



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Sturbridge

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

6 Picker Road  
a. Street Address

Sturbridge  
b. City/Town

01566  
c. Zip Code

Latitude and Longitude:  
42°07'47"N  
d. Latitude

72°03'09"W  
e. Longitude

Parcel ID: 510-02215-006  
f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

a. First Name  
New England Cold Storage LLC

b. Last Name

c. Organization

5 Webster Avenue  
d. Street Address

Sandwich  
e. City/Town

MA  
f. State

02563  
g. Zip Code

(508) 259-3408  
h. Phone Number

i. Fax Number

cbailey@comrealty.net  
j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

Daniel & Melvin  
a. First Name

Prouty & Glickman  
b. Last Name

c. Organization

One Picker Realty Trust

PO Box 2917  
d. Street Address

Worcester  
e. City/Town

MA  
f. State

01613  
g. Zip Code

(508) 987-8760  
h. Phone Number

i. Fax Number

bigdealmaker@msn.com  
j. Email address

4. Representative (if any):

Glenn  
a. First Name

Krevosky  
b. Last Name

c. Company

EBT Environmental Consultants, Inc.

601 Main Street  
d. Street Address

North Oxford  
e. City/Town

MA  
f. State

01537  
g. Zip Code

508-769-3659  
h. Phone Number

i. Fax Number

glenn.krevosky@charter.net  
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$2,500.00 (+\$271.90 bylaw)  
a. Total Fee Paid

\$1,237.50  
b. State Fee Paid

\$1,262.50 (+\$271.90 bylaw)  
c. City/Town Fee Paid



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### A. General Information (continued)

6. General Project Description:

See attached A.6. General Project Description

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial          | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

310 CMR 10.53 (3) (e)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

34336

c. Book

b. Certificate # (if registered land)

243

d. Page Number

### B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

## A.6. General Project Description

**Site: 6 Picker Road, Sturbridge**

**Applicant: New England Cold Storage LLC**

The applicant proposes site work on an 18.47-acre commercial lot, including wetland crossing and infrastructure. This site was designated as a Priority Development Site under Article 53 & 54 of the 2/24/2009 Town Meeting. The applicant through their engineers and consultants have designed a bottomless culvert  $\pm 28'$  long (SW to NE) by  $\pm 38'$  wide (NW to SE) to span over bordering vegetated wetland, bank, and land under water body. The trench work for the poured in place footings will temporarily alter 250 square feet of bordering vegetated wetland. Entrenched silt fence will be installed along the top of the proposed trenches under the span to protect resource areas and minimize encroachment into resource areas.

The footings on the southwest side will be dug from the southwest and footings on the northeast side will be dug from the northeast by utilizing a temporary access way through 8 Picker Road. By excavating the footings in this manner, no machinery will be needed to cross over the wetland to dig the northeast footing. The culvert spans will be lifted by a crane positioned on the southwest side of the culvert.

The applicant is utilizing the limited access provision [310 CMR 1053 (3) (e)]. to gain access to their upland property. Referencing Wetlands Policy 88-2, when the Commission issued the Order of Conditions for 53 Technology Park Road (DEP File #300-0631) they did not place a permanent condition (a condition in perpetuity) either in the Order of Conditions or in the Certificate of Compliance notifying the applicant they would not be applicable for the use of 310 CMR 10.53 (3) (e) to gain access to the remainder of their property, specifically the 18.47 acres which is the subject of this Notice of Intent (see attached Exhibit 11A). Although the applicant is proposing to utilize 310 CMR 1053 (3) (e), the project can be permitted under the General Performance Standards contained within 310 CMR 10.54, 10.55, 10.56 & 10.57, as the applicant is spanning with, a bottomless culvert, the resource areas (Bank, BVW, Land Under Water Bodies & Land Subject to Flooding).

Glenn E. Krevosky of EBT Environmental Consultants, Inc. delineated the wetland boundaries in January & February of 2020 with 46 A series, 29 B series, 20 C series & 14 D series wetland flags - utilizing soils, vegetation and indicators of hydrology according to 310 CMR 10.55 (2) (c) and the banks with 12 bank flags.

The erosion control measures of 9" staked straw wattles backed by entrenched silt fence shown on the Site Plan shall be placed prior to site work. The only area where silt fence with wattles is not shown is adjacent to the southwest crossing footing, as the consultant did not want to place wattles or silt fence in the stream flow path. In this location the consultant requested the engineer show only entrenched silt fence. These measures shall be maintained in good working order throughout the project until all exposed soils are

final graded, loamed, seeded and stabilized with well-established soil stabilizing vegetation.



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Sturbridge

City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	250 (temporary) 1. square feet _____	250 (temporary) 2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b> _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program**  
**Division of Fisheries and Wildlife**  
**1 Rabbit Hill Road**  
**Westborough, MA 01581**

Current Oliver \_\_\_\_\_

b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area \_\_\_\_\_

percentage/acreage

(b) outside Resource Area \_\_\_\_\_

percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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**C. Other Applicable Standards and Requirements (cont'd)**

- (c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm)).  
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.





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**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

- a.  Yes  No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

- a.  Yes  No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2.  A portion of the site constitutes redevelopment
3.  Proprietary BMPs are included in the Stormwater Management System.

- b.  No. Check why the project is exempt:

1.  Single-family house
2.  Emergency road repair
3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4.  List the titles and dates for all plans and other materials submitted with this NOI.

Definitive Site Plan Set

a. Plan Title

Summit Engineering & Survey Inc.

Andrew R. Baum

b. Prepared By

c. Signed and Stamped by

5/12/2020

1"=40'

d. Final Revision Date

e. Scale

See attached D.4. Additional Information

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8.  Attach NOI Wetland Fee Transmittal Form
9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5625 (5627 bylaw)

5/11/2020

2. Municipal Check Number

3. Check date

5624

5/11/2020

4. State Check Number

5. Check date

ARCO Design/Build - BTS, LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name

#### **D.4. Additional Information**

**Project Location:** 6 Picker Road, Sturbridge

**Applicant:** New England Cold Storage, LLC

- 1A. Definitive Site Plan Set (19 Sheets): prepared for New England Cold Storage LLC by Summit Engineering & Survey, Inc., dated 5/12/2020
- 2A. Warren USGS Quad, dated 1982
- 3A. Sturbridge GIS Mapping, dated 5/8/2020
- 4A. Fee Transmittal Form
  - Sturbridge Filing Fee Worksheet
  - Copies of Fee Checks
- 5A. Town of Sturbridge Abutters' List, dated 5/6/2020
- 6A. Abutters Notification, dated 5/13/2020
- 7A. Affidavit of Service, dated 5/13/2020
- 8A. Sturbridge Tax/Fee Status Sheet, dated 5/6/2020
- 9A. Portion of Special Town Meeting Warrant, dated 2/24/2009
- 10A. Hydraulic/Hydrologic Calculations by Summit Engineering & Survey, Inc., dated 5/11/2020
- 11A. Wetlands Policy 88-2, Order of Conditions & Certificate of Compliance
- 12A. MA DEP BVW Data Forms, dated January 2020



