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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

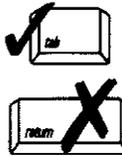
Provided by MassDEP:
312-0273
MassDEP File #
eDEP Transaction #
Maynard
City/Town

A. General Information

Please note:
this form has been modified with added space to accommodate the Registry of Deeds Requirements

- 1. From: Maynard
Conservation Commission
- 2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
- 3. To: Applicant:

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



a. First Name Maynard Crossing JV LLC b. Last Name owner
 c. Organization
259 Turnpike Suite 100
 d. Mailing Address
Southborough MA 01772
 e. City/Town f. State g. Zip Code

- 4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

- 5. Project Location:

129 Parker Street Maynard
 a. Street Address b. City/Town
25 152 & 152-1
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: 42d41.18m545s -71d45.03m37s
 d. Latitude e. Longitude

258594



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Southern Middlesex 258594
 a. County 1466 b. Certificate Number (if registered land)
 c. Book 70 d. Page
7. Dates: 4/12/2017 6/27/2017 7/18/2017
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Development Plans
 a. Plan Title
 Bohler Engineering John A. Kucich, P.E.
 b. Prepared By c. Signed and Stamped by
6/2/2017 1"=100
 d. Final Revision Date e. Scale
 Proposed Drainage Areas 2/20/2017
 f. Additional Plan or Document Title g. Date

B. Findings

1. 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 (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. 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 shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 50 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>786</u> a. square feet	<u>786</u> b. square feet	<u>800</u> c. square feet	<u>800</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>11, 100</u> a. total sq. feet	<u>11, 100</u> b. total sq. feet		
Sq ft within 100 ft	<u>0</u> c. square feet	<u>0</u> d. square feet	<u>0</u> e. square feet	<u>0</u> f. square feet
Sq ft between 100-200 ft	<u>11, 100</u> g. square feet	<u>11, 100</u> h. square feet	<u>11, 100</u> i. square feet	<u>11, 100</u> j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. 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.
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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 7/18/2020 unless extended in writing by the Department.
7. 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.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. 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.
9. 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 the 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 work.
10. 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, "MassDEP"]
"File Number 213-0273 "
11. 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 MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 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.
15. 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.
16. 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.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. 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.
18. 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.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Please see Attached

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Maynard Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw _____ 2. 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.

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

Wetlands Administration Bylaw
 1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Please see Attached



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E. Signatures

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

7/18/2017

1. Date of Issuance

Please indicate the number of members who will sign this form.

3

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

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, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Kevin W. King
Jane Belli

Quinn D. Duffa

by hand delivery on

by certified mail, return receipt requested, on

7/18/2017

Date

Date

F. 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 MassDEP 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 Request for 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.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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.

Maynard Conservation Commission

Town Building, 195 Main Street, Maynard, Massachusetts 01754, (978) 897-1360

DEP File Number:

Attachment to Order of Conditions

213-0273

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

Provided by DEP

Date of Issue: July 18, 2017

Applicant: Maynard Crossing JV LLC

Project Location: 129 Parker Street

Map and Lot Number(s): Map 25, Parcels 152 & 152-1

Project Description:

The project involves the construction of a mixed use development on the 58 acre property that was the former Digital Equipment Corporation office campus at 129 Parker Street. The proposed project includes redeveloping the site to include approximately 295,000 square feet of commercial building space, a 143-suite independent living facility, and a 172 unit apartment building complex with associated garages and a clubhouse. The project includes associated parking lots, driveways, utilities, landscaping and stormwater management facilities.

Documents & Plans:

The Commission voted to approve the following site documents and plans subject to the pre-construction amendments required in Condition 21 below on page 3:

List of Documents

1. Notice of Intent .submitted 4.12.2017
2. Buffer Zone Mitigation Plan Report submitted 4.12.2017
3. Nesting Habitat Manage Plan Report submitted 4.14.2017
4. Wetland Replication Plan Report submitted 4.12.2017
5. Stormwater Management Application Form submitted 4.12.2017
6. Supplement Drainage Report w/ calculation sheet illustrating that 73% of new impervious are is directed to infiltration basin submitted 6.20.2017

List of Plans

7. Site Development Plans dated 2.15.2017 submitted 4.12.2017; Drainage sheets revised 6/2/2017, and 6/15/2017
8. Stormwater Management Plan submitted 4.12.2017
9. Existing Drainage Are Map
10. Proposed Drainage Map
11. Test Pit Plan

Critical Dates:

1. This Order of Conditions is valid for three years. The expiration date is July 18, 2020.

Findings:

1. The Commission finds the site significant to all the interests checked on page 2 of the state Order of Conditions, with no evidence presented by the applicant to rebut any of these presumptions.
2. The Commission finds the Wetland Resource Areas at and near this site to be significant to the following additional interests protected by the Maynard Bylaw:
 - a. Protection of private and public water supply.
 - b. Protection of groundwater supply.
 - c. Flood control.
 - d. Erosion and sedimentation control.

