

November 15, 2007

Community Preservation Committee  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

Re: Request CPA Administrative Funds

Dear CPC Members,

Please consider this letter as a request for an amount not to exceed \$14,600 from CPA administrative funds for the purpose of researching, inspecting, and preparing a required MA Dept. of Conservation and Recreation Office of Dam Safety Phase I Dam Evaluation as required by 302 CMR 10.00 Office of Dam Safety.

With the assistance of previous CPA funds for the survey and appraisal, the Town was able to acquire the Stearn's Mill Dam on Dutton Road along with one acre of land containing sufficient upland for a small parking area and interpretive signage. The first steps in compliance with the MA Office of Dam Safety have been completed with the clearing of the dam and stabilization of the access area. The next step is to have the dam evaluated as to its current condition and hazard potential. This must be accomplished by a structural dam engineer. Attached is a proposal for this work. We anticipate several of the items listed in the Proposal may be able to be accomplished by town staff, therefore we are asking for an amount not to exceed this Proposal in hopes of reducing this number.

This request is for investigative work on the dam only. Future CPA project funds may be requested if there are deficiencies noted in the evaluation that require further action by the Town.

Stearn's Mill dam was believed to be first constructed in 1677 as part of the lumber and milling industry in Town. It was rebuilt in 1790 and 1915. The first water-powdered mill in Sudbury was established at this location. The last active use was as a Box Mill in the 1930's. Hop Brook is detained upstream of the dam, creating Stearn's Mill Pond (formerly known as Pratt's Mill Pond).

Once the dam meets the state's safety requirements (see attached 302 CMR 10.00), we will be able to open it officially for public non-motorized boat access, fishing, and bird watching. A plan is in place for the final construction of a parking area, landscaping, and an interpretative sign.

Therefore, we believe that this project supports three of the four CPA uses: Historic, Conservation, and Recreation. In addition, ensuring the safety of the dam is important to prevent any impact to the culvert under Dutton Road.

Sincerely,



Deborah Dineen  
Conservation Coordinator

Encls.

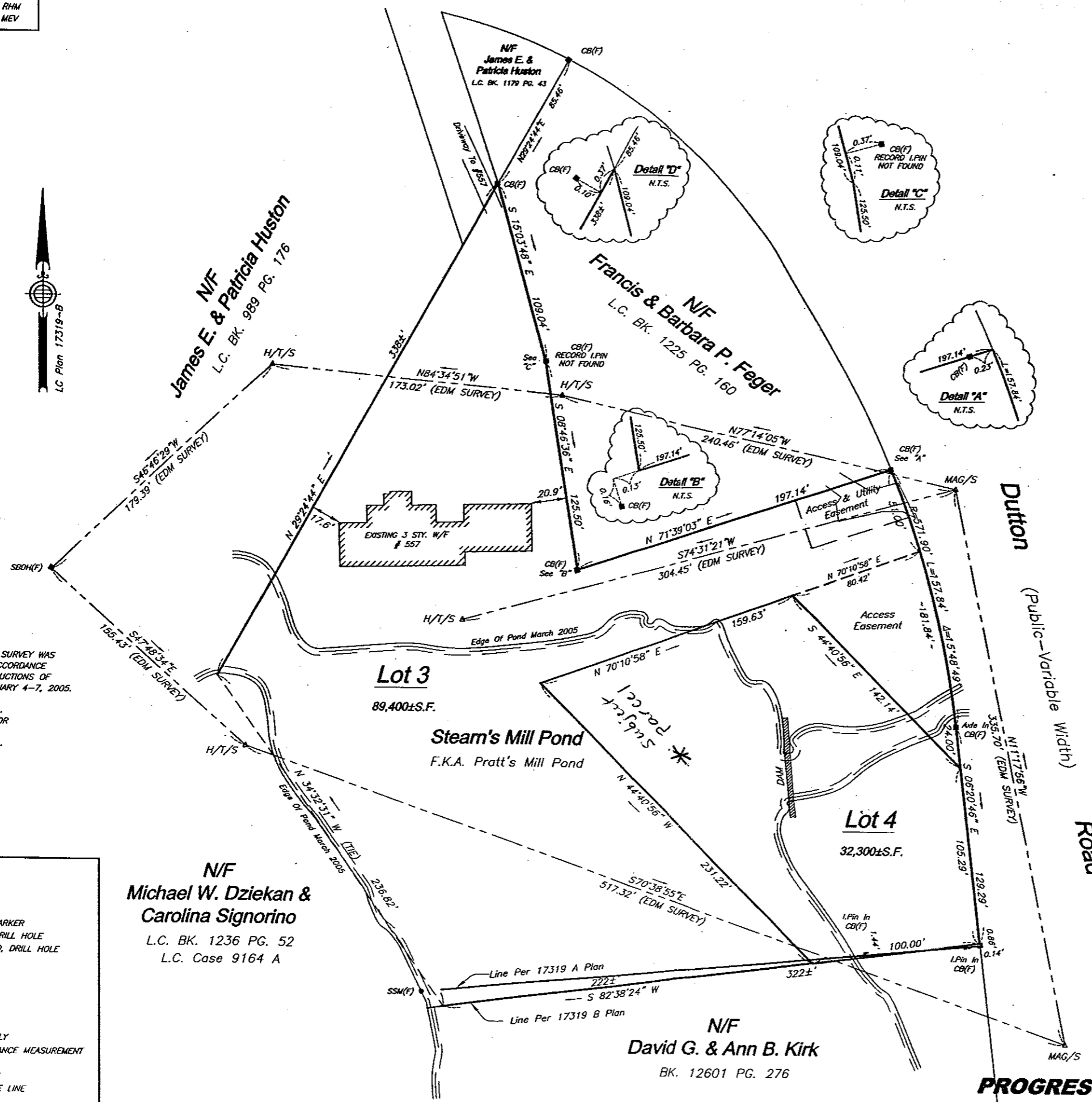
Cc: Paul Kenny, Town Counsel  
Maureen Valente, Town Manager

