

CONSERVATION COMMISSION DETAILED AGENDA

Date: March 28, 2024

Time: 6:00 pm

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

DECISIONS

I. PUBLIC HEARINGS

1. **97 Shore Road – *continued* Notice of Intent –Raze and rebuild of a lake-front home- DEP File #300-1188**
 - Owner/Applicant: Jane and Timothy Seitz
 - Representatives: L. Jalbert, Jalbert Engineering, Inc.
 - Request: Issue Order of Conditions (OOC)
 - Documents Presented: revised plans
 - Project Summary:
 - Applicant is requesting to demolish the existing cottage and rebuilding a year-round home with new well and associated site improvements.
 - Staff Notes:
 - DEP File # has been issued
 - Updated plan was received showing additional plantings within the 25' buffer (lowbush blueberries) and two fruit trees, one within the 100' buffer and one just outside the 100' buffer.
 - Staff Recommendations: When appropriate, close the public hearing and vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Perpetual conditions for restoration areas.
 - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the restoration plantings have survived.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 has been previously required for similar projects. To be released upon issuance of a Certificate of Compliance.

2. **244 Podunk Road – NOI – Amendment Request to Existing OOC– DEP File #300-1167**
 - Owner/Applicant: John & Christina Rice
 - Representatives: L. Jalbert, Jalbert Engineering, Inc.
 - Request: Issue an Amended Order of Conditions (OOC)
 - Documents Presented: plans
 - Project Summary:
 - Applicant is requesting to amend the existing OOC to include a National Grid "push pole" located on subject property outside the previously approved limits of work. The existing National Grid is existing, though appears to be being replaced.
 - Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - Staff Recommendations: If the board has no concerns, staff would recommend that the following conditions to be added to the OOC conditions under the joint WPA and SWB Special Conditions:
 - Prior to the start of work, a plan shall be developed and submitted for approval to include additional erosion control for the control of sediment associated with the installation of the push pole. Erosion control BMPs must be installed between the work area and the existing drainage swale.



Conservation Agent
Jeff Howland

Assistant
Erin Carson

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

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3. 29, 30, 31 Mt. Dan Road – NOI – Notice of Intent–Fence, driveway - DEP File #300-xxxx

- Owner/Applicant: Keith Fiorucci
- Representatives: G. Krevosky, EBT Environmental
- Request: Issue Order of Conditions (OOC)
- Documents Presented: plans
- Project Summary:
 - Applicant is replacing 2 sets of timber steps with granite steps, replace a timber retaining wall with boulder wall, remove a paved patio and replace with pervious pavers, remove a portion of the paved driveway and replace with pavers, replace in kind timber fences, and regrade a hillside to install a crushed stone parking area adjacent to the existing garage.
- Staff Notes:
 - Proof of legal ad and receipt of Abutter mailings required.
 - DEP File # and comments not received yet.
 - Staff and board members visited the site and requested more information be submitted to adequately review the work. Some of the additional information requested is provide the limits of driveway removal and replacement, details and narrative on granite step installation, provide O & M on the pervious pavers, grading and detail of the for the crushed stone parking area, verification of which trees are to be removed, and provide erosion control measures along the road.
 - Existing driveway is partially located on the abutter's property (#32 Mt. Dan Road). Verification of the limits of proposed driveway improvements is required.
 - Verification of proposed driveway drainage is required.
 - Submittal narrative indicates that existing Japanese Knotweed at the top of the slope of the lake will be tarped for two years. The plan should identify the location of the proposed work.
 - Due to the existing site constraints, a detailed construction sequence shall be provided.
- Staff Recommendations: Since DEP File # has not been issued and the staff concerns above, we recommend that the Commission provide comments and along with the staff comments, the applicant revise the plans along with providing the requested additional information.

4. 300 Clarke Road Extension – *continued* Notice of Intent - After the fact approval for a platform/deck structure – DEP File #300-1187

- Owner/Applicant: R. Szatkowski
- Representative: G. Krevosky, EBT Environmental
- Request: Issue Order of Conditions (OOC)
- Documents Presented: n/a
- Project Summary:
 - After the fact approval for platform installation within the 50 ft buffer of Big Alum.
- Staff Notes:
 - Hearing was continued for the applicant to make plan revisions.
 - Mitigation plantings were adding to include: highbush blueberry, winterberry and bayberry along the platform. Two Paper Birch trees are also included on the plan.
- Staff Recommendations: When appropriate, close the public hearing and vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Restoration plantings and drainage drip strip must be installed by June 30, 2024 as structure installed already.
 - Perpetual conditions for stormwater swale and restoration areas.
 - Certificate of Compliance not to be issued until after 2 growing seasons to ensure that the restoration plantings have survived.
- Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$750 has been previously required for a smaller project. To be released upon issuance of a Certificate of Compliance.