Maynard Conservation Commission

Town Building, 195 Main Street, Maynard, Massachusetts 01754, (978) 897-1360

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- e. Storm damage prevention.
 - f. Avoidance of water and soil pollution.
 - g. Protection of fisheries.
 - h. Wildlife habitat.
3. The Commission finds that the project described in the Notice of Intent meets the performance standards of the state Wetlands Protection Act, provided that all Conditions of the state Order and all conditions listed below are met.
4. The Commission finds that the project must address additional interests and performance standards described in the Maynard Wetlands Administration Bylaw and/or the Maynard Stormwater Management Bylaw through the Special Conditions listed below. Those conditions and findings applicable only to these Bylaws (not the Mass. Wetlands Protection Act) are so noted in the specific findings and conditions.
5. The Commission finds that the boundaries of the Wetlands Resource Areas and associated Buffer Zones are accurately depicted on the project plans as determined in a previous Abbreviated Notice of Wetland Area Delineation for this subject site.
6. The Commission finds the Site is within the Zone II Wellhead Protection Area for a Town Water Supply Well making this site a Critical Area for groundwater protection and for surface water discharges to the wetland resource areas at the site.
7. The Commission finds that the subject property including the Wetland Resource Areas are within Priority Habitat and Estimated Habitat for endangered and threatened species as defined by the Mass. Natural Heritage and Endangered Species Program, making the Wetland Resource Areas of critical importance for the protection of wildlife and wildlife habitat.
8. The Commission further finds that the applicant must to comply with the requirement for stormwater improvements under the Maynard Stormwater Management By-law that the Town adopted to comply with its NPDES Permit. The standards under the Maynard Stormwater By-law are the same as the DEP standards outlined in the latest DEP Stormwater Handbook. The applicant must comply with these standards regardless of whether the project is exempt or outside the jurisdiction of the Wetlands Protection Act and/or the Maynard Wetlands Administrative Bylaw. The Commission is the Stormwater authority under this By-law. The Commission finds that the proposed stormwater management as shown on the project plans will comply with Stormwater Management Standards as required by Massachusetts and Maynard Regulations and Bylaws and must be implemented as proposed.
9. The Commission further finds that the project plans cited in the list of plans above are not fully developed construction level drawings. Therefore, the applicant will be required to provide the Conservation Commission with the final construction plans prior to the start of any construction or alteration for review and a determination as to whether the final plan is consistent with this Order. Any changes to those plans found inconsistent with the approved plan may require additional approval by the Conservation Commission.
10. The Commission finds that the planned project proposes 9 additional acres of impervious surfaces. As such, the project is classified as a Partial Redevelopment and a Partial new Development. We find that the a portion of the site equivalent to the new development portion meets the full requirements of the Mass. Stormwater Management Standards, and that the applicant has demonstrated to the Commissions' satisfaction that the redevelopment portion will be met to the extent practicable if the stormwater management systems proposed are fully implemented.
11. The Commission finds that mitigation for the proposed Riverfront and Buffer Zone alterations consisting of Wildlife Habitat improvements in the western portion of the site are appropriate.
12. The Commission finds that the Wetland Replication Area and the Buffer Zone Plantings proposed in the eastern portion of the site will mitigate for the proposed wetlands intrusion and Buffer Zone alterations in that area.
13. The Commission finds that the extra importance of the wetlands on the site for the protection of ground water resources and wildlife habitat make it essential that the planned encroachments into the Buffer Zones, Riverfront Area and the Maynard 50 foot No Disturbance Zone do not exceed those shown

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on the proposed plan. The exception would be the sensitive development and maintenance of foot paths which the Commission may allow through subsequent filings under the Wetlands Protection Act and Maynard Wetlands Protection Bylaw.

14. The Commission finds that compliance with the DEP Standard Conditions of this Order and the additional Conditions contained below, will ensure compliance with the Mass. Wetlands Protection Act and the Maynard Wetlands Protection Bylaw.