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**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	5-6-2020
1. Signature of Applicant <i>Chris E. Kelly</i>	2. Date
	05/06/2020
3. Signature of Property Owner (if different) <i>Douglas P. Trustor</i>	4. Date
	5/6/2020
5. Signature of Representative (if any) <i>Glen E. Keurashy</i>	6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

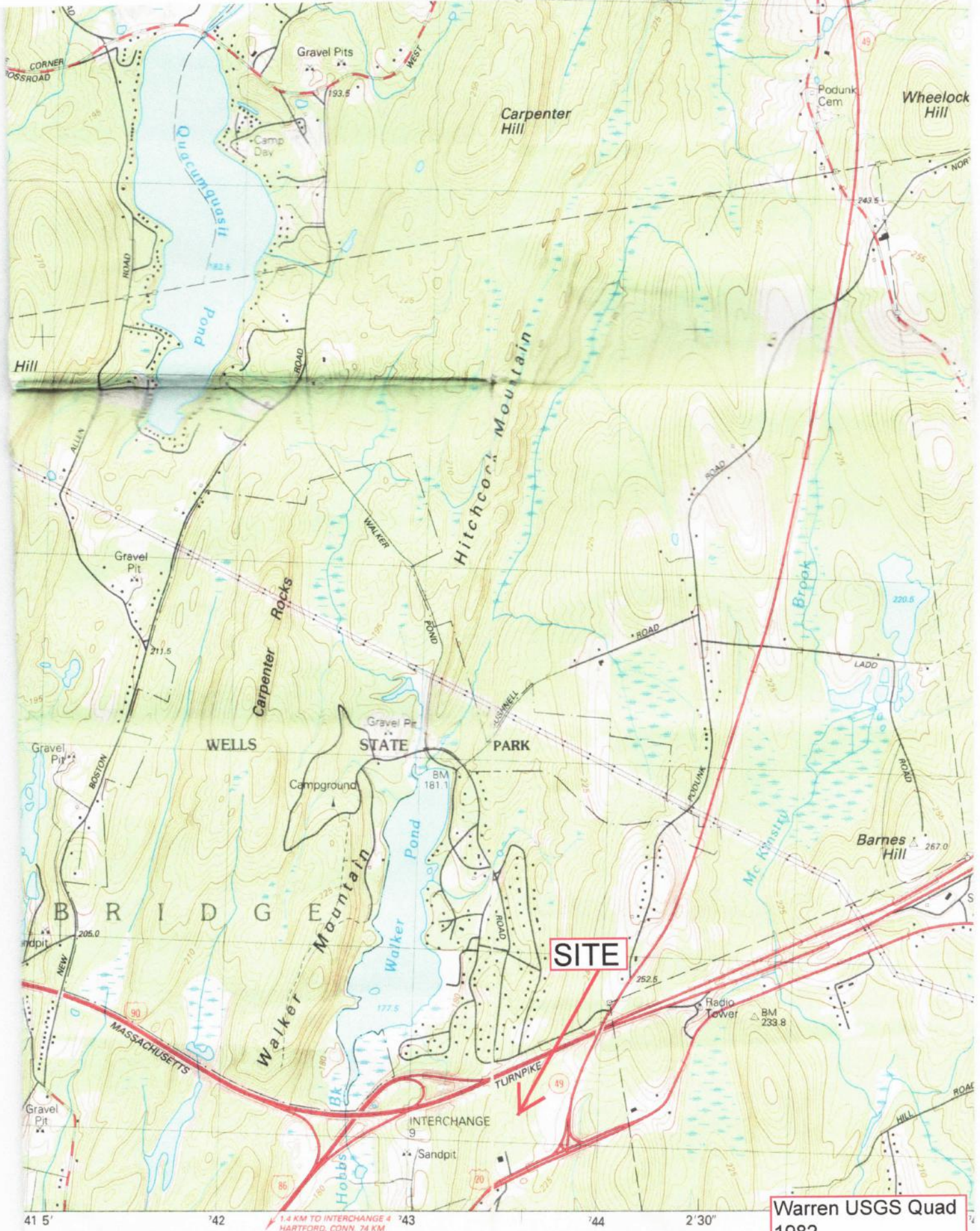
**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

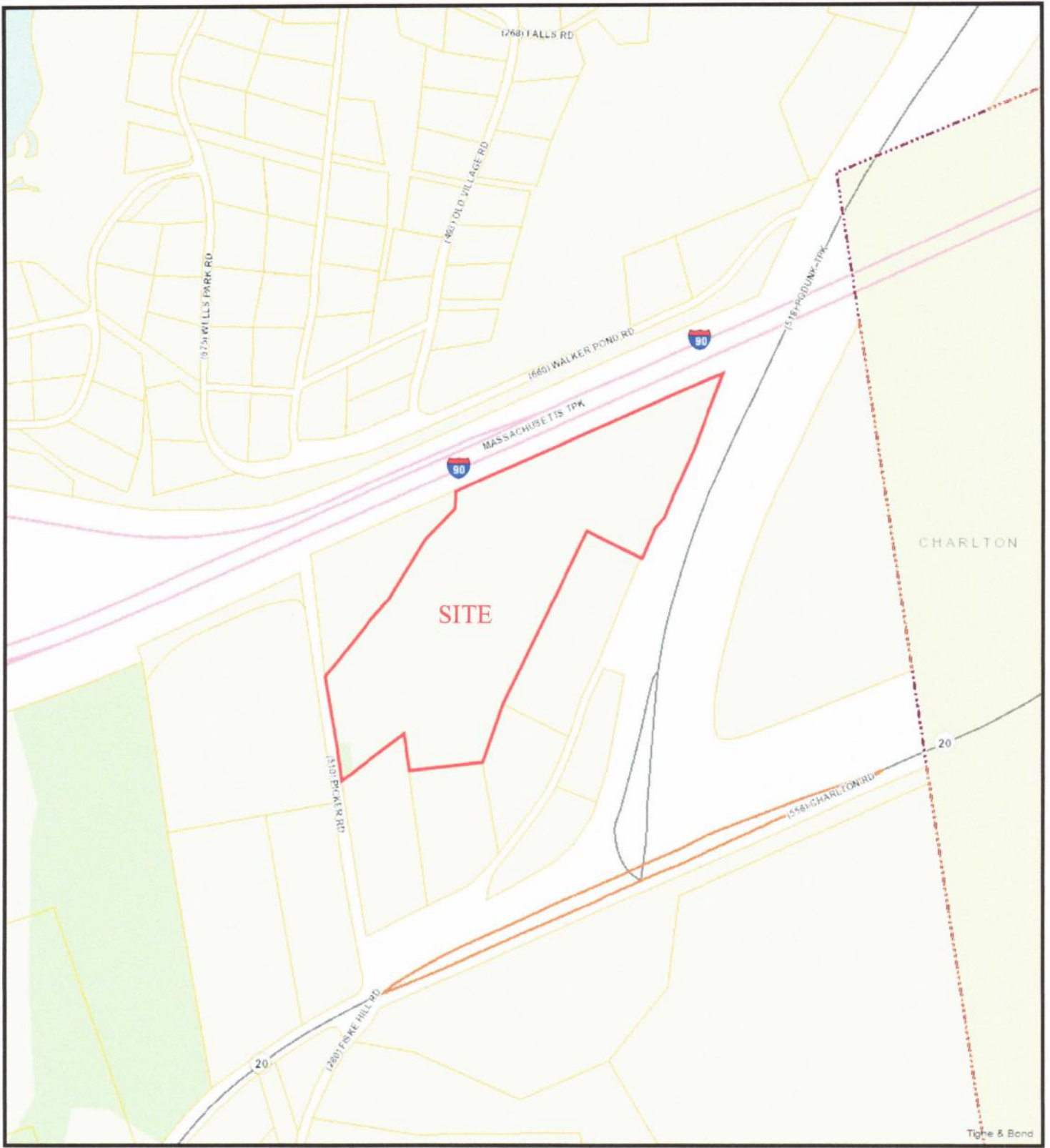
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Warren USGS Quad  
1982



