

COPY

Planning



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

Provided by MassDEP:

185-874

MassDEP File #

eDEP Transaction #

Holliston

City/Town

A. General Information

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

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



1. From: Holliston
Conservation Commission

2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

David

a. First Name

Adams

b. Last Name

Indian Ridge Realty Trust

c. Organization

223 Courtland Street

d. Mailing Address

Holliston

e. City/Town

MA

f. State

01746

g. Zip Code

4. Property Owner (if different from applicant):

(same)

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

185 Cedar Street

a. Street Address

Holliston

b. City/Town

Map 14, Block 3

c. Assessors Map/Plat Number

Lot 1

d. Parcel/Lot Number

Latitude and Longitude, if known:

42.2345 ° N

d. Latitude

71.4349 ° W

e. Longitude



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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):
Middlesex 206576
a. County b. Certificate Number (if registered land)
01163 027
c. Book d. Page
7. Dates: July 7, 2020 September 22, 2020 October 6, 2020
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 Plan of Land, A 40B Comprehensive Permit Project "Geoffrey Park"
Holliston, Massachusetts
GLM Engineering Consultants, Inc Joyce E. Hastings & Paul E. Truax
b. Prepared By c. Signed and Stamped by
September 16, 2020 Scale indicated on each sheet
d. Final Revision Date e. Scale
Stormwater Management Report, Geoffrey Park, Off Indian Ridge 5/14/2020 (rev.
Road South, Holliston, Massachusetts 9/16/2020
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) 0
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>4,530</u> a. square feet	<u>4,530</u> b. square feet	<u>4,800</u> c. square feet	<u>4,800</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
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 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



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Sq ft between 100-
200 ft

g. square feet

h. square feet

i. square feet

j. square feet

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	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
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



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Sq ft between 100-
200 ft

g. square feet

h. square feet

i. square feet

j. square feet

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):

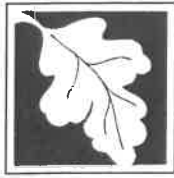
a. number of new stream crossings

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 **10/6/2023** 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 185-874 "
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 Section A.8 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):

See Attached Special Conditions #20 - #63

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 Holliston hereby finds (check one that applies):
Conservation Commission

- 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:

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):



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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.

October 6, 2020

1. Date of Issuance

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

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:

Christopher Bajdek

Authorized to sign on behalf of the Holliston
Conservation Commission pursuant to a vote taken on
10/6/2020.

☒ by hand delivery on

☐ by certified mail, return receipt
requested, on

10/7/2020
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



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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

G. Recording Information

Prior to commencement of work, 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 this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP 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



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Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:

Provided by DEP

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

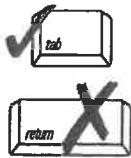
Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

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





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Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee
Transmittal Form

Provided by DEP

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

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. 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.

TOWN OF HOLLISTON
Commonwealth of Massachusetts

Christopher Bajdek, Chair
Rebecca Weissman, Vice Chair
Allen Rutberg
Utah Nickel



Shaw Lively
Jennifer Buttaro
Ann Marie Pilch

Ryan Clapp, Conservation Agent

CONSERVATION COMMISSION

Order of Conditions - DEP File #185-874
185 Cedar Street – 24-unit Residential Subdivision
(Wetland Crossing, Replication and Stormwater)
Special Conditions