Conditions:

Note: These conditions are issued under the Massachusetts Wetland Protection Act, Maynard Wetlands Administration Bylaw, Maynard Stormwater Bylaw, and Maynard Wetland Regulations. Numbering begins with #21, to be consecutive and integrated with and the conditions issued under the state Wetlands Protection Act. Conditions #1-20 are pertinent and are considered a part of this order of conditions.

Before Project Begins (Prior to any Alteration):

21 A site meeting with the Conservation Administrator for agreement upon/proof of the following must occur before any work may commence on the site.

A. **Proof of recording** of the Order of Conditions (OOC).

B. **Final Site Plans**-The approved plans are noted to not be Construction Level drawings. In advance of construction, the applicant will provide final site plans to the Conservation Commission for review and a determination as to whether the plans are in substantial conformance with the approved plans or whether further approval is required. An amended Order of Conditions is required if a project change results in an increase in disturbance or alteration or the plan is found by the Commission to be substantially different from the approved plans.

C. **NPDES Compliance:** The complete Stormwater Pollution Prevention Plan (SWPPP) prepared for the project and the Notice of Intent submittal documentation to the U.S. Environmental Protection Agency (EPA) shall be provided to the Conservation Commission. The Commission will review the SWPPP for completeness and consistency with the approved plans and documents under this OOC. The initial SWPPP shall include a detailed erosion and sediment control setup plan for the first and at least the next planned project phase. The SWPPP shall always have the plan for the current phase and the plan for at least the next planned work phase.

D. **Erosion and Sediment Controls** shall be installed at the limit of work and will include fiber logs, silt fencing/straw bales, or other acceptable erosion control device approved by the Commission. Erosion control will be required for each phase of the project, and will be inspected by the Conservation Administrator prior to site work and each phase. See Erosion and Sediment Control Conditions.

E. **Environmental Monitor:** The Applicant shall have a qualified person assigned to inspect the site at least every two weeks during the project to monitor compliance with this Order as well as the Conservation Administrator (Michèle Grenier). A report will be filed with the Conservation Commission on a Monthly basis to inform the Commission of the progress of the work and conformance with the Order. The Applicant or Monitor shall notify the Commission of any potential issues and shall communicate with the Commissions Agent regarding questions and for guidance relative to compliance.

F. **Erosion and Sediment Control Monitor:** The Applicant shall have a qualified person (CPESC or person with experience in Erosion and Sediment Control) to monitor and prepare reports on the erosion and sediment controls at the site in accordance with the NPDES Construction General Permit. Reports shall be maintained with the SWPPP in a location available to the Conservations

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Agent during construction work hours. The Erosion and Sediment Control Monitor may be the same person as the Environmental Monitor.

G. Contact information (a written list of names, addresses, business phone numbers, and mobile phone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate provided to Conservation Administrator). This will include emergency contact numbers where persons can be reached in the event of a problem at all days and hours. The contact information shall also include:

- **Environmental Monitor**
- **Erosion Control Inspector**

The Applicant shall notify the Commission immediately of any change in contact persons or information.

H. Proof that a copy of the plans and this Order of Conditions has been provided to the Contractor. The plans and the Order must be available at all times at the construction site for reference. This Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and shall supersede any conflicting contract requirements. A copy of the Order shall be on-site at all times for viewing and reference.

I. Limit of work line: No work may be performed beyond the limit of work line without prior approval of the Conservation Commission under the Mass. Wetlands Protection Act and Maynard Wetlands Administration Bylaw.

J. Emergency supplies: The applicants must have extra fiber logs, silt fence and/or straw bales or other acceptable erosion control device approved by the Commission on site in case there is need for immediate repair of erosion controls or if sediment is found to be leaving the site.

K. Wetland Delineation: Prior to work on the site, the wetland delineator shall freshen the flagging / markings of the delineation as necessary and replace missing or damaged markings.

L. Pre-Construction Photographs: Photographs of the pre-construction site conditions of the entire site shall be provided to the Commission in digital format for record.

During Construction

- 22. Order of Conditions prevails:** Except where modified by these Conditions, all work must be performed in accordance with the plans outlined by the applicant and referenced in this Order. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
- 23. Stop Work Orders:** An Agent of the Commission shall have the right to halt all or a portion of the work on the site if the Agent determines that any of the work is not in compliance with the Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
- 24. Stormwater structures:** The applicant shall arrange with the Conservation Administrator for inspection of the infiltration systems and stormwater basins during installation, to verify compliance with plans and Conditions. In addition to the Commission's inspection, all stormwater systems shall be inspected and certified by a registered, professional engineer that the installation was properly installed. The structures and piping shall also be located by a Registered Professional Land Surveyor who must provide an as-built plan of the stormwater system upon completion of the project. Failure to comply with this condition will require these structures to be exposed again for inspection and measurement.
- 25. Erosion and Sediment Controls:**
- a. Maintain Erosion and Sediment Controls:** Erosion controls shall be properly maintained throughout construction until the site is in a final stabilized condition. The site shall be managed such that no sediment leaves the proposed limit of disturbance to protect adjacent wetlands and riverfront (and to protect the infiltration systems during construction work). Project shall be managed to be in compliance with the NPDES Construction General Permit and this Order.