2A



**6 Picker Road**

5/8/2020 9:48:09 AM

Scale: 1"=500'

Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.



**3A**



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**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

6 Picker Road Sturbridge  
 a. Street Address b. City/Town  
 5624 (5625 municipal & 5627 bylaw) \$1,237.50 (+\$1,262.50 municipal & +\$271.90  
 c. Check number bylaw)

2. Applicant Mailing Address:

a. First Name b. Last Name  
 New England Cold Storage, LLC  
 c. Organization  
 5 Webster Avenue  
 d. Mailing Address  
 Sandwich MA 02563  
 e. City/Town f. State g. Zip Code  
 (508) 259-3408 cbailey@comrealty.net  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Daniel & Melvyn Prouty & Glickman  
 a. First Name b. Last Name  
 One Picker Realty Trust  
 c. Organization  
 PO Box 2917  
 d. Mailing Address  
 Worcester MA 01613  
 e. City/Town f. State g. Zip Code  
 (508) 987-8760 bigdealmaker@msn.com  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3.b.	1	\$1,050.00	\$1,050.00
Category 4.a.	1	\$1,450.00	\$1,450.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$2,500.00 (+\$271.90 bylaw)
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$2,500.00 (+\$271.90 bylaw)
State share of filing Fee:			\$1,237.50
			b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:			\$1,262.50 (+\$271.90 bylaw)

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)





# Town of Sturbridge

## Conservation Commission

### Filing Fee Worksheet

Under M.G.L. c 131, § 40 and the Town of Sturbridge Wetland Bylaw

Applicant New England Cold Storage, LLC

Applicant Representative EBT Environmental Consultants, Inc.

Project location 6 Picker Road, Sturbridge

#### TOTAL STATE FEE REQUIRED FOR PROJECT

(Only subject to NOI and ANRAD filings—See Wetland Fee Transmittal Form):

State Fee Category(s) Category 3.b. & Category 4.a.

Total State Fee for project (include Riverfront Area adjustment if applicable) \$2,500.00

State share of State Fee \$1,237.50

Local share of State Fee \$1,262.50

#### TOTAL ADDITIONAL LOCAL FEE REQUIRED FOR PROJECT\*:

(See Sturbridge Wetland Bylaw Regulations Section 4.17)

- Standard NOI Fee = \$50.00 \_\_\_\_\_ (check if applicable)
- Standard RDA Fee = \$25.00 \_\_\_\_\_ (check if applicable)
- Standard ANRAD Fee = \$00.10 per foot for resource area delineation \_\_\_\_\_ (check if applicable).  
# feet \_\_\_\_\_ x \$00.10 = \$ \_\_\_\_\_
- Standard DELINEATION Fee = \$00.10 per foot for resource area delineation \_\_\_\_\_ (for all projects).  
# feet 2,219 x \$00.10 = \$ 221.90
- (for all projects that do not include an approved wetland delineation boundary by the Commission within 3 years prior to application submittal)
- REPLICATION Monitoring Fee = \$200.00 \_\_\_\_\_ (check if applicable)  
(for all projects that include wetland alteration and wetland replication)

#### CUMULATIVE TOTAL FEES:

Total State Fee: \$1,237.50

Total Town Share of State Fee: \$1,262.50

Total Local Fee: \$271.90

#### \*Please Note:

For each NOI and ANRAD filing, please submit two (2) checks to the Town of Sturbridge, one for the town's portion of the state fee and one for the local fee(s). RDA filings only have a Local Fee at this time.

The advertising fee is not included in the calculation. The Applicant will pay the Southbridge News directly.