RESEARCH BY: MAC  
 FIELD CHIEF: MAC  
 COMPUTED BY: MEV

DRAFTED BY: MEV  
 CHECKED BY: RHM  
 APPROVED BY: MEV

**Plan References**

- L.C. PLAN 9164 P
- L.C. PLAN 9164 V
- L.C. PLAN 17319 A
- L.C. PLAN 17319 B
- L.C. PLAN 28124 A



I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 1989 ON OR BETWEEN FEBRUARY 4-7, 2005.

PROFESSIONAL LAND SURVEYOR

DATE: \_\_\_\_\_

**LEGEND**

- (S) SET
- (F) FOUND
- SSM STEEL SURVEY MARKER
- SBDH STONE BOUND, DRILL HOLE
- CBDH CONCRETE BOUND, DRILL HOLE
- (REC.) RECORD
- (CALC.) CALCULATED
- L.C. LAND COURT
- I. PIN IRON PIN
- S.F. SQUARE FEET
- ℙ PROPERTY LINE
- N/F NOW OR FORMERLY
- EDM ELECTRONIC DISTANCE MEASUREMENT
- MAG Δ MAGNETIC NAIL
- H/T Δ STAKE WITH TACK
- SURVEY SURVEY TRAVERSE LINE

N/F  
**Michael W. Dziekan & Carolina Signorino**  
 L.C. BK. 1236 PG. 52  
 L.C. Case 9164 A

N/F  
**David G. & Ann B. Kirk**  
 BK. 12601 PG. 276

**NOTES**

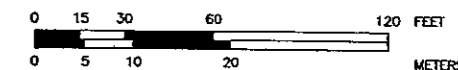
- 1.) OWNER OF RECORD IS DOMIC REALTY TRUST. SEE LAND CERTIFICATE NO. 140301, BOOK 831 PAGE 151.
- 2.) THIS PLAN REPRESENTS A DIVISION OF LOT 2 AS SHOWN ON LAND COURT PLAN 17319B.
- 3.) SEE SUDBURY ASSESSORS MAP G05, PARCEL 39.
- 4.) PARCEL FALLS WITHIN ZONING DISTRICT SINGLE FAMILY RESIDENCE "A-1".
- 5.) THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET LAND COURT REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY DEPICTED HEREON. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT ASSESSORS RECORDS.
- 6.) SEE MIDDLESEX SOUTH REGISTRY OF DEEDS FOR RECORD DOCUMENTS.
- 7.) DWELLING IS LOCATED IN FLOOD ZONE "X", OUTSIDE THE 500 YEAR FLOOD AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) #250217-3C, DATED NOVEMBER 19, 1998.
- 8.) THIS PROPERTY CONTAINS NATURAL WATER BOUNDARIES WHICH ARE SUBJECT TO CHANGE DUE TO NATURAL AND ARTIFICIAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.
- 9.) LEGAL STATUS OF EASEMENTS, WAYS, AND RESTRICTIONS NOT DETERMINED BY THIS SURVEY.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW, NOT REQUIRED SUDBURY PLANNING BOARD:

DATE: \_\_\_\_\_

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED.