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- b. Dewatering:** If dewatering is required, the discharge must be directed through adequate sedimentation controls on site. No dewatering may proceed until the Commission or its agent has inspected and approved the installation of the dewatering controls. (Temporary basis straw bale basins, filter bags, frac tank, etc.
- c. Perimeter erosion controls** that are protecting nearby wetlands shall consist of fiber logs backed by silt fencing. Perimeter Fiber logs shall be a minimum of 12 inches in diameter and shall be either coir logs or compost filled silt sox with bio-degradable cover. Fiber logs for smaller installations may be straw wattles of a size appropriate for the application.
- d. Catch Basin Inlet Protection:** All catch basins that may receive runoff from the work site (including off site in adjacent roads) shall be protected with a silt sack manufactured for that purpose. A piece of filter fabric under a catch basin grate is acceptable only where the tributary area is very small.
- e. Soil Stockpiles:** Soil stockpiles shall not be placed within the 100 foot wetland buffer or Riverfront. Long term stockpiles (Over 30 days) shall be properly covered or stabilized. Short and long term stockpiles are to be surrounded with Fiber Logs or other appropriate controls as conditions warrant.
- f. Erosion and Sediment controls materials:** An adequate supply of erosion and sediment control materials shall always be maintained on site for immediate use and repairs. Also, dust control measures such as a water spray truck shall be available on site to manage dust.
- g. Inspection Reports:** In addition to the inspection forms, the Erosion Control Inspector shall include a summary of the status, condition and function of the erosion and sediment controls, impacts to areas beyond the limit of work and wetlands, and recommendations for repairs, corrections and improvements.
- h. Site stabilization during construction:** During construction, bare ground that cannot be permanently stabilized shall be temporarily stabilized by a method approved by the Commission.
26. **Fueling:** Equipment for fuel storage and refueling operations shall not be closer than 100 feet from the wetlands and not within the Riverfront.
27. **Concrete Truck Washout:** Concrete trucks shall not wash out within 100 feet from the wetlands and not within the Riverfront. Concrete washout pits shall be cleaned of hardened concrete and removed from the site or broken up and used as ordinary borrow.
28. **Work must conform with the approved plans:**
- A. **Limit of work:** At no time shall heavy equipment operate, nor shall work, disturbance, or alteration occur beyond the erosion control barrier which will also serve as a limit of work. No construction materials, stockpiled soil or fill, debris, brush, leaves, or other materials may be placed beyond the limit of work.
- B. **Invasive Species Control:** The invasive species control plan for the eastern planting mitigation and wetland replication area. This plan will be provided and approved by the Commission before the project begins. The plan provided is to be designed to eradicate the existing invasive species and establish native shrubs and trees throughout the mitigation area. The control of invasive species shall be addressed in the professionally prepared invasive species control and restoration plan.
- C. **Any changes** in the approved plan must be approved by the Conservation Commission or Its authorized agent to determine if an amended order or new filing is required before proceeding with the change.
29. **Wetland Replication:**
- a. **Wetland Specialist:** A Wetland Specialist shall be retained by the Applicant to supervise construction and monitor progress of the wetland replication area until the replication area meets the requirements of this Order of Conditions. The name, e-mail address and phone number of the Wetland Specialist shall be provided to the Conservation Administrator upon such retention.
- b. The Conservation Commission shall be notified at least 5 days in advance of the start of the wetland replication area work. Final planting details shall be provided at or prior to that time.

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- c. The Wetland specialist shall closely observe and guide the excavation of the subgrade to assure that the elevation of the replication area will have the proper hydrologic characteristics.
- d. The area of the replication must be at least 800 sq. ft. as required.
- e. **An as-built plan** with topography and plant locations shall be prepared and submitted to the Commission after completion of the installation and planting.
- f. **Seasonal Monitoring reports:** shall be prepared for the replication and restoration area by a qualified wetland specialist for a period of 2 additional years after installation. This monitoring program will consist of spring and fall inspections which will include photographs and documentation that details the vitality of the restoration and replication area. Monitoring reports shall be submitted to the Commission within 30 days of each monitoring effort (i.e., by June 15th and by October 15th). Monitoring reports shall describe, using narratives, plans, and/or color photographs, the physical characteristics of the wetland replication/restoration areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity, vertical stratification (i.e. herb, shrub and tree layers), and compliance with the performance standards.