**ARCO Design/Build - BTS, LLC**

380 Interstate North Pkwy., Ste 210  
 Atlanta, GA 30339  
 Phone: 770-541-1700

Parkside Financial  
 Clayton, MO 63105

80-1940/810

**5624**

Memo \_\_\_\_\_

VENDOR NO.	CHECK DATE	CHECK NO.	AMOUNT OF CHECK
59169	5/11/20	5624	1,237.50

**PAY** \*\*\*One thousand two hundred thirty-seven and 50 / 100 Dollars\*\*\*

**PAY**  
 TO THE  
 ORDER  
 OF

Commonwealth of Massachusetts  
 PO Box 4062  
 Boston, MA 02204

ARCO Design/Build - BTS, LLC



*Michael Bgh*

AUTHORIZED SIGNATURE

MP

FACE OF DOCUMENT IS A COLORED BACKGROUND ON WHITE PAPER

⑈000005624⑈ ⑆081019405⑆ 8121402⑈

**ARCO Design/Build - BTS, LLC**

380 Interstate North Pkwy., Ste 210  
 Atlanta, GA 30339  
 Phone: 770-541-1700

Parkside Financial  
 Clayton, MO 63105

80-1940/810

**5625**

Memo \_\_\_\_\_

VENDOR NO.	CHECK DATE	CHECK NO.	AMOUNT OF CHECK
88580	5/11/20	5625	1,262.50

**PAY** \*\*\*One thousand two hundred sixty-two and 50 / 100 Dollars\*\*\*

**PAY**  
 TO THE  
 ORDER  
 OF

Town of Sturbridge  
 308 Main Street  
 Sturbridge, MA 01566

ARCO Design/Build - BTS, LLC



*Michael Bgh*

AUTHORIZED SIGNATURE

MP

FACE OF DOCUMENT IS A COLORED BACKGROUND ON WHITE PAPER

⑈000005625⑈ ⑆081019405⑆ 8121402⑈

**ARCO Design/Build - BTS, LLC**

380 Interstate North Pkwy., Ste 210  
 Atlanta, GA 30339  
 Phone: 770-541-1700

Parkside Financial  
 Clayton, MO 63105

80-1940/810

**5627**

Memo \_\_\_\_\_

VENDOR NO.	CHECK DATE	CHECK NO.	AMOUNT OF CHECK
88580	5/11/20	5627	271.90

**PAY** \*\*\*Two hundred seventy-one and 90 / 100 Dollars\*\*\*

**PAY**  
 TO THE  
 ORDER  
 OF

Town of Sturbridge  
 308 Main Street  
 Sturbridge, MA 01566

ARCO Design/Build - BTS, LLC




*Michael Bgh*

AUTHORIZED SIGNATURE

MP

FACE OF DOCUMENT IS A COLORED BACKGROUND ON WHITE PAPER

⑈000005627⑈ ⑆081019405⑆ 8121402⑈

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Property Address
637-02215-051	51 TECHNOLOGY LLC	55 WESSON STREET	N GRAFTON	MA	01536	51 TECHNOLOGY PARK ROAD
637-02215-063	CUBE HHF NORTHEAST MA LLC	PO BOX 320099	ALEXANDRIA	VA	22320	63 TECHNOLOGY PARK ROAD
510-02225-007	ELEVEN COUSINS LP	160 MIDDLESEX TURNPIKE	BEDFORD	MA	01730	7 PICKER ROAD
510-02215-008	8 PICKER ROAD LLC	8 PICKER ROAD	STURBRIDGE	MA	01566	8 PICKER ROAD
637-02226-059	SAIL ENERGY LLC	210 COMMERCE WAY	PORTSMOUTH	NH	03801	59 TECHNOLOGY PARK ROAD
510-02224-001	VENTURE COMMUNITY SERVICES INC	1 PICKER ROAD	STURBRIDGE	MA	01566	1 PICKER ROAD
637-02225-053	WHM III LLC	3 LIBRARY LANE	STURBRIDGE	MA	01566	53 TECHNOLOGY PARK ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 6 PICKER ROAD						
Certified Copy						
Assessor:						
Date:	5-16-2020					

**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act**

**(This form must be completed and copies sent, by certified mail, certificate of mailing or hand-delivered, to all abutters within 200 feet of the location of the project)**

*In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:*

- A. The name of the Applicant is New England Cold Storage, LLC.
- B. The Applicant has filed a Notice of Intent (NOI) with the Sturbridge Conservation Commission.
- C. The address or location of the lot where the activity is proposed is 6 Picker Road, Sturbridge, MA.
- D. The applicant proposes site work on an 18.47-acre commercial lot, including wetland crossing and infrastructure. This site was designated as a Priority Development Site under Article 53 & 54 of the 2/24/2009 Town Meeting. The applicant through their engineers and consultants have designed a bottomless culvert ±28' long (SW to NE) by ±38' wide (NW to SE) to span over bordering vegetated wetland, bank, and land under water body. The trench work for the poured in place footings will temporarily alter 250 square feet of bordering vegetated wetland. Entrenched silt fence will be installed along the top of the proposed trenches under the span to protect resource areas and minimize encroachment into resource areas.
- E. Copies of the NOI may be obtained or examined by calling Glenn E. Krevosky of EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537 at (508)987-0979 between the hours of 9:00 am and 3:30 pm, Monday through Friday.
- F. Information regarding the date, time and place of the Public Hearing may be obtained by contacting the Sturbridge Conservation Commission at (508)347-2506 between the hours of 8am to 4pm Mondays, Wednesdays and Thursdays, 8am to 7pm Tuesdays and 8am to 12pm Fridays.

**PLEASE NOTE:**

- 1. Notice of the public hearing, including its date, time and place will be published at least five (5) business days in advance in the Southbridge News.
- 2. Notice of the public hearing including date, time and place will be posted in the Town Hall not less than forty-eight (48) hours in advance.
- 3. You also may contact the Department of Environmental Protection (DEP) Regional Office for more information about this application or the Wetlands Protection Act. To contact the DEP:

**CENTRAL REGION: (508) 792-7650**

**NORTHEAST REGION: (617) 654-6500**

**WESTERN REGION: (413) 784-1100**

**SOUTHEAST REGION: (508) 946-2700**

5/13/2020

**6A**

**AFFIDAVIT OF SERVICE**

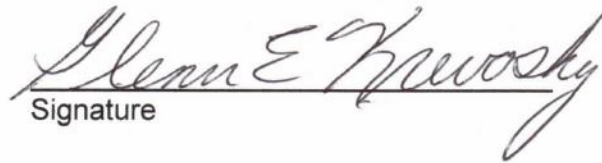
**UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT  
AND TOWN OF STURBRIDGE WETLAND PROTECTION BYLAW**

(To be submitted to the Massachusetts Department of Environmental Protection & the Conservation Commission when filing a Notice of Intent)

I, Glenn E. Krevosky, hereby certify under the pains and penalties of perjury that on May 13, 2020, I gave notification to abutters within 200 feet of the proposed project in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification, dated April 8, 1994, in connection with the following matter:

A Notice of Intent application filed under the Massachusetts Wetlands Protection Act and The Town of Sturbridge Wetland Protection Bylaw by EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537, with the Sturbridge Conservation Commission on May 13, 2020 for a property located at, 6 Picker Road, Sturbridge.

The form of the notification and the list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.

  
Signature

5-13-2020  
Date



# Town of Sturbridge

Barbara A. Barry, Finance Director

Department/Board/Committee: Conservation Commission

Please verify outstanding tax/fee status for the following property owner:

Property Owner: One Picker Road Trust - Daniel Prouty, trustee

Property Location: 6 Picker Road

The license/permit may be released.

The license/permit may not be released.

  
Finance Director

5.6.20  
Date

*Summary – The last Master Plan was completed in 1987 and is extremely outdated. Updating this plan would provide the basis for decision making in zoning and many other community development issues. It is several years overdue and funding it at this Special Town Meeting would give the Town the opportunity to get started on this project as soon as possible. The ZBA has also earmarked \$18,000 from funds available for planning purposes from the Crescent Gate project to be used for the Master Plan (for a total available of \$93,000). The estimates from consulting firms to undertake a Master Plan is \$70,000 to \$100,000.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

---

**ARTICLE 53**

**EXPEDITED PERMITTING – CHAPTER 43D**

To see if the Town will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006; or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 5-0.*

*Summary – The adoption of Chapter 43D is to establish a streamlined permitting process for priority development sites and makes the Town eligible for certain grant and other funding from the state for economic development. As part of the streamlined permitting, the Town would be required to:*

- *Appoint a single municipal point of contact for streamlined permitting.*
- *Amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline.*
- *Determine and make available the requirements for each permit.*
- *Establish a procedure for identifying necessary permits for a project.*
- *Establish a procedure for determining completeness of the required submissions.*