5. 263 New Boston Rd- *continued* Notice of Intent – Construction of a single family house with associated appurtenances –DEP File #300-1166

- Owner/Applicant: Five Star Realty Trust Representatives: G. Krevosky, EBT Environmental Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction:
- Project Summary
 - Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development
- Staff Notes:
 - Project was continued to allow for submission of additional information.
 - No new information received.
 - Staff discussed with project with representative and he will present brief project update to the Commission.
- Staff Recommendations: Discuss project status and set realistic date for project continuance.

6. Big Alum Pond - *continued* NOI – Big Alum Pond Aquatic Vegetation Management Plan - DEP #300-1189

- Owner/Applicant: Big Alum Lake Association Representatives: A. McMenemy, GEI Consultants
- Request: Issue an OOC
- Documents Presented: n/a
- Project Summary:
 - Project includes an aquatic vegetation management plan for Big Alum Pond.
- Staff Notes:
 - DEP File # received.
 - Draft conditions provided for Feb 15th meeting.
- Staff Recommendations: Close the public hearing and issue an Order of Conditions pursuant to the WPA and the SWB with conditions provided at the February 15th meeting attached to that detailed agenda.

7. 19 Long Ave – *continued* Notice of Intent – Installation of a well – DEP File #300-1190

- Owner/Applicant: John Germain
- Representative: S. Jordan, EcoTec
- Request: Issue Order of Conditions (OOC)
- Documents Presented: colored site plans
- Project Summary:
 - Installation of a well within the 50 ft buffer of Cedar Lake and decommissioning a well in the 25 ft buffer.
- Staff Notes:
 - DEP File # has been issued.
 - Plan was updated to include erosion controls around the decommissioning well and added a 25' travelled way offsite line. The proposed well location has not changed.
 - Project requires a waiver for installation of structure within 50' no new structure setback if the proposed well remains as shown.
 - The Commission should decide if the waiver should be granted with mitigation or require the well to be moved outside the 50' buffer line.
 - If the well remains in the location currently shown, mitigation shall be provided for the waiver.
 - Plan shows 50' offset to E1 pump which is not a BOH requirement.
 - There doesn't appear to be a reason why it can't meet SWB requirements.
- Staff Recommendations: When appropriate, close the public hearing and vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.

8. 200 Haynes Street – *continued* SWB Notice of Intent-Construction of a commercial solar facility with associated appurtenances

- Applicant: Sturbridge PV LLC Owner: 30 Swift LLC
 - Representative: BSC Group
 - Request: Issue OOC.
 - Documents Presented: plans
 - Project Summary: Project includes the construction of a commercial solar array on an approx. 14-acre parcel.
 - Staff Notes:
 - Updated plans and response letter were received from the representative and have been forwarded to our peer review consultant. At time of this detailed agenda, we have not received an updated comment letter.
 - Peer review funds have been nearly depleted, staff will need a proposal from Ecosystems to complete this review process.
- Staff Recommendations: Continue with the peer review, Commission should seek assistance with Conditions from our reviewer when ready to close the Public Hearing.

9. 241 & 245 Main Street – *continued* NOI – Paving of a commercial parking lot – DEP File #300-1184

- Owner/Applicant: Sturbridge Service Center Representatives: R. Lussier, CMG Environmental
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Project Summary:
 - Project includes paving a parking lot at a commercial facility.
- Staff Notes:
 - Written request for continuance received to the May 9th received. Applicant is working to address comments and ACOE property line comments.
- Staff Recommendations: Continue project as requested to May 9, 2024 meeting.

10. 274 Big Alum Road - *continued* NOI -Repair of historic boat notch - DEP #300-1186

- Owner/Applicant: Virginia Roscioli Representatives: n/a
- Request: Issue an OOC
- Documents Presented: n/a
- Project Summary:
 - Project includes the restoration of a former boat notch.
- Staff Notes:
 - No new information received.
 - Written request for continuance received to May 9, 2024 meeting.
- Staff Recommendations: Continue project as requested to May 9, 2024.