Upon Completion of Project

30. **Permanent soil stabilization:** Following the completion of construction and grading, all exposed soils must be restored to the previous grade or proposed grade per the site plans and permanently stabilized with a permanent cover. Mulch will not be considered permanent stabilization except in small planting beds.
31. **Removal of erosion controls:** With the approval of the Commission or its Agent, straw bales and silt fences or other erosion control devices shall be removed from the site when the surface is permanently stabilized. These must be removed before the issuance of a Certificate of Compliance.
32. **Notification of completion of the project/Request for Certificate of Compliance:** Upon completion of the project, the applicant must make a written request to the Commission for a Certificate of Compliance (Form WPA 8A) and shall submit the following items with the request:
 - A. **An As-Built Plan** prepared by a Registered Professional Land Surveyor showing the as built project including topography, buildings, impervious surfaces, fences, wetland replication area and mitigation area, all stormwater management components. The plan will include:
 - All wetland resource areas and buffer zones:
 - A line indicating the actual limit of alteration from the project.
 - The limit of work approved under this Order.
 - B. **Operation and Maintenance Manual** for the stormwater management system will be provided at the end of the project and will be required prior to the issuance of a Certificate of Compliance. The manual shall include full instructions for inspections and maintenance of the as built stormwater systems, inspection and maintenance forms, and other information required by the DEP Stormwater Management Handbook.
 - C. **Post Construction Photographs of the finished site.**
 - D. **A report describing how the project conforms and differs from the approved plans:** If any differences in the report will include an evaluation of whether the as-built conditions affect the functions and values of the wetland resource areas and buffers.
 - E. Please Submit documentation of the final recorded Conservation Restriction protecting 10 acres of the western section of the property donated by the applicant and accepted by the commission to protect the resource area adjacent to the develop in perpetuity.
 - F. **Also see Condition 32 for other as-built plan and certification requirements.**

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Conditions in Perpetuity

The following conditions recorded at the Registry of Deeds as part of the Order of Conditions, must be included on the Certificate of Compliance, and must continue in perpetuity. The property owner will have the right to request from the Conservation Commission an amendment to the conditions in perpetuity. If, in the judgment of the Commission, the proposed amendment will not detrimentally affect the values of the wetland resource area, the Commission will amend this Order or the Certificate of Compliance.

33. **Limit of Lawn:** the conversion of the naturally-vegetated portion of the property within wetlands resource areas and buffer zones to lawn shall be considered an alteration requiring a Notice of Intent. No lawn, patio, playground, or equipment storage will be allowed beyond the limit of work shown on the proposed plans.
34. **Disposal of yard waste:** Yard waste cannot be disposed in the adjacent buffer zones or riverfront area.
35. **Snow Removal:** Snow shall not be pushed into, or piled off the developed area toward the adjacent wetland areas.
36. **Stormwater Management System Maintenance:**

The stormwater management system at the site shall be maintained in accordance with the Long Term Pollution Prevention Plan submitted with the Notice of Intent and the Operation and Maintenance Manual submitted under Condition 32. B. An annual report will be prepared and submitted to the Conservation commission (Maynard Stormwater Authority) describing the maintenance activities for the preceding year, any major repairs, general condition of the facilities and copies of the inspection and maintenance report forms.

37. Prohibition of Chemical Applications

A. **Deicing salts:** Only Magic Salt[®] and/or calcium-or magnesium based deicing chemicals may be used on surfaces where runoff or drainage will discharge into wetland or riverfront resource areas. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.

B. **Lawn fertilizer:** Only organic fertilizer may be applied on site and within the wetland resource area (within the 100-foot buffer zone) or the Riverfront Area, synthetic for use on invasive s only if required by the invasive species control and restoration plan. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.

C. **Pesticide and herbicide:** No pesticides or herbicides may be applied within the wetland resource area (within the 100-foot buffer zone) or the Riverfront Area, unless required by the invasive species control and restoration plan. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.

Special Conditions relating only to the Maynard Wetlands Protection Bylaw.

38. **This Order of Conditions shall also serve as the Maynard Stormwater Management permit being issued by the Conservation Commission under the bylaw.**

End of Municipal Addendum to Order of Conditions;

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Southern Middlesex Land Court
Registry District

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