*The Town also must identify "priority development sites" which the following several articles to be voted are proposed to identify these sites.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

---

**ARTICLE 54**

**PRIORITY DEVELOPMENT SITE #1**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 51 Technology Park Road (Map 22, Parcel 51) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 5-0.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

---

**ARTICLE 55**

**PRIORITY DEVELOPMENT SITE #2**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 90 Charlton Road (Map 22, Parcel 90) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 5-0.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

---

**ARTICLE 56**

**PRIORITY DEVELOPMENT SITE #3**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 198 Charlton Road (Map 26, Parcel 198) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 5-0.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

---

**ARTICLE 57**

**PRIORITY DEVELOPMENT SITE #4**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 178 Main Street (Map 34, Parcel 178) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**



EMERGENCY ALERTS

HIDE ALERTS

## Coronavirus Update

Stay informed about coronavirus – COVID-19. Learn more. *May. 12th, 2020, 9:00 am* [Read more](#) 



# Wetlands Policy 88-2: Access Roadways

This policy discusses whether a roadway qualifies as a limited project under the Wetlands Protection Act.

## Access Roadways

Access Roadways: Interpretation of 310 CMR 10.53(3)(e)

Limited Projects: Access Roadways or Driveways (DWW Policy 88-2)

Issued: February 29, 1988

The limited project provisions of 310 CMR 10.53(3) are designed to provide the issuing authority with the discretion to allow certain work to proceed although the work may not meet the performance standards set forth in 310 CMR 10.54 through 10.57. These provisions merely provide the discretion to permit these projects and the authority to impose conditions which, in addition to those set forth in the applicable portion of 310 CMR 10.53(3), the issuing authority determines are necessary to adequately protect the interests of the Wetlands Protection Act, M.G.L. c. 131, s.40. The issuing authority is not required to give approval to all projects filed under this provision, but should examine the facts and determine whether the project qualifies as a limited project.

The purpose of 310 CMR 10.53(3)(e) is to allow projects in which wetlands will be crossed with a new roadway to provide access to otherwise unreachable upland areas. In this Program Policy, the Department elaborates on the analysis that should be applied when determining whether a new roadway qualifies for consideration as a limited project.

# 11A

In each case proposed under 310 CMR 10.53(3)(e), the issuing authority must determine, before approving the project under this section; (1) whether the project satisfies the general requirements stated in the regulation; (2) whether it is appropriate to grant an exception from the provisions of Sections 10.54 through 10.57 in this case, and (3) if the project is approved, what conditions should be imposed in addition to those required by 310 CMR 10.53(3)(e) to adequately protect the interests of the Act.

1) A project satisfies the general requirements of a limited project roadway, if the issuing authority determines no reasonable alternative means of access from a public way to uplands of the same owner is available. For the purposes of 310 CMR 10.53(3)(e), a public way includes any road, whether publicly or privately owned, off of which access may be gained into the subject property. In making the determination regarding alternate means of access, the issuing authority may require the applicant to evaluate the reasonableness of any previously or currently available alternatives including the realignment or reconfiguration of the project, to conform with the requirements of 310 CMR 10.54 through 10.57, or to minimize to the greatest extent possible disruption of wetlands. For example, the issuing authority may require the applicant to utilize upland access over an adjacent parcel of land owned by the applicant, or which the applicant has a beneficial ownership of through a realty trust, to avoid filling of wetlands. The issuing authority may also consider whether adjacent property, which would have provided dry access to the uplands, has been sold off or built on, particularly where the applicant has had notice as described in #3 below.

For projects subject to a Planning Board's jurisdiction, the issuing authority must also determine whether the new roadway or driveway is the minimum length and width acceptable to the Planning Board. Therefore, the issuing authority may require the applicant to request the Planning Board to formally rule on revisions of the project which would protect wetlands, even if approval of the revisions would require the Planning Board to apply variance provisions that allow the Board to waive or vary its standard requirements. The issuing authority should only determine that no reasonable alternative means of access are available after the applicant has made a good faith effort to identify alternate means of access and has actually presented any reasonable alternatives to the Planning Board and received that Board's ruling. This provision does not preclude the possibility of more than one wetland crossing in certain circumstances, such as where an applicant is developing a very large parcel of land and the Planning Board has required, after a review of alternatives as discussed above, the applicant to provide multiple access points into the property.

2) Even if the general requirements of the regulation are met as described in paragraph 1 above, the issuing authority may deny limited project status for certain work. The issuing authority should evaluate the magnitude of the wetlands impacts proposed and the significance of that particular wetland to the

interests of the Act. For example, the issuing authority may permit an access proposal requiring a relatively small wetlands loss, all of which would be replicated, to gain access to a relatively large area of uplands all of which would otherwise be inaccessible. If, however, it is particularly important to avoid alteration of this wetland in order to protect the interests of the Act, for example when the wetland: lies adjacent to or above a public water supply, particularly in an area that is the primary cone of influence to a well; is in an Area of Critical Environmental Concern; contains rare species habitat; is a Class A designated water body by the Division of Water Pollution Control; is an anadromous fish run; or has some other special environmental attribute, the issuing authority may appropriately deny the same proposal\*.

3) When the issuing authority decides to grant an exception for a new roadway or driveway, it must condition the work in a manner adequate to protect the interests of the Act. The conditions set forth in the General Performance Standards of 310 CMR 10.54 through 10.57 should be used as guidelines. In particular, the Department strongly endorses requiring replication of all wetlands filled and compensation for lost flood storage volume on a 1 to 1 basis, wherever practicable.

It is also recommended, where appropriate, to include a special permanent condition advising the applicant and anyone performing a title search on the property in the future, that any future project to cross wetlands to gain access to certain portions of the property will not be qualified as a limited project roadway under 310 CMR 10.53(3)(e).

\*Under the Department's 401 Water Quality Certification Program, spanning of certain areas may be presumed to be a practicable alternative to avoid fill in wetlands. See 314 CMR 9.06.

## KEY ORGANIZATIONS

---

### MassDEP Wetlands Program

#### Address

1 Winter Street

5th floor

Boston, MA 02108

**Directions** (<https://maps.google.com/?q=1+Winter+Street%2C+5th+floor%2C+Boston%2C+MA+02108>)

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 5 - Order of Conditions**

300-631  
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Sturbridge Wetland Bylaws and Regulations

**A. General Information**



Bk: 35120 Pg: 66 Doc: ORD  
Page: 1 of 9 11/22/2004 09:51 AM

From:

TOWN OF STURBRIDGE

Conservation Commission

This issuance is for (check one):

Order of Conditions

Amended Order of Conditions

To: Applicant:

WHM III, LLC.

