



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:

216-0929

MassDEP File #

eDEP Transaction #

Medway

City/Town

A. General Information

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

1. From: Medway
Conservation Commission

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

3. To: Applicant:

Jennifer

a. First Name

Van Campen

b. Last Name

MetroWest Collaborative Development

c. Organization

79-B Chapel Street

d. Mailing Address

Newton

e. City/Town

MA

f. State

02458

g. Zip Code

4. Property Owner (if different from applicant):

Glen Brook Way Apartments

a. First Name

b. Last Name

c. Organization

79B Chapel Street

d. Mailing Address

Newton

e. City/Town

MA

f. State

02458

g. Zip Code

5. Project Location:

0, 1, 3, Glen Brook Way and 31, 33, and 37
West Street

Medway

b. City/Town

65, 66

024, 025 and 026; 001, 002, and 003

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d8.18m43s

d. Latitude

71d27.7m98s

e. Longitude

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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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Norfolk

a. County

(#31) 35270, 36269, 36330; 23841, 35437

(#33) (0) (13)

c. Book

b. Certificate Number (if registered land)

532, 207, 149; 257, 061

(#31) d. Page (33) (37) (0) (1+3)

7. Dates: November 30, 2018 February 28, 2019 March 5, 2019
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):

"Apartments at Glen Brook Way - Phase 1 and 2"

a. Plan Title

Merrill Engineers and Land Surveyors

Dana Altobello PE no.46237

b. Prepared By

February 5, 2019

c. Signed and Stamped by

1"=30'

d. Final Revision Date

e. Scale

Notice of Intent

recev'd 11-30-18

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) 65
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 type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	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 29078	d. cubic feet 29078	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	a. total sq. feet 0	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	29078 g. square feet	29078 h. square feet	8788 i. square feet	8788 j. square feet



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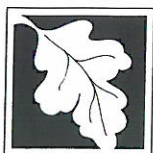
Medway

City/Town

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. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} 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 3/5/22 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 216-0929 "
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):

See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI).

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 Medway 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:

Medway General Bylaw - Section 21.1 - 21.9, 21.11 (21.10 regulations Article XXI
waiver under Comprehensive Permit 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):

The Medway General Bylaw Article XXI Section 21.10 was waived along with the Rules and Regulations of the Town of Medway Conservation Commission Section 1. Part II Special Conditions shall be issued under the Medway Bylaw Section 21.1 through 21.9 and 21.11.



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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.

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

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

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Dayna Gill Dayna Gill
Margery Queenan Margery Queenan
Scott Salucci Scott Salucci

David J. Blackwell
David A. Travolta David A. Travolta
Don Starr Don Starr
Ken McCarry Ken McCarry

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

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.



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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

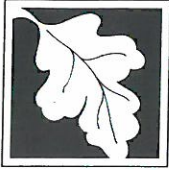
If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
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

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: _____

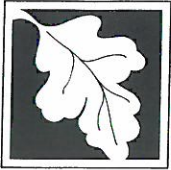
B. Instructions

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

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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Request for Departmental Action Fee
Transmittal Form

DEP File Number: _____

Provided by DEP

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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.

MEDWAY CONSERVATION COMMISSION
ORDER OF CONDITIONS – PART II
FINDINGS AND CONDITIONS UNDER THE MA WETLANDS PROTECTION ACT
AND MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE XXI)
SECTION 21.1 THROUGH 21.9 AND 21.11 ONLY
PROJECT SITE: 0, 1, 3 Glen Brook Way and 31, 33, and 37 West Street
Map 65 and 66 Lot 024, 025, 026 and 001, 002, 003
DEP # 216-0929
MEDWAY, MASSACHUSETTS
DATE: March 5, 2019

PROJECT APPLICANT: MetroWest Collaborative Development – Jennifer Van Campen

In connection with the Conditions set forth in this Order, the Medway Conservation Commission (the “Commission”) makes the following FINDINGS:

- A. The proposed project consists of (a) construction of road, (b) construction of 6 rental unit buildings, (c) stormwater management system and (d) utilities, driveways, parking and play areas.
- B. The lot consists of forested buffer zones, perennial stream and Bordering Vegetated Wetlands under the MA Wetlands Protection Act and Medway General Bylaw Article XXI Section 21.2.
- C. Submitted documents consist of (a) “Notice of Intent” by Merrill Engineers and Land Surveyors, received by Conservation November 30, 2019, (b) site plan titled, “Apartments at Glen Brook Way Phase 1 & 2” by Merrill Engineering and Land Surveyors, dated February 5, 2019 (c) “Stormwater Management Report” by Merrill Engineers and Land Surveyors, dated November 28, 2019, (d) document titled, “Definitive Site Plan ‘Glen Brook Way’ Phase II – Stormwater Management Report and Hydrologic- Hydraulic Analysis” by Merrill Engineers and Land Surveyors, dated February 6, 2019, (e) document titled, “Closed System Drainage Calculations, by Merrill Engineers and Land Surveyors, dated January 31, 2019, (f) document titled, “Notice of Intent Narrative, by Merrill Engineers and Land Surveyors, dated February 6, 2019, (g) document titled, “Response to Review Comments Received, by Merrill Engineers and Land Surveyors, dated January 28, 2019, (h) document titled, “Construction Operation and Maintenance Plan/Construction Pollution Prevention Plan, by Merrill Engineers and Land Surveyors dated February 6, 2019 and (i) Document titled, “Long Term Source Control/Pollution Prevention Plan and Operation and Maintenance Plan by Merrill Engineers and Land Surveyors, dated February 6, 2019.
- D. The Zoning Board of Appeals has approved a waiver of the Medway General Bylaw Article XXI Section 21.10 (promulgation of the Regulations) and the entirety of the Rules and Regulations of the Town of Medway Conservation Commission, under a Comprehensive Permit issued on August 2, 2017 and then a modification to the permit issued on August 15, 2018. The Commission hereby finds that the proposed project consisting of the construction of 92 rental units within six buildings, roadway, utilities, parking areas, play areas and a stormwater management system within 200’ Riverfront Area and 0-100’ buffer zone of Bordering Vegetated Wetland is approved. The Commission reviewed evidence during the public hearing process, which demonstrated that the proposed project, as presented, meets

the provisions under 310 CMR 10.02 (2)(b) and (3), 310 CMR 10.05(4), 310 CMR 10.58 (4)(d) and Medway General Bylaw Article XXI Regulations Section 21.1 through 21.9 and 21.11. The applicant agreed to complete restoration of 8, 788 square feet of Riverfront Area through the planting and management of a grassland area, this will be a benefit to Wildlife Habitat. It was noted that all conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.

- E. Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of 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, the conditions shall control.
- F. Following 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 area in which work is proposed is significant to the following interests of the Medway Wetlands By-Law:
1. Public Water Supply
 2. Groundwater Supply
 3. Flood Control
 4. Storm Damage Prevention
 5. Prevention of Pollution
 6. Protection of Flora and Fauna and their Habitats
 7. Erosion Prevention
- G. Furthermore, the Medway Conservation Commission hereby finds that the proposed project is:

Approved, subject to the findings and conditions contained herein.

- A. The Medway Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions (“Part I”) issued concomitantly with this Part II OOC for the project, together with all of its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.
- B. The Medway Conservation Commission further finds the following:
1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Medway Wetlands By-Law:
 - i. 25’-100’ buffer zone of Bordering Vegetated Wetlands
 - ii. 100’-200’ Riverfront Area (outer riparian zone)

- iii. 0-100 ' Riverfront Area for restoration of grassland habitat only, no construction
2. Additional General Findings:
- i. This Order protects the interests specified in the Wetlands Protection Act and the Medway Wetlands By-Law. The Wetland resource areas on the lot are identified on the Plan.
 - ii. The Commission accepts the resource areas as depicted on the above-referenced Plan and as described in the Notice of Intent Project Narrative.
3. Wildlife Habitat: The Commission finds that the project areas is not currently within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.
4. Stormwater Management: The Commission finds that the project is subject to the Department of Environmental Protection's Stormwater regulation and policy.