LAND COURT SURVEY CLASS "A"  
 EDM ACCURACY = ± 5MM ± 5PPM  
 TRAVERSE PRECISION RATIO: 1:65,130  
 ANGULAR ERROR OF CLOSURE: 00'00"15"  
 LINEAR ERROR OF CLOSURE: 0.02'  
 DIRECTIONAL ERROR OF CLOSURE: S 75°25'04" W



BEING A SUBDIVISION OF LAND COURT CASE # 17319 B, LOT # 2

**557 Dutton Road**

**Plan of Land**  
 IN  
**Sudbury, Massachusetts**  
 (Middlesex County)

Prepared For: **William L. & Mary M. Smith**  
 Scale: 1" = 30' Date: March, 2005

**SCHOFIELD BROTHERS OF NEW ENGLAND, INC.**  
 ENGINEERING SURVEYING PLANNING  
 Dean A. Schofield, President Mark E. Violette, PLS  
 1071 WORCESTER ROAD  
 FRAMINGHAM, MASSACHUSETTS 01701  
 Telephone: (508) 879-0030 Fax: (508) 879-1797  
 Email: mail@schofieldbros.com

Sheet No. 1 of 1 Project No. 22540

L.C. -- 22540

**PROGRESS PRINT**



August 9, 2006  
Via Certified Mail, Return Receipt Requested

WILLIAM L. SMITH  
17 SHERMAN STREET  
MARLBOROUGH, MA 01752

**Subject: Dam Safety ORDERS**  
**ORDER: Conduct Dam Safety Phase I Inspection**

**Dam Name** STEARNS MILLPOND DAM  
**Location of Dam** Sudbury  
**National Dam ID No.** MA01132

Dear Dam Owner:

I am writing to issue the following orders:

**ORDER: Conduct Dam Safety Phase I Inspection**

As provided for in General Law chapter 253 § 46 and 302 CMR 10.07, all dams classified as "Significant Hazard Potential" are required to undergo an inspection every five years by a professional engineer at the owner's expense. As the owner of a dam classified as "Significant Hazard Potential" you are subject to this requirement.

You are hereby **ORDERED** to have the dam referred to above inspected by a Commonwealth of Massachusetts Registered Professional Engineer and to submit to the Office of Dam Safety at the Department of Conservation and Recreation a completed inspection report no later than December 15, 2006. For your use and that of your professional engineer, inspection guidelines and the inspection form required to be completed and filed with the Office of Dam Safety can be found and downloaded from our website, <http://www.mass.gov/dcr/pe/damSafety/index.htm>.

If you have an up-to-date Phase I inspection report on file, please forward a copy of the report to the Office of Dam Safety within 21 days of receipt of this order. The inspection report will be reviewed. It will be accepted if the report meets Office of Dam Safety Phase I Inspection Report content requirements.


**Dam Safety ORDER**

Failure to comply with these Orders will subject you to fines of up to \$500 per violation, with each day of violation being subject to a \$500 fine.

Should you have any questions regarding this Order, please feel free to contact the Office of Dam Safety as follows:

- Write to the Department of Conservation and Recreation, Office of Dam Safety, 180 Beaman Street, West Boylston, MA 01583
- Phone (voice) 508-792-7716, ext 600
- Email [dam.safety@state.ma.us](mailto:dam.safety@state.ma.us)

Department of Conservation and Recreation  
Office of Dam Safety

By:   
Stephen H. Burrington, Commissioner



**PROFESSIONAL SERVICES AGREEMENT**

Job No.  
PC2724

**PARTIES**

This Agreement is between:

and

Town of Sudbury  
278 Old Sudbury Road  
Sudbury, MA 01776

Goldsmith, Prest & Ringwall, Inc.  
39 Main Street, Suite 301  
Ayer, MA 01432-1378

hereinafter "CLIENT"

hereinafter "COMPANY"

**PROJECT LOCATION AND OBJECTIVE**

CLIENT engages COMPANY to provide Professional Services in connection with property located at:  
**Stearns Millpond Dam, Dutton Road, Sudbury, MA**  
for the purpose of:  
**Phase I Dam Safety Inspection and report**

**SCOPE OF SERVICES**

COMPANY agrees to provide Professional Services as outlined on Attachment A.

**FEE**

CLIENT agrees to compensate COMPANY for the Professional Services specified under the above SCOPE as follows:

**Estimated Fee: \$14,600.00**

Note: Payment of all outstanding invoices shall be required prior to release of any plans or other work products by COMPANY.

Prior to commencement of services, CLIENT shall pay COMPANY a deposit in the amount indicated below. This deposit will be applied to CLIENT'S final invoice for Professional Services rendered.