Name

10 Picker Road

Mailing Address

Sturbridge

MA

01566

City/Town

State

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Project Location:

53 Technology Park Road

Street Address

22

Assessors Map/Plat Number

Sturbridge

City/Town

53

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Worcester

County

34336

Book

243

Page

Certificate (if registered land)

3. Dates:

9/7/04

Date Notice of Intent Filed

9/12/04

Date Public Hearing Closed

9/12/04

Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

WHM III, LLC - Technology Park 10 Picker road, Sturbridge, MA 01566 T640

Title

08/18/04

Date

Sheets 1-6

Title

Date

Title

Date

5. Final Plans and Documents Signed and Stamped by:

Calisto Bertin, P.E., Bertin Engineering Associates

Name

6. Total Fee:

Total - \$525.00

State - \$250.00

Local - \$275.00

Bylaw - \$

(from Appendix B: Wetland Fee Transmittal Form)

Hold FT+W  
Attn: ARC

MR 34830-261

M

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

DEP File Number:

**WPA Form 5 – Order of Conditions**

300-631

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Sturbridge Wetland Bylaws and Regulations

**B. Findings**

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act and/or Town of Sturbridge Wetland Bylaw. Check all that apply:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public Water Supply                 | <input type="checkbox"/> Land Containing Shellfish            | <input checked="" type="checkbox"/> Prevention of Pollution      |
| <input checked="" type="checkbox"/> Private Water Supply     | <input type="checkbox"/> Fisheries                            | <input type="checkbox"/> Protection of Wildlife Habitat          |
| <input checked="" type="checkbox"/> Groundwater Supply       | <input type="checkbox"/> Storm Damage Prevention              | <input type="checkbox"/> Flood Control                           |
| <input type="checkbox"/> Protection of Rare Wildlife Habitat | <input type="checkbox"/> Protection of Certified Vernal Pools | <input type="checkbox"/> Protection of Riverfront Resource Areas |

In addition, this Commission finds that the areas in which work is proposed is significant to the following interests of the Town of Sturbridge Wetland Bylaw. Check all that apply:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Erosion Control | <input checked="" type="checkbox"/> Sedimentation Control | <input type="checkbox"/> Protection of Water Quality           |
| <input type="checkbox"/> Water Pollution Control    | <input type="checkbox"/> Protection of Wildlife Habitat   | <input type="checkbox"/> Protection of Recreational Values     |
| <input type="checkbox"/> Protection of Agriculture  | <input type="checkbox"/> Protection of Agriculture        | <input type="checkbox"/> Protection of Identified Vernal Pools |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions, along with the final approved plan shall control.

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

DEP File Number:

**WPA Form 5 – Order of Conditions**

300-631

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Sturbridge Wetland Bylaws and Regulations

**General Conditions** (only applicable to approved projects)

1. This Order is being issued in accordance with M.G.L. c.131 §40m 310CMR 10.00, all revisions and Federal and State Stormwater Control Policy, and the Town of Sturbridge Wetlands Bylaws and associated regulations. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order. The applicant shall indemnify and save harmless the Commonwealth and the Commission against all suits, claims, or liability of every name and nature arising at any time out of or in consequence of the acts of the Commission in the performance of the work covered by this permit and/or failure to comply with the terms and conditions of this permit whether by itself or employees or sub-contractors.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order 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.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. 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 the Department have been completed.
8. **No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property.** In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of any work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 300-631 "

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order. Original and revised plans presented become part of the application. Any changes in the application will require notification to and written approval by the Commission. Final approved plans, if different from original submitted plans, must be submitted to and received by DEP prior to the start of work. The applicant is responsible for submitting final approved plans to DEP.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent. Changes may necessitate a new wetlands application and hearing.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation. The Commission and its designated representatives shall have access to the property during all phases of construction to ensure compliance with this Order and to study and evaluate all wetlands located on said property. This condition shall continue in force for the life of the property and shall not be negated by issuance of a Certificate of Compliance or of any other document of closure.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order. A copy of said Order shall be issued by the current party in interest or control to all successors in interest or control of the subject property.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. The applicant shall give the Commission 72 hours weekday notice after erosion control system is in place and before construction starts to allow the Commission to inspect such measures.
19. As required by General Condition #8, the applicant shall record the final Order in the Registry of Deeds within the chain of title of the affected property and shall submit such recording documentation to the Conservation Commission prior to the commencement of work on the site.
20. **Erosion Control:** The hay bale erosion control barrier shall be doubly staked with the ends butted one against another to prevent siltation from passing through in the location shown on the plans. The barrier shall be maintained in effect, repaired as necessary. The barrier shall remain in place until all work is completed and any disturbed areas are stabilized with established vegetated growth. The siltation barrier shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on the resource side of the siltation barrier.
21. Plans which reflect the Special Orders of Conditions shall be submitted to the Sturbridge Conservation Commission for acceptance prior to the start of any work. Revised and final plans must be submitted to DEP, 627 Main St. Worcester MA 01608 by the applicant prior to the start of work.

22. No pesticides, herbicides or fertilizers may be used within the 100' buffer zone of any wetland, waterbody or resource area. No quick release fertilizers may be used within the 200' buffer of any wetland, waterbody or resource area. No alteration or disturbance of any vegetation or soils may be conducted within 25 feet of any wetland, waterbody or resource area.
23. If any changes are made in the above described plan, unless specified otherwise in this order, which will alter an area subject to protection under the Wetlands Protection Act or the Town of Sturbridge Bylaws, or if any changes are proposed in activities subject to regulation under M. G. L. Chapter 131, section 40, the applicant shall make written inquiry to the Sturbridge Conservation Commission, prior to commencement of work, whether the changes are significant enough to require the filing of an amendment to the Notice of Intent, or the filing of a new Notice of Intent. A copy at the same time is to be sent to the Department of Environmental Protection.
24. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore or replace. Sedimentation of any resource area shall be considered fill of that wetland area.
25. In accordance with Federal and State Stormwater requirements and the Town of Sturbridge Wetland Bylaw, All project sites shall incorporate trap rock at all construction entrances and shall maintain either a 25 foot undisturbed buffer of vegetation or a haybale, silt fence barrier between the work site and any public roads, or neighboring properties to prevent erosion and sedimentation from being carried off site.
26. Portable bathroom facilities (or arrangements to use other nearby facilities) must be provided for on all sites.
27. The applicant shall request a Certificate of Compliance upon completion of the work covered by this Order. The Commission requires a thirty (30) day notice for issuing a Certificate of Compliance, or a \$25.00 fee will be charged.
28. A Request for Extension of this Order shall be submitted by Certified Mail at least thirty (30) days prior to the expiration date. The expiration date is three (3) years from the date of issue.
29. The responsibility to monitor the site and report to the Commission is on the applicant and landowner.

### **Special Conditions**

30. All Special Conditions are based on the Notice of Intent and public hearing process. All work shall be done in accordance with this Order and with the final plans submitted and approved by the SCC, unless otherwise noted in this Order.