In addition to the General Conditions and Findings stated in Parts I and II of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Medway Wetlands By-Law and the Medway Conservation Commission Regulations as well as the Wetlands Protection Act and regulations.

GENERAL CONDITIONS:

- 1) All work shall be performed in accordance with the General and Special Conditions in Parts I and II of this Order, and in accordance with the Plans referenced in Part I, sec. A, para. 8, the Notice of Intent and its attached and additional materials, and the Notice of Intent Project Narrative.
- 2) To the extent that the following special conditions modify or differ from the Plans, specifications, or other proposals submitted with the Notice of Intent or the Notice of Intent Project Narrative, the Special Conditions shall control.
- 3) The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest, title or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.
- 4) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal.
- 5) All work shall be conducted in accordance with the approved site plan titled, "Apartments at Glen Brook Way Phase 1 & 2" by Merrill Engineering and Land Surveyors, dated February 5, 2019 (hereafter referred to as the approved site plan), document titled, "Stormwater Management Report" by Merrill Engineers and Land

Surveyors, dated November 28, 2019, (d) document titled, "Definitive Site Plan 'Glen Brook Way' Phase II – Stormwater Management Report and Hydrologic- Hydraulic Analysis" by Merrill Engineers and Land Surveyors, dated February 6, 2019 (here after referred to as the Stormwater report, (e) document titled, "Closed System Drainage Calculations, by Merrill Engineers and Land Surveyors, dated January 31, 2019, (f) document titled, "Notice of Intent Narrative, by Merrill Engineers and Land Surveyors, dated February 6, 2019, (h) document titled, "Construction Operation and Maintenance Plan/Construction Pollution Prevention Plan, by Merrill Engineers and Land Surveyors dated February 6, 2019 (hereafter referred to as the O&M Plan) and (i) Document titled, "Long Term Source Control/Pollution Prevention Plan and Operation and Maintenance Plan by Merrill Engineers and Land Surveyors, dated February 6, 2019 (hereafter referred to as the LTPPP) and the conditions of this Order.

- 6) The Conservation commission reserves the right to impose additional requirements on portions of this project to mitigate any impacts which could result from site erosion, or any impacts to jurisdictional areas which were not approved under this Order.
- 7) A Conservation Commissioner, agent or designee of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and may obtain any information, measurements, photographs, observations, and/or materials, or may require the submittal of data or information deemed necessary by the Commission, or the Department of Environmental Protection for such evaluation. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that any activities on the Site have created a non-compliance with this 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.
- 8) This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.
- 9) This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
- 10) If any changes are made to the project which may impact, or alter, or impact an area subject to protection under the Wetlands Protection Act and/or the Medway General Bylaw Article XXI or any change(s) in activity subject to regulations under G.L. Ch. 131 §40, the applicant shall inquire from the Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request to Amend this Order of Conditions. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedure shall be followed.

- 11) The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
- 12) It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
- 13) All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the proposed construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site. No mulch shall be placed in wetland resource areas.
- 14) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
- 15) There shall be no underground storage of fuel, oil, or hazardous substance on the property within the Buffer Zones or Wetland Resource Areas.
- 16) Removal and storage of hazardous substances, hazardous waste, or hazardous material in a resource area or buffer zone area subject to protection under Massachusetts Wetlands Protection Act and/or Medway General Bylaw Article XXI:
 - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
 - c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.
 - d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
 - e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.
- 17) Only clean fill shall be used within Resource Areas and Buffer Zones, see Condition #46.
- 18) In the case of a conflict between a specific condition in this Order and a referenced document, the conditions of this Order shall prevail.
- 19) This Order and a copy of approved drawings and **plans shall be available at the project site** at all times for easy reference.

- 20) **Work shall be halted** on the site if an Agent of the Commission, members of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions.
- 21) No trails are approved under this Order of Conditions, any additional proposals for passive recreation within the Commission's jurisdiction will require an amendment to this Order or a new Notice of Intent (or Request for Determination of Applicability filing).