11. 7 Cedar Pond Road – NOI – Drainage improvements and platform/deck – DEP File #300-xxxx

- Owner/Applicant: Adam Tominsky
- Representative: M. Thibeault, Landscape Evolution
- Request: Issue Order of Conditions (OOC)
- Documents Presented: sketch plan
- Project Summary:
 - Construction of a 10 x 20 ft platform adjacent to Cedar Lake and installation of a drainage swale to prevent further runoff from entering the lake.
- Staff Notes:
 - Written request for continuance received to April 18, 2024
- Staff Recommendations: Continue hearing as requested to April 18, 2024

II. WETLAND DECISIONS

12. 98 Gladding Lane FKA Lot 98 Leadmine Pond – Request for a Certificate of Compliance - DEP File #300-0113

- Permit Holder: Teresa Paquin
- Request: Issue COC.
- Staff Notes: Historic OOC for house addition and repair of stone wall at shoreline found as part of real estate transaction. Site visit was conducted. Pictures of the site are attached. Additional work has occurred to the property since the original permit.
- Staff Recommendations: Recommend Commission discuss how to proceed.

13. 51A Seneca Lane – Request to Extend an Order of Conditions - DEP File #300-1098

- Permit Holder: Brian Sampson
- Request: Issue COC.
- Staff Notes: Project was permitted on April 14, 2021 and the Order therefore expires in April. No work has started on the project.
- Staff Recommendations: Issue 3-year extension as requested.

III. ENFORCEMENT ORDERS

IV. ADMINISTRATIVE DECISIONS

14. Minutes for approval

V. CONSERVATION LAND DECISIONS

15. Hamilton Rod and Gun Club – Land Use Permit Request-Plimpton

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

17. Opacum Land Trust-Land Use Permit Request-Heins Farm

VI. OLD BUSINESS

18. Blueberry Hills DEP File #300-1156 Restriction Language Review

- Staff Notes: Commission has the Conservation Restriction and Declaration of Restriction language which needs to be finalized. The applicant is looking to start work next week and Staff is working on verifying all conditions prior to the start of work are complete.
- Staff Recommendations: If the Commission is satisfied the final Restrictions should be voted on and signed.

VII. ADMINISTRATIVE UPDATES

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

VIII. CORRESPONDENCE

19. Letter from MA Fish and Wildlife

VII. NEW BUSINESS

19. Agent's Report

20. Next Meeting: Thursday April 18, 2024 and Site Visit Schedule – TBD

UPDATES/DISCUSSION

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

ADJOURN



Deck on the
water



Deck view from
house



Timber
retaining wall



View from the
lake

Addendum to WPA Form 5**Big Alum Pond, Big Alum Lake Association; Order of Conditions DEP File # 300-xxxx****Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5- Order of Conditions

Massachusetts Wetlands Protection Act (M.G.L. C.131 S. 40)

*And***Code of the Town of Sturbridge Chapter 286 Sturbridge****Wetlands Protection Bylaw and its Implementing Regulations****(Chapter 365)****Project Description:**

The Notice of Intent proposes conducting aquatic plant management activities within Big Alum Pond. Aquatic vegetation has been managed by the Big Alum Lake Association (BALA) for multiple decades. Management activities have changed and a new permit has been requested. The project is an Ecological Restoration Limited Project intended to restore habitat value and other wetland interests. To control nuisance aquatic vegetation, BALA is proposing three management strategies to be conducted either separately or concurrently: In-lake aquatic vegetation herbicide treatment, Emergent plant aquatic herbicide control and a Winter lake drawdown. These strategies are outlined below.

A maximum of 40 acres combined for curly leaf pondweed and clasping leaf pondweed is proposed to be treated using either diquat dibromide products or fluridone based products. The project includes the use of either a liquid and granular fluridone formulations to allow the treatment to be tailored to the exact area to be treated and if there are any sensitive native species present.

The project also includes the treatment of potential new invasive aquatic species if they become present in the waterbody. Treating new infestations before the populations become established and widespread will help reduce future impacts to native flora and fauna along with reducing treatment sizes/amounts. The five species included are: Eurasian Watermilfoil (EWM), Variable Leaf Watermilfoil (VLM), Fanwort and Hydrilla. The OOC would allow treatment of these target species within the 40 acres set forth in the curly and clasping leaf pondweed standing treatment strategy.

A maximum of 10 acres can be treated for filamentous algae and or cyanobacteria throughout Big Alum Pond. Prior written notification, documentation and Sturbridge Conservation Commission (SCC) approval is required. The two active ingredients permitted for use include: copper -based products and peroxide based products. The intent of the treatment is to only treat what algae is present as a reactive approach, not a pre-emptive measure. Only the documented area of algae may be treated.