**Deposit Required: N/A**

COMPANY may withdraw this proposal if not authorized by CLIENT within 30 calendar days of the date shown below.

**ENDORSEMENT**

CLIENT has read, understands and agrees to all of the above, and has read, understands and agrees to the Scope of Services, the Conditions of Professional Services Agreement, and the Fee Schedule, all of which are attached, incorporated herein and made a part of this Agreement.

CLIENT: \_\_\_\_\_  
authorized endorser

COMPANY:  \_\_\_\_\_  
authorized endorser

Name (print): \_\_\_\_\_  
Date: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Voice: \_\_\_\_\_  
Fax: \_\_\_\_\_

By: Calvin R. Goldsmith, VP  
November 7, 2007  
Contact Name: Cal Goldsmith  
Voice: 978.772.1590  
Fax: 978.772.1591

**ATTACHMENT A - SCOPE OF SERVICES**  
to accompany Professional Services Agreement

Client: Town of Sudbury

SUMMARY

Task 1	Research and Field Inspection	\$3,600.00
Task 2	Prepare Dam Phase I Inspection/Evaluation Report	\$10,400.00
Task 3	Client Meetings & Transmittal to DCR	\$600.00
	<b>ESTIMATED FEE</b>	<b>\$14,600.00</b>

TASK DESCRIPTIONS

**Task 1 - Research and Field Inspection**

1. Search available published sources for information on subject dam, including municipal records and historical plans.
2. Interview property facilities manager to review any written operational records, operational procedures, construction plans, maintenance records or plans that may be available.
3. Field inspection of dam facility after brush removed (to be accomplished by Sudbury DPW).
4. Limited topographic survey sufficient to generally describe dam configuration.

**Task 2 - Prepare Dam Phase I Inspection/Evaluation Report**

1. Prepare Phase I Inspection/Evaluation Report per guidelines and requirements of the Department of Conservation and Recreation Office of Dam Safety, 302 CMR 10.00 Dam Safety.
2. Report to include an existing conditions plan of the dam, an inventory of dam statistics including a recommendation for dam size and hazard classification and pertinent engineering data.
3. Report to also include results of visual inspection and evaluation of hydraulic/hydrologic data from existing flood studies as applied to the subject dam.
4. Report will conclude with assessments and recommendations for maintenance required and an engineer's opinion of probable cost of recommended repairs.

**Task 3 - Client Meetings & Transmittal to DCR**

1. Client meetings as needed.
2. Review of draft report with client prior to final draft.
3. Coordination of report submittal with DCR Office of Dam Safety.
4. Transmittal of report to DCR Office of Dam Safety.

**Additional Services not included in Scope:**

Full topographic survey or any boundary survey; detailed hydrologic or hydraulic calculations for the dam; meeting time beyond the allotted hours; detailed engineering recommendations or plans for repairs or improvements (beyond the scope of a typical Phase I Dam Safety Inspection).

HOURLY RATE SCHEDULE

Labor

Category	Rate Range (\$ per hour)	
	From	To
Principal / PE	\$130.00	\$150.00
Project Manager	\$85.00	\$110.00
Project Engineer	\$75.00	\$85.00
Staff Engineer	\$65.00	\$80.00
Survey Manager	\$95.00	\$110.00
Project Surveyor	\$80.00	\$95.00
Surveyor	\$55.00	\$75.00
Survey Crew (2-person)	\$110.00	\$130.00
Survey Crew (3-person)	\$160.00	\$160.00
Structural Manager	\$90.00	\$110.00
Structural Engineer	\$75.00	\$90.00
Administrative Support	\$40.00	\$75.00