Administrative

- 22) This Order of Conditions becomes final ten (10) business days after the issuance date if no authorized person has requested the Department of Environmental Protection to issue a Superseding Order of Conditions. The issuance date of the Order is the date specified on page 2 of Part I-WPA Form 5 of this Order.
- 23) Before commencement of work and after ten (10) business days from the issuance date have elapsed, this Order of Conditions must be recorded at the Middlesex County Registry of Deeds or Land Court as provided in Part I-WPA Form 5, sec. C, para. 8. The recording will be executed by and through the Commission's Agent. The Agent will notify the applicant of the recording fee. When the Commission has received the check for the appropriate amount, the Agent will arrange for the Order of Conditions to be recorded.
- 24) If any permit, license or approval by any other municipal agency, board or commission is withdrawn, obtained or reversed and the construction work is to be altered or changed from the plans filed with the Commission, the applicant shall notify the Commission in writing. Such notice shall be addressed to the Chair and submitted prior to any work commencing on the project. If the Commission determines that the changes or alterations are significant, the Commission, by majority vote, may require a new Notice of Intent or a modification of the existing Order of Conditions. The Medway Conservation Commission considers that any errors in the plans or information submitted by the applicant are changes and, as such, requires application of the foregoing procedures.
- 25) With respect to all conditions, the "Commission" shall include an Agent of the Commission, which may be a Commission Member, the Conservation Agent, or a person specifically hired by the Commission to administer and enforce this Order, except where action by the Commission acting as a body is required by law.
- 26) Members and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with this Order, and the Commission may require submittal of any information deemed necessary by the Commission for that evaluation.

Pre-Construction

- 27) Prior to the commencement of work the applicant shall have a signed Certificate of Compliance for DEP #216-0911, this shall be submitted to the Commission and/or the Agent.
- 28) Prior to the commencement of work and viewable at the pre-construction meeting, the applicant shall erect a sign with the following language, "DEP #216-0929" or as prescribed under the state conditions. The sign shall be visible from the nearest main road and no less than 2' x 2' square.

- 29) A copy of this Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and this Order shall supersede all contract requirements.
- 30) Prior to the commencement of work the applicant shall provide to the Commission the final Stormwater Pollution Prevention Plan (SWPPP).
- 31) Prior to the commencement of work the applicant shall provide to the Commission the issued National Pollution Discharge Elimination System (NPDES) permit for the project.
- 32) Prior to the commencement of work the Project Supervisor or Clerk of the Works shall locate and designate a location of "wash out area" for all cement trucks or other trucks.
- 33) Prior to the commencement of work, the Project Supervisor or Clerk of the Works shall submit to a list of contact information for the site and signed document agreeing to comply with all conditions of this Order.
- 34) Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
- 35) The designated emergency contact shall respond and remediate all emergencies within 2 hours of finding the impacts to areas outside the limit of work and/or within the Commission's jurisdiction.
- 36) Prior to the Pre-Construction Meeting and commencement of any activity on this site, the approved erosion control and limit of work lines shall be staked, by survey. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting.
- 37) Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three (3) business days prior to any activity to arrange for the pre-construction meeting.
- 38) Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct an inspection to ensure that erosion controls and limits of work lines have been properly installed. Erosion controls and limits of work lines shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls. Erosion controls may be augmented with

the written permission of the Agent and/or the Commission based on the existing site conditions.