This Order of Conditions approves the potential application of:

1. Copper Based Products (Copper sulfate, Copper Ethanolamine Complex) for the control of filamentous algae and aquatic plants.
2. Diquat Dibromide (Trade Name: Reward, Tribune) for the control of aquatic plants, primarily to be used for spot treatments.
3. Fluridone (Trade Name: SONAR either granular or liquid formulations) for the control of aquatic plants for lake-wide control and early season curly leaf pondweed treatment.
4. Florpyrauxifen Benzyl (Trade Name: ProcellaCOR EC) for EWM or VLM Control. Only to be used if specific plants are discovered in Big Alum Lake. Mostly used for spot treatments.

5. Flumioxazin: Trade Name: Clipper, Red Eagle Flumioxazin 51% Either Granular or Liquid Formulation for or fanwort control. Only to be used if specific plants are discovered in Big Alum Lake. Mostly used for spot treatment.

The project work zone is located in Land Underwater jurisdictional area and is only being conducted within the shoreline limits of Big Alum Pond. Big Alum Pond is a 200-acre (8,494,000 square feet) waterbody. The total area to be disturbed will be the littoral zone of the lake, which is approx. 75 acres; however, the maximum area to be treated in one application will be 40 acres for aquatic vegetation control and only areas of 10 acres or less for algae as noted in the following conditions.

Resource Area Identification

The affected resource areas under the Massachusetts Wetlands Protection Act (M.G.L. Ch.131 §. 40) Is Land Under Water Bodies and Waterways (310 CMR 10.56). The affected resource area under the Sturbridge Wetland Bylaw (Chapter 286) is Land Under Water Bodies (Sturbridge Wetland Regulations 365-5.3).

Findings under Massachusetts Wetlands Protection Act and Wetland Regulations: The Sturbridge Conservation Commission finds that the project can be conditioned to meet the performance standards set forth in the wetland regulations. See Special Conditions below.

Land Under Water Bodies and Waterways, 310 CMR 10.56(4): Portions of the proposed project occur on Land Under Water Bodies and Waterways. The Commission finds that the proposed work can be conditioned so it will not impair the water carrying capacity; will not impair ground and surface water quality; will not impair the capacity of said land to provide breeding habitat, escape cover and food for fisheries; and will not impair the capacity of said land to provide important wildlife habitat functions.

Findings under Sturbridge Wetland Bylaw and Wetland Regulations: The Sturbridge Conservation Commission finds that the project can be conditioned to comply with the Sturbridge Wetlands Protection Bylaw and Regulations. See Special Conditions below.

The Sturbridge Conservation Commission finds that mitigating measures have been proposed that will allow the project to be conditioned so that it contributes to the protection of the resource values identified in the Wetlands Bylaw. The project is an Ecological Restoration Project. The Sturbridge Conservation Commission finds that *the project is necessary to accommodate an overriding public interest or that it is necessary to avoid a decision that so restricts the use of property that it constitutes an unconstitutional taking without compensation.*

Special Conditions under the Mass. Wetlands Protection Act and Wetlands Regulations and under the Sturbridge Wetland Bylaw and Wetlands Regulations:

The Sturbridge Conservation Commission hereby finds that the following additional conditions are necessary to comply with performance standards set forth in the Massachusetts Wetlands Protection Act and Wetland Regulations and the Sturbridge Wetland Bylaw.

The Conservation Commission orders that all work shall be performed in accordance with said additional conditions and with the Notice of Intent materials. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of intent, the conditions shall control.

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 have been completed.
2. General Conditions # 8 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" 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.
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.
6. 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.
7. 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.
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. Violation of any condition may result in Enforcement Action.
11. Work shall be halted on the site if an Agent of the Sturbridge Conservation Commission (SCC) or DEP determines that any of the work is not in compliance with this Order of Conditions.
12. The SCC reserves the right to require additional conditions if deemed necessary to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00).
13. 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. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
15. This permit expires **five (5)** years from the 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.
16. Applicant to provide any other requisite permits, approvals or authorizations, including but not limited to the license to apply chemicals issued by MA DEP, to the Commission prior to the commencement to work.
17. The Conservation Commission shall be notified in writing at least 5 business days in advance of the treatments. At that time, the Conservation Commission shall also be informed in writing of how, when and where the public will be notified of the treatment.
18. All herbicide treatments shall be performed by Massachusetts Commercially Certified Applicators in accordance with label instructions, the Order of Conditions, and the site-specific License to Apply Chemicals (BRP WM 04) that must be filed annually with DEP's Office of Watershed Management. A copy of the valid License to Apply Chemicals will be provided to the Conservation Commission. The Applicant or their designee shall obtain a valid (signed and dated) BRP WM 04
19. All application of herbicides approval for use by this Order shall be applied by an applicator licensed (in the aquatic weed category) by the MA Dept. of Agricultural Resources Bureau. All Applications shall follow the product label directions.
20. The proponent shall follow the guidelines outlined in the Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004) (GEIR), Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetlands Protection Act (April 2004 - DEP Policy/SOP/Guideline# BRP/DWM/WW /G04-1.
21. All applications shall be consistent with the submitted Narrative.
22. A post-treatment monitoring survey shall occur during the late summer, between August and mid-September of each year. The survey will involve inspections of the treatment area and re-visiting pre-established waypoints from the previous year's survey. The purpose of the survey is to monitor trends in plant distribution and abundance of plants over time and to identify any significant changes which would necessitate a change in management strategy. If any changes resulting from the survey are to be acted upon, the Applicant must send a written request to the Conservation Commission. Written requests will include specifics of the change including differences in active herbicide ingredient, estimated total product to be used and target application rate.
23. The SCC shall be provided with a post-treatment report to include a post-application map and narrative describing the dates, times areas and dosage rate of the herbicide application(s); identifying by name the boat operators and licensed personnel responsible for the application, fish survey and post-application survey. The report shall be due to the SCC within 60 days of the post-treatment survey.
24. Prior to yearly treatments, the SCC shall be provided with each year's proposed specific treatment plan for review and approval. The proposals shall be provided at least 30 days in advance of proposed treatments.