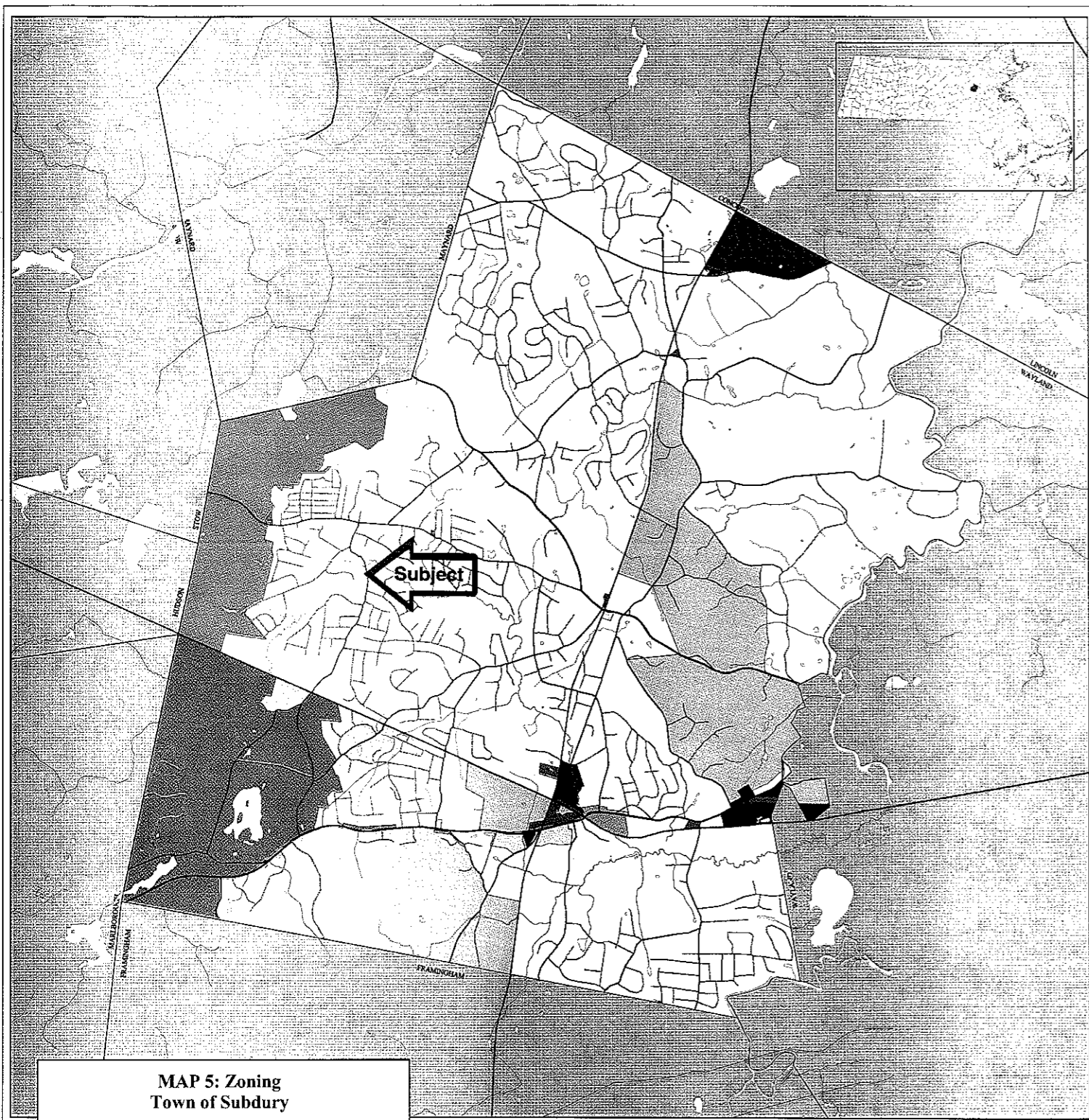
Fees for professional services are based on hourly rates with time kept to the nearest quarter hour. The hourly rates shown represent an average for the category. Overtime, as specifically requested by Client, is charged at 1.5 times the hourly rate.

NOTE: When COMPANY represents CLIENT at evening / weekend meetings or site walks, rate charged will be 1.25 times the rate stated above. When COMPANY testifies in a court of law or adjudicatory hearing, expert testimony will be charged at a rate of \$195.00 per hour.

Reimbursable Expenses

Reimbursable expenses such as, but not limited to, subcontracted consultants / contractors, research products, courier services, mail services, photographic, and reprographics are charged at cost plus 20 percent. Mileage charged will be at the current rate. Checks returned by bank are subject to a fee of \$10.





**MAP 5: Zoning  
Town of Subury**

- Water Bodies**
- Streams
  - Intermittent Streams
- Roads**
- Local
  - Interstate
  - Arterial
  - Collector
- Trains**

**LAND AREA BY ZONE**

ZONE CODE	DISTRICT	ACREAGE	PERCENT
SRA	Single Residence - A	10,880	69.83%
SRC	Single Residence - C	2,231	14.70%
SIGI	Single Residence Historic	1,166	7.49%
BD	Business	44	0.29%
LBD	Limited Business	53	0.34%
VBD	Village Business	80	0.52%
ID	Industrial	93	0.60%
LID	Limited Industrial	143	0.92%
IP	Industrial Park	7	0.04%
RD	Reservoir	151	0.97%
OND	Open Space	721	4.63%
<b>Total</b>		<b>15,580</b>	<b>100%</b>