**Findings as to municipal bylaw or ordinance**

Furthermore, the Sturbridge Conservation Commission hereby finds (check one that applies):  
Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

\_\_\_\_\_  
Municipal Ordinance or Bylaw

\_\_\_\_\_  
Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

\_\_\_\_\_  
Municipal Ordinance or Bylaw

\_\_\_\_\_  
Citation

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. 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.

**All conditions listed above apply equally as Town of Sturbridge Wetland Bylaw conditions.**

**Additional conditions relating to municipal ordinance or bylaw:**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/9/04

Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

*David M. Bannick*  
*J.P. Hoffma*  
*E. J. Woodman*

*Daniel F. Mitchell*

On 09 Day Of November '04 Month and Year

before me, the undersigned notary public, personally appeared

*David M Bannick*

Proved to me through satisfactory evidence of identification which was personal knowledge of identity, to be the person(s) whose name is signed on the preceding or attached document in my presence.

*Karen A. Loia*

Notary Public



KAREN A. LOIA  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
February 25, 2011

(official signature and seal of notary above)

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail on

Date

Date

11-09-04

This project is for DEP # 300-631 – WHM III, LLC – 53 Technology Park Road – Light Industrial Bldg.

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## C. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**D. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Town of Sturbridge

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Town of Sturbridge

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**ATTEST: WORC. Anthony J. Vigliotti, Register**



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 8B – Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And Town of Sturbridge Wetland Bylaw & Regulations

DEP File Number:  
300-631  
Provided by DEP

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Project Information**



Bk: 41904 Pg: 59  
Page: 1 of 4 10/09/2007 10:37 AM

1. This Certificate of Compliance is issued to:

<sup>for</sup>  
**William H. McClurg, WHM III, LLC**

Name

**3 Library Lane**

Mailing Address

**Sturbridge**

City/Town

**MA**

State

**01566**

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

<sup>for</sup>  
**William H. McClurg, WHM III, LLC**

Name

**12/20/06 (Amendment)**

Dated

**300-631(1)**

DEP File Number

3. The project site is located at:

**53 Technology Park Road**

Street Address

**Map 22**

Assessors Map/Plat Number

**Sturbridge**

City/Town

**Lot 53**

Parcel/Lot Number

The final Order of Condition was recorded at the Registry of Deeds for: (Amendment)

**William H. McClurg, WHM III, LLC**

Property Owner (if different)

**Worcester**

County

**40392**

Book

**258**

Page

4. A site inspection was made ~~in the presence of the applicant, or the applicant's agent,~~ on:

**8/28/07**

Date

**B. Certification**

Check all that apply:

**Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

**NOTES: SEE ON GOING CONDITIONS FOR MAINTENANCE  
ALL PROPERTY OWNERS SHALL BE MADE AWARE OF EPA, NPDES AND DEP STORMWATER REGULATIONS.**

**Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



Title Reference No.:

Return to: Robert R. Kimball, Esq.  
Fletcher, Tilton & Whipple, P.C.  
370 Main Street, Worcester, MA 01608



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 8B – Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And Town of Sturbridge Wetland Bylaw & Regulations

DEP File Number:  
300-631  
Provided by DEP

- Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

THE 25-FOOT AND 50-FOOT BUFFER ZONES SHALL REMAIN AS A "NO MOW" AREA AND SHALL ALLOW TO RE-VEGETATE NATURALLY

FOR THE LIFE OF THE PROPERTY: THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING ALL STORMWATER MANAGEMENT FACILITIES. MAINTENANCE INCLUDES BUT IS NOT LIMITED TO:

- 1) SWEEPING THE PARKING LOT SEMI-ANNUALLY (SPRING, FALL)
- 2) CLEANING DEBRIS/SOIL/TRASH OUT OF SWALES, BASINS
- 3) MAINTAINING (MOWING) BASINS TO NOT IMPACT FLOW
- 4) CLEANING DEBRIS/TRASH IN PARKING LOT ON AN AS NEED BASIS
- 5) MAINTENANCE OF BASIN OUTLET: CLEANING DEBRIS, REPLACING STONE ETC.

**C. Authorization**

Issued by:

Sturbridge  
Conservation Commission

10/2/07  
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See Attachment).

Signatures:

*David M. Bernice* \_\_\_\_\_

*David F. Antyph* \_\_\_\_\_

*James J. [unclear]* \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 8B – Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And Town of Sturbridge Wetland Bylaw & Regulations

DEP File Number:

300-631  
Provided by DEP

**C. Authorization (cont.)**

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Worcester


On this 2 Day 10 Of Month 2007 Year

before me, the undersigned Notary Public, personally appeared  
David M. Barnicle, David F. Mitchell, Donna Grehl  
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were  
Driver's license  
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged  
to me that he/she signed it voluntarily for its stated purpose.

As member of Sturbridge Conservation Commission  
City/Town

 **JUDY H. KNOWLES**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
September 28, 2012

Judy H. Knowles  
Signature of Notary Public  
Judy H. Knowles  
Printed Name of Notary Public

Sept. 28, 2012  
My Commission Expires (Date)  
Judy H. Knowles  
Signature of Notary Public

Place notary seal and/or any stamp above



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 8B – Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And Town of Sturbridge Wetland Bylaw & Regulations

DEP File Number:  
300-631  
 Provided by DEP

**D. Recording Confirmation**

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Sturbridge  
 Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

<u>53 Technology Park Road</u>	<u>300-631</u>
Project Location	DEP File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

<u>Date</u>	<u>Book</u>	<u>Page</u>
-------------	-------------	-------------

If recorded land, the instrument number which identifies this transaction is:

\_\_\_\_\_

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant



**DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form**

**Applicant:** New England Cold Storage LLC  
**DEP File #:**

**Prepared by:** Glenn E. Krevosky  
 EBT Environmental Consultants, Inc.

**Project location:** 6 Picker Road, Sturbridge

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Center of Observation Plot and Transect are located 5' upgradient of WF30A**

<b>Section I. Vegetation</b>		Observation Plot Number: Plot-IU	Transect Number: TP-IU	Date of Delineation: January 2020	
A. Sample Layer and Plant Species (by common/scientific name)	B1. Percent Cover (or Basal Area)	B2. Percent Cover (Mid Point)	C. Percent Dominance	D. Dominant Plant (Yes or No)	E. Wetland Indicator Category*
<b>TREES</b>					
White Pine ( <i>Pinus strobus</i> )	15	10.5	20.0	Yes	FACU
Northern Red Oak ( <i>Quercus rubra</i> )	15	10.5	20.0	Yes	FACU
Black Birch ( <i>Betula lenta</i> )	10	10.5	20.0	Yes	FACU
Eastern Hemlock ( <i>Tsuga canadensis</i> )	10	10.5	20.0	Yes	FACU*
Red Maple ( <i>Acer rubrum</i> )	15	10.5	20.0	Yes	FAC*
<b>SAPLINGS</b>					
Black Birch ( <i>Betula lenta</i> )	7	10.5	33.3	Yes	FACU
Sugar Maple ( <i>Acer saccharum</i> )	15	10.5	33.3	Yes	FACU
Red Maple ( <i>Acer rubrum</i> )	15	10.5	33.3	Yes	FAC*
<b>SHRUBS</b>					
Sugar Maple ( <i>Acer saccharum</i> )	15	10.5	77.8	Yes	FACU
American Hornbeam ( <i>Carpinus caroliniana</i> )	3	3.0	22.2	Yes	FAC*
<b>HERB</b>					
Partridge Berry ( <i>Mitchella repens</i> )	7	10.5	33.3	Yes	FACU
Canada Mayflower ( <i>Maianthemum canadense</i> )	10	10.5	33.3	Yes	FACU
White Pine ( <i>Pinus strobus</i> )	7	10.5	33.3	Yes	FACU
<b>VINE</b>					
None					