- 20. WORK NOT AUTHORIZED.** Only work explicitly described in the plans referenced in Section A.8 and Notice of Intent is authorized under this Order of Conditions.
- 21. AUTHORIZED WORK.** This Order of Conditions applies only to work associated with the construction of a wetland crossing, wetland replication area and stormwater management structures at 185 Cedar Street associated with the construction of a 24-unit residential subdivision. Individual house lots shall be filed separately and will be subject to individual Determinations of Applicability and/or Orders of Conditions. Any work not covered by this Order: (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river will require a separate filing. Any other additional construction activities proposed within any area subject to jurisdiction by the Commission shall require the filing of a Request for Determination of Applicability (RDA) and/or a new Notice of Intent and receipt of a valid Order of Conditions, prior to the commencement of said activity
- 22. PLAN CHANGES.** Any changes in the plans referenced in Section A.8 above or change resulting from the following special conditions (including the submittal of additional information), must be submitted to the office of the Holliston Conservation Commission for approval prior to implementation. A copy of such request shall at the same time be sent to the Department of Environmental Protection. One of the following responses will be made by the Commission:
- If the Commission finds, through administrative review, said changes to be insignificant to the interests of the Act, then the Commission will so notify the Applicant in writing.
 - If the Commission finds, through administrative review, said changes to be significant and/or deviate from the original plans, Notice of Intent, or this Order of Conditions, and that the interests of the Act would best be served by the issuance of additional conditions, the Commission will conduct another Public Hearing within 21 days, advertised at the Applicant's expense, in order to take testimony from all interested parties. Within 21 days of the close of the Public Hearing the Holliston Conservation Commission will issue an Amended Order of Conditions. No work shall be undertaken until the Amended Order of Conditions has been recorded in the Registry of Deeds or Land Court in the manner described in Condition #9, and until all administrative appeal periods from the Amended Order of Conditions have elapsed.

- c. If the Commission finds, by majority vote following administrative review, said changes to be significant and would substantially change the nature, scope, purpose, or impact of the project, then the Commission will direct the Applicant to file a new Notice of Intent.
- 23. APPEAL PERIODS.** No work shall commence on-site until all appeal periods have elapsed and a final Order of Conditions has been recorded with the Registry of Deeds, and proof of such recording shall be submitted in writing to the Holliston Conservation Commission.
- 24. CONTRACT/SUBCONTRACT NOTIFICATION.** This Order shall be included in all applicable construction contracts, subcontracts, and specifications with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractors, and personnel performing the permitted work are fully aware of this Order's terms and conditions.
- 25. ON-SITE DOCUMENTS.** A copy of the final approved plans and Order of Conditions shall be kept on-site at all times during construction.
- 26. ADDITIONAL CONDITIONS.** The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion or any noticeable degradation of surface water quality discharging from the site.
- 27. TRANSFER OF OWNERSHIP.** Within ten (10) calendar days inclusive of the transfer of ownership of the subject property during construction, in whole or in part, including lots or buildings conveyed under individual deeds, the Conservation Commission shall be notified in writing of the name and address of the new owner. Within ten (10) calendar days inclusive of such transfer, a sworn affidavit shall be filed with the Holliston Conservation Commission by the new owner that he or she has read and understood the Order of Conditions and terms applicable to the project site and intends to comply with all provisions of the Order. Once said transfer occurs, the new owner shall succeed to all rights and obligations of the Applicant hereunder and the Conservation Commission shall look to and require compliance hereunder from such new owner.
- 28. RIGHT TO INSPECT.** Members and Agents of the Commission and the Department of Environmental Protection reserve the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with the conditions stated in this Order of Conditions, the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, Sec. 40) as amended, 310 CMR 10.00, and the Local by-law (Article XXX). The Commission may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.
- 29. COORDINATION WITH OTHER DECISIONS AND/OR PERMITS.** This Order of Conditions is not intended to supersede any decisions and/or permits issued by any other entity. Should plan review by any other entity require revisions, the revisions must be filed with the Holliston Conservation Commission prior to implementation for an Amended Order of Conditions. The inclusion of this condition does not imply that the Conservation Commission takes any position whether such permit should be issued.
- 30. SEVERABILITY.** The invalidity of any section or provision of this Order shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval, or determination which previously has been issued by the Commission or any other entity.

