior to the start of work, a copy of the MA DOT driveway permit must be provided to the SCC.
36. As a condition of approval under the SWB; 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 \$10,000, 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.

During Construction

37. The Environmental Monitor shall submit to the Conservation Commission written progress reports **within one week of said inspections**. 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 implemented. Copies of the SWPPP inspection reports shall be included. The EM shall also note any work which deviates from the approved plans and OOC.
38. The installation of the stormwater system shall be documented by a Professional Engineer (P.E.). The P.E. shall provide the SCC with photographic documentation of the installation of underground components and certify that it was installed per the approved plans.
39. 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) An anti-tracking pas shall be installed and maintained throughout the construction process.
40. 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.
41. 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.
42. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
43. 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.
44. 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.
45. 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.
46. Erosion control devices may be modified based upon experience at the site. 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.
47. 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.
48. Earth stockpiles may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored within the limit of work and shall be under cover (tarpaulins) and surrounded by a double-staked row of straw bales to prevent contact with rain water.
49. 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.

50. 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.
51. 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. Preference should be given to erosion control netting with biodegradable stitching.
52. 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.
53. 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), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of strawbales to prevent contact with rain water.
54. All waste products, grubbed stumps, slash, construction materials, etc. shall be removed from the project site, unless specified in this Order. 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.
55. Immediately upon the construction of new catch basins, silt sacks shall be installed within the inlets to prevent sediment from entering the drainage system.
56. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
57. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
58. 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.
59. As a condition of approval under the SWB, a 6-foot stockade style fence shall be installed as shown on the approved plan. The fence can be 4 feet in height in the setback if required by the Town of Sturbridge.

Completion of Work

60. Upon completion of construction, the Operation and Maintenance Plan shall be updated to include an annual budget for purposes of maintaining the proposed stormwater management system.
61. Upon completion of construction and all required monitoring, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - a. 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).
 - b. 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.

- c. Local fee for Request for a Certificate of Compliance form.
- d. 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 [name of municipality] Wetlands Protection 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.

Perpetual Conditions

- 62. The property owner of record or designee, is responsible for the implementation of the Operation and Maintenance Plan. 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 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.
- 63. The fence shall not be removed and shall be maintained in perpetuity.
- 64. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within the jurisdictional buffer zone of the wetlands resource areas. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

65. Snow storage. Snow shall not be pushed into, or piled, in any wetland or drainage structure including the grass channels. 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.
66. De-icing chemicals (e.g. sodium, potassium and calcium chloride) are prohibited on driveways and parking areas located in wetland resource area buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
67. 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.
68. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). There is an additional entrance to the property from 174 Charlton Rd which is currently blocked to prevent vehicular access to the property. This entrance shall stay blocked to prevent additional site alteration.
69. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.