- 39) All catch basins within West Street near construction entrances shall be equipped with siltation sacks prior to the commencement of work. Additionally, all constructed catch basins for this development shall be equipped with siltation sacks until construction is completed and site is stable, which shall be determined by the Agent and/or the Commission. All catch basins shall be cleaned during construction and siltation sacks removed and cleaned as necessary.
- 40) Prior to the commencement of work erosion controls shall consist of 12" compost sock and siltation fencing (all biodegradable) and installed according to the approved site plan and then inspected by the Conservation Commission and/or its Agent or the Towns Consulting Engineer. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 41) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal.
- 42) Once the stormwater system is construction all portions of this system shall be protected by the installation of erosion controls or stabilization during construction of the roadway, as the system would accrue additional sedimentation from an unstable site.
- 43) It is the responsibility of the applicant, owner and/or successor(s) to ensure that all conditions of this Order of Conditions (Order) are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before commencement of construction.
- 44) The limits of work depicted on the plan must be clearly marked in the field prior to commencement of construction. The erosion control barrier shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on the wetland resource area side of the barrier.
- 45) Prior to commencement of construction on site, the Bordering Vegetated Wetlands line shall be flagged with surveyor's tape numbered to correspond to the wetland delineation on the approved plans and shall remain in place during construction.
- 46) The applicant shall notify the Conservation Commission in writing at least three (3) business days prior to commencement of construction activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the on-site person responsible for compliance with the Order.
- 47) Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that Any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided

to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emissions, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type.
One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
 - Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its Agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the commission or its agent is required for alternate plans. These may include management of soils consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

- 48) The Commission reserves the right to require the applicant and/or its successors to hire a qualified Licensed Site Professional (LSP) for all review of the above requirements of conditions #22 of this Order. The Applicant shall hire a professional competent consultant who is licensed as a LSP. The review of these materials shall be completed prior to the placement of any fill material being stored on site within the Commission's jurisdiction.

- 49) The Commission reserves the right to request truck manifests or other supporting materials that depicts the trucks route with regards to the transportation of soil materials from an off-site location approved by the Conservation Commission, its Agent or a Licensed Site Professional who is employed on behalf of the Town of Medway
- 50) Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
- a. A set of **photographs** depicting the project site in pre-construction condition.
 - b. A **clearing plan** showing areas to be cleared and areas to be left in a natural state
 - c. A **project/construction-sequencing plan**
 - d. A **statement** signed by the applicant, owner of the property and all persons responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, Medway General Bylaw Article XXI (Sections applicable) and this Order.

Erosion Control Inspection and Monitoring

- 51) The applicant shall secure a qualified professional to act as a clerk of the works to be approved or designated by the Commission. The Clerk of the Works will supervise the contractor and will inspect the site regularly whenever construction in or within riverfront area, bordering lands subject to flooding, or 100 feet of a bordering vegetated wetland or a Vernal Pool is in progress. The Clerk of the Works will provide inspection reports to the Commission every two weeks and after storm events over 0.5", and will respond to required inspected the next day or 24 hours whichever is sooner after storm events of over 0.5", so as to take responsibility for the proper functioning of drainage systems for the project. The applicant shall provide that person's phone number for the Commission. Failure to provide above reports may result in cessation of all work on site until the applicant can meet with the Conservation Commission at a regularly scheduled meeting to explain and rectify their absence.
- 52) It shall be the responsibility of the Applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the approved site plans, provided in the SWPPP and the O&M Plan and described in this Order of Conditions, shall be considered a minimum standard for compliance. In addition, it shall be the responsibility of the applicant to take whatever measures are necessary to prevent any form of wetland impacts not approved within this Order. Additional requirements related to site monitoring and control are:
- A. Erosion Control Inspector. The Applicant shall designate and identify to the Commission a qualified Erosion Control Inspector as indicated in the Stormwater Pollution Prevention Plan (SWPPP). This person shall have appropriate credentials in the field of engineering or environmental science, and erosion and sedimentation control.
 - B. Erosion control inspections. At least once every 14 calendar days and within 24 hours of any rainstorm generating more than 0.5 inches of rainfall, the designated

Erosion Control Inspector shall conduct a thorough inspection of the site. At a minimum, each inspection shall include a visual inspection of all erosion control barriers, visual inspection of all temporary sediment traps and other erosion control measures, inspection of all stockpile areas.

- C. Inspection reports. Within one week of the completion of an inspection, the Erosion Control Inspector shall submit a report of findings to the Medway Conservation Commission. The contents of this report shall include, but are not limited to the form provided within the SWPPP.