PRE-CONSTRUCTION

- 31. NOTIFICATION OF COMMENCEMENT OF WORK.** The Applicant shall notify the Conservation Commission, in writing, 48 hours before any activity commences on the project site and shall advise the Conservation Commission of the name(s) and telephone number(s) of the person(s) on site responsible for compliance with this Order. This list shall be resubmitted if any changes are made to it.
- 32. EROSION CONTROL INSTALLATION & INSPECTION.** Prior to the commencement of tree clearing, earthwork or other land disturbance under this Order of Conditions, all erosion control measures (e.g., erosion control barriers and check dams, etc.), shall be installed as shown on the project plan. The Conservation Commission, or its Agent, shall be notified when the protective measures have been installed for inspection and verification (508-429-0607).
- 33. EROSION CONTROL MAINTENANCE AND STOCKPILE.** Prior to any soil disturbance, removal, or stockpiling, the Applicant shall have on the site, an adequate quantity of supplemental haybales, silt fence, and stakes to be used for control of emergency erosion problems. All erosion control measures are to be inspected weekly and after each storm event of 0.5 inch or greater, to ensure the proper functioning of said measures in preventing the introduction of silt in the wetland. Erosion controls must be inspected, cleaned of accumulated material, and repaired as needed. Material collected from the siltation barrier shall be removed as necessary and disposed in an upland area. All erosion control and sedimentation prevention measures shall remain in place and be maintained for the purpose for which they are installed (proper maintenance may require periodic replacement) until the area upgradient is permanently stabilized and a Certificate of Compliance has been issued. In the event that an uncontrollable emergency occurs, such as a heavy rainstorm, causing erosion and sedimentation breakout, the Applicant shall replace such barriers to the standards required by the Order and the satisfaction of the Commission.
- 34. REMOVAL OF EROSION/SEDIMENT CONTROLS.** Erosion/sediment controls shall be removed from the site once they are no longer needed. The Applicant shall contact the Commission for authorization prior to removal.
- 35. WETLAND PROTECTION.** No work or activity, including the cutting of vegetation, shall take place in a wetland area other than provided for in this Order of Conditions.

CONSTRUCTION

- 36. LIMIT OF WORK.** The line of the proposed erosion control barrier shall be the Limit of Construction (unless otherwise determined by the contractor and reviewed in the field by the Commission or its agent) beyond which no tree clearing or earth-disturbing activity shall occur or heavy equipment shall be allowed. At no time during or after construction shall fill or other materials be placed, slump or fall beyond the limit of work as shown on the plans. The Applicant shall be responsible for inspecting and maintaining all slopes and embankments.
- 37. STABILIZATION.** All disturbed surfaces shall be permanently stabilized with vegetation within fourteen (14) days of final grading except in non-growing seasons where temporary stabilization shall be employed. Under no circumstances shall soil be left unstabilized for

periods exceeding thirty (30) days. Preventative controls such as temporary seeding/ bonded fiber matrix or jute covering shall be employed to prevent such an occurrence.

- 38. DEWATERING.** There shall be no dewatering on site that will result in the direct discharge of water to any wetland resource area. Any dewatering discharge within 100 feet of a resource area or functional drainage way will be equipped with a filter bag designed for that purpose. All suction hoses will be kept at the surface of the water to reduce to a minimum the suspension and pumping of silt.
- 39. SPILL PREVENTION.** All equipment shall be stored outside the resource area and the 100-foot buffer zone and in such a manner so as not to introduce any pollutants into any wetlands, and in no event shall there be any discharge or spillage of fuel, oil or other pollutants into any resource area. Servicing of equipment (e.g., fueling, changing, adding or applying lubricants or hydraulic fluids, or washing/rinsing of concrete transports) must be done outside resource areas and the 100-foot buffer zone, with the exception of refueling of immobile equipment. Immobile equipment includes, but is not limited to, operating pumps, where removal of the pump would cause unreasonable damage to the resource area or delay to the construction effort. During and after work on this project, the Applicant shall take all reasonable precautions to prevent the discharge or spillage of fuel, oil or other pollutants by ignorance, accident or vandalism. No storage of petroleum products for use during construction (motor oil, gasoline, or diesel fuel, shall be allowed on the site at any time.
- 40. SPILL PREVENTION EQUIPMENT.** Measures and equipment will be provided on site sufficient to prevent discharged fluids from reaching wetlands or water bodies, and be readily available for use. These will include, at the applicant's discretion, some combination of the following:
- a. dikes, berms or retaining walls sufficiently impervious to contain spilled oil;
 - b. sorbent and barrier materials in quantities determined by the contractor to be sufficient to capture the largest reasonably foreseeable spill;
 - c. disposable drums or containers suitable for holding and transporting contaminated materials.
- 41. STOCKPILING.** Should any on-site stockpiling be required, all debris, fill and excavated material, construction material, and building material shall be stockpiled at least 50 feet away from any wetland, be located outside of any floodplain and be located to prevent sediment from surface runoff entering the wetlands. At no time shall any debris or other material be buried or disposed of within 50 feet of the wetland boundary as marked on the project plan. All stockpiles to remain in place for more than seven (7) days shall be properly stabilized to prevent erosion and siltation. Preventative control such as additional perimeter erosion control, temporary seeding/ bonded fiber matrix or jute covering shall be employed to prevent such an occurrence.
- 42. CONSTRUCTION DEBRIS REMOVAL.** All debris generated during construction from any aspect of this project shall be removed from the site and properly disposed. All stumps, brush, waste and debris shall be removed from the construction site or recycled into usable chips and shall be distributed promptly and in a legal manner. Records as to the destination of all materials to be removed from the site, including, stumps, brush, excess fill, loam, shall be kept and provided to the Commission upon request.
- 43. WORK STOPPAGE.** In the event that work ceases on the site for a period of time greater than fifteen (15) business days, and before the erosion control inspections required by the Order have stopped, the Applicant shall notify the Commission. The Applicant will notify the Commission as to what steps will be taken for long term stabilization of the site during the stoppage of work. The Applicant shall re-notify the Commission prior to the re-commencement of work.