25. As part of the monitoring of the herbicide application, a shoreline survey and count of dead fish shall be made prior to and within 24 hours of the application by a qualified individual. An occurrence of 20 or more adult fish (greater than 6 inches in total length) will indicate a fish kill. If any fish kill is observed the Division of Fisheries and Wildlife must be notified immediately. (Fish Kill cell phone at 508-450-5869). The Fish Kill phone is monitored April 1st through October 1st. If you do not hear back from the Division with a ½ hour of your call/message, call the Department of Environmental Law Enforcement Radio Room (staffed 24/7; 800-632-8075).
26. Filling and refiling of herbicide application tanks or injectors shall be done in accordance with federal and state standards. Refueling, servicing and repair of the motorized watercraft and service vehicles shall take place at least 100 feet away from the boundary of the outer most resource area. Equipment operators shall be prepared to immediately respond to and contain accidental releases of fuel, motor oil, or herbicides, On-site absorbent materials shall be maintained by the licensed herbicide applicator firm on site in case of an accident.
- 27. Curly Leaf Pondweed treatment:** The SCC shall be made aware of which type of treatment is to be conducted either diquat dibromide products or fluridone based products.
- 28. Application of Algaecide:** A maximum of 10 acres can be treated for filamentous algae and or cyanobacteria throughout Big Alum Pond. The Applicant must receive prior written approval by the SCC. The Applicant shall provide the SCC with photographic and narrative documentation of the algae infestation by a qualified professional prior to treatment for justification. The two active ingredients permitted for use include: copper -based products and peroxide based products. The intent of the treatment is to only treat what algae is present as a reactive approach, not a pre-emptive measure. Only the documented area of algae may be treated.
- 29. Documented New Aquatic Invasive Species:** The default products to use for this treatment would be diquat and fluridone. ProcellaCOR and Clipper can be used, provided BALA provides written justification to the commission to use these products over the standing treatment products. Prior notification and written approval by the SCC is required.
- 30. Drawdown:** The drawdown shall begin no sooner than November 1st of a given year. Water can be lowered to 30 inches below the spillway level. In years ending in 0's and 5's the lake is lowered an additional 6 inches to 36 inches below the spillway level. The drawdown will be conducted via best management guidelines laid out in GEIR. The target depth of 30 inches below full lake level is to be achieved at least by the beginning of December. Outflow rate during the drawdown period shall not exceed 4 cubic feet per second (CFS). The Applicant shall ensure that inflow and outflow are equal to the greatest possible extent to maintain a stable water level. Outflow discharge during re-fill will be above 0.5 CFS and full lake level is to be achieved by April 1st.

The SCC shall be notified of the start of the drawdown and when the target depth as been reached.

The person who is responsible for monitoring the dam and drawdown shall submit to the Conservation Commission their name and contact information. If the drawdown monitor changes during the duration of the permit, the Conservation Commission shall be notified in writing.

31. On completion of the entire project, the applicant or representative shall submit a written request for a Certificate of Compliance on a WPA Form 8A or other form if required by the

Conservation Commission at the time of request). It is further required that a written statement by an environmental consultant experienced with restoration activities in wetland environments be included. This form shall be accompanied by payment of a non-refundable fee to the Town of Sturbridge. Without a Certificate of Compliance which has been recorded (at the Registry of Deeds or Land Court, whichever applies), an encumbrance shall remain on the property, and your filing will not be closed.