\* Use an asterisk to mark wetland indicator plants; plant species listed in the Wetlands Protection Act (MGL c.131, s.4; plants in the genus *Sphagnum*; plants listed as FAC, FACW, or OBL); or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

**Number of dominant wetland indicator plants: 4      Number of dominant non-wetland indicator plants: 9**

**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?      Yes      No X**

**Client: New England Cold Storage LLC**

**Section II. Indicators of Hydrology**

**5' Upgradient of WF 30A**

Other Indicators of Hydrology: (check all that apply and describe)

- \_\_\_ Site inundated: \_\_\_\_\_
- \_\_\_ Depth to free water in observation hole: \_\_\_\_\_
- \_\_\_ Depth to soil saturation in observation hole: \_\_\_\_\_
- \_\_\_ Water marks: \_\_\_\_\_
- \_\_\_ Drift lines: \_\_\_\_\_
- \_\_\_ Sediment deposits: \_\_\_\_\_
- \_\_\_ Drainage patterns in BVW: \_\_\_\_\_
- \_\_\_ Oxidized rhizospheres: \_\_\_\_\_
- \_\_\_ Water-stained leaves: \_\_\_\_\_
- \_\_\_ Recorded data (stream, lake, or tidal gauge; aerial photo; other) : \_\_\_\_\_

Other: \_\_\_\_\_

Hydric Soil Interpretation

1. Soil Survey

Is there a pub soil survey for this site? Yes  No

title/date: Worcester County, MA, Southern Part

map number: MA615

soil type mapped: Paxton fine sandy loam

hydric soil inclusions: No

Are field observations consistent with soil survey? Yes  No

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0"-4"	10YR 3/2	No R within first 6"
B1	4"-9"	10YR 4/4	No R within first 6"
B2	9"-14"	2.5Y 4/3	<10% 7.5YR 4/2

Remarks:

3. Other:

Conclusion: Is soil hydric? Yes \_\_\_ No

**Vegetation and Hydrology Conclusion**

Number of wetland indicator plants  
≥ number of non-wetland indicator plants:      \_\_\_ Yes    \_\_\_ No

Wetland hydrology present:  
hydric soil present:      \_\_\_      \_\_\_

other indicators of hydrology  
present:      \_\_\_      \_\_\_

**Sample location is in a BVW:**      \_\_\_      \_\_\_

*Submit this form with the Request for Determination of Applicability or Notice of Intent.*

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: New England Cold Storage LLC

Prepared by: Glenn E. Krevosky  
EBT Environmental Consultants, Inc.

Project location: 6 Picker Road, Sturbridge

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

### Center of Observation Plot and Transect are located 5' downgradient of WF30A

Section I. Vegetation	Observation Plot Number: Plot-1W	Transect Number: TP-1W	Date of Delineation: January 2020		
A. Sample Layer and Plant Species (by common/scientific name)	B1. Percent Cover (or Basal Area)	B2. Percent Cover (Mid Point)	C. Percent Dominance	D. Dominant Plant (Yes or No)	E. Wetland Indicator Category*
<b>TREES</b>					
Eastern Hemlock ( <i>Tsuga canadensis</i> )	30	38.0	47.8	Yes	FACU*
Red Maple ( <i>Acer rubrum</i> )	20	20.5	25.8	Yes	FAC*
Sugar Maple ( <i>Acer saccharum</i> )	10	10.5	13.2	No	FACU
Black Birch ( <i>Betula lenta</i> )	7	10.5	13.2	No	FACU
<b>SAPLINGS</b>					
Black Birch ( <i>Betula lenta</i> )	7	10.5	50.0	Yes	FACU
Red Maple ( <i>Acer rubrum</i> )	10	10.5	50.0	Yes	FAC*
<b>SHRUBS</b>					
None					
<b>HERBS</b>					
Delicate Fern Moss ( <i>Thuidium delicatulum</i> )	7	10.5	33.3	Yes	NOT RATED
New York Fern ( <i>Thelypteris noveboracensis</i> )	7	10.5	33.3	Yes	FAC*
Silver Moss ( <i>Bryum argenteum</i> )	7	10.5	33.3	Yes	NO RATING
<b>VINES</b>					
None					

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.4); plants in the genus *Sphagnum*; plants listed as FAC, FACW, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

### Vegetation conclusion:

Number of dominant wetland indicator plants: 4      Number of dominant non-wetland indicator plants: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?      Yes X      No

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent. MA DEP: 3/95

**Client: New England Cold Storage LLC**

**Section II. Indicators of Hydrology**

**5' Downgradient of WF 30A**

Hydric Soil Interpretation

1. Soil Survey

Is there a pub soil survey for this site? Yes  No

title/date: Worcester County, MA, Southern Part

map number: MA615

soil type mapped: Paxton fine sandy loam

hydric soil inclusions: Yes

Are field observations consistent with soil survey? Yes  No

Remarks:

Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: \_\_\_\_\_

Depth to free water in observation hole: Soil Surface

Depth to soil saturation in observation hole: \_\_\_\_\_

Water marks: \_\_\_\_\_

Drift lines: \_\_\_\_\_

Sediment deposits: \_\_\_\_\_

Drainage patterns in BVW: \_\_\_\_\_

Oxidized rhizospheres: \_\_\_\_\_

Water-stained leaves: \_\_\_\_\_

Recorded data (stream, lake, or tidal gauge; aerial photo; other) : \_\_\_\_\_

Other: \_\_\_\_\_

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<b>O</b>	<b>1"-0"</b>	<b>10YR 2/1</b>	
<b>A</b>	<b>0"-3"</b>	<b>10YR 2/1</b>	
<b>B</b>	<b>3"-14"</b>	<b>10YR 4/3</b>	<b>&gt;40% 7.5YR 4/2</b>

Remarks:

3. Other:

**Vegetation and Hydrology Conclusion**

Number of wetland indicator plants

≥ number of non-wetland indicator plants: X     

Wetland hydrology present:

hydric soil present: X     

other indicators of hydrology

present: X     

**Sample location is in a BVW:** X     

Conclusion: Is soil hydric? Yes  No

Submit this form with the Request for Determination of Applicability or Notice of Intent.