- 44. TIMELY RESPONSE TO EROSION PROBLEMS.** The Applicant shall move swiftly to control any erosion problems that occur on the site. The Holliston Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 45. CONTROL OF CONSTRUCTION DEBRIS.** No construction debris (paper, wood, metal, concrete, etc.) may be allowed to enter the resource area at any time. Windblown material shall be promptly removed from wetland resource areas.
- 46. SEDIMENTATION.** There shall be no sedimentation into wetlands, water bodies or Town of Holliston roads from discharge pipes or surface runoff leaving the site. See following Condition #47.
- 47. DAMAGE TO RESOURCE AREAS.** Any damage caused as a direct result of this project to any wetland resource area is the responsibility of the Applicant to repair, restore or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. The Conservation Commission shall be promptly notified of any damage to wetland resource areas. Following notification, the Applicant must submit a written plan for abatement of the problem and restoration. This plan must be approved by the Conservation Commission prior to its implementation.
- 48. SURPLUS EARTH MATERIALS.** It shall be the responsibility of the Applicant to ensure that any and all surplus materials which are not needed for use on the project are lawfully disposed of outside any area subject to protection under M.G.L. c 131, s. 40, unless such disposal area and activity are regulated under either a valid Order of Conditions or Determination of Applicability.
- 49. NON-NATIVE PLANT DISPOSAL.** In conducting site clearing, the site contractor shall ensure the proper removal and disposal of all non-native invasive plants encountered in this work. Site contractor shall ensure that invasive plants are not chipped to use on-site as mulch.
- 50. LANDSCAPING - NO INVASIVE PLANTS.** Landscaping shall not consist of any exotic invasive listed in the Massachusetts Banned Plants List. For detailed information, please visit: <http://www.mass.gov/agr/farmproducts/prohibitedplantlist.htm>
- 51. WETLAND REPLICATION SUPERVISION.** All wetland replication activities shall be supervised by an experienced wetland specialist, biologist or botanist to oversee all activities associated with wetland replication, inspection and reporting. Supervision of wetland replication shall include, but not be limited to, excavation, filling, transplanting and regrading activities, introduction of organic/soil materials, re-vegetation of the wetland replication area, and performance of the required inspection and reporting activities.
- 52. WETLAND REPLICATION.** The wetland replication area associated with wetland filling for the crossing shall be constructed prior to the pouring of concrete for any lot encumbered by this Order of Conditions. Wetland replication activities shall, at a minimum, conform to the plan and specifications provided on Sheet 11 of the plans referenced in Section A.8 of this Order of Conditions. As discussed during the public hearing, all efforts shall be made to protect existing trees and as such, the size of the wetland replication area provided on these plans shall be considered the *minimum* amount of replication to be provided.
- 53. STORMWATER OPERATION AND MAINTENANCE PLAN.** The Owner/Applicant shall implement and adhere to the Stormwater Operation and Management Plan requirements proposed within the referenced Stormwater Management Report GLM Engineering

Consultants, Inc., revision date 9/10/2020) throughout the future operation of the completed 24-unit subdivision. This condition is intended to persist in perpetuity and shall survive the issuance of a Certificate of Compliance.

- 54. MAINTENANCE & SUBMISSION OF STORMWATER MANAGEMENT RECORDS.** A complete record of stormwater management activities and, if applicable, necessary maintenance activities, shall be maintained. Such record to include personnel, dates, activities, materials, disposition of collected sediments/debris, and a photographic record. The Applicant shall submit a summary report of these stormwater management records annually to the Commission until the issuance of a Certificate of Compliance. However, the maintenance of a complete record of stormwater management activities is a condition intended to persist in perpetuity and shall survive the issuance of a Certificate of Compliance. At any point subsequent to the issuance of a Certificate of Compliance, the complete record of stormwater management activities shall be made available to the Commission upon written request, and providing one week (5 business days) notice.

POST CONSTRUCTION

- 55. CERTIFICATE OF COMPLIANCE.** Not more than thirty days following completion of the project, the Applicant shall submit with their request for a Certificate of Compliance, an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the site has been developed in accordance with the requirements of this Order of Conditions, based upon an on-site inspection and the referenced site plan(s). Prior to issuance of a Certificate of Compliance all drainage structures regulated under this Order of Conditions shall be cleaned of accumulated sediment and debris. Until a Certificate of Compliance is issued by the Conservation Commission, the sign as described in Condition #10 shall remain in place.
- 56. AS BUILT.** Upon completion of the project, the Applicant shall submit with their request for a Certificate of Compliance, an As-Built plan for all work within the jurisdiction of the Wetlands Protection Act and Article XXX as regulated by this Order of Conditions. If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviations, if any, exists from the plans approved in the Order shall accompany the request for a Certificate of Compliance.

CONDITIONS IN PERPETUITY

- 57. FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area, except as provided for in the Invasive Species Management Plan. This condition is intended to apply in perpetuity and will outlive the issuance of a Certificate of Compliance.
- 58. SNOW REMOVAL AND DE-ICING.** At no time shall snow removal result in the direct discharge of snow into the wetlands. Snow storage shall be limited to the designated location on the plan referenced in Section A.8 in this Order. No de-icing materials of any type shall be stored in bulk stockpiles within 100 feet of the wetlands. This condition is intended to apply in perpetuity and will outlive the issuance of a Certificate of Compliance.

59. **DUMPING PROHIBITED.** There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland, river/stream/body of water, wetland restoration/mitigation area, or associated buffer zones. This condition is intended to apply in perpetuity and will outlive the issuance of a Certificate of Compliance.
60. **PERMANENTLY RESTRICTED UNITS.** All houses that are sold as an Affordable home shall be permanently restricted units and shall remain an Affordable home for all future sales. This condition is intended to apply in perpetuity and will survive the expiration of this Order of Condition.
61. **DISCHARGE RESTRICTIONS.** Each lot encumbered by this Order of Conditions shall have a deed restriction ensuring compliance with the Massachusetts Clean Waters Act (MGL c. 21 s. 26-53 and the 401 Water Quality Certification Regulations (314 CMR 9.00)).
62. **FENCING AND SHED APPROVAL.** No future fencing or sheds are allowed within the 100' wetland buffer zone, unless approved by the Conservation Commission. This condition is intended to apply in perpetuity and will survive the expiration of this Order of Condition.
63. **HOMEOWNER NOTIFICATION.** All homes within the 100' wetland buffer zone shall be issued a letter informing them of the adjacent wetlands and any restrictions imposed by Massachusetts Wetlands Protection Act M.G.L. c. 131, §40, the Comprehensive Permit and this Order of Conditions. This letter shall be issued by the home owners association, seller or other such individual or organization to each new unit owner after every sale and shall be posted on a community board should one be created.

*****END OF SPECIAL CONDITIONS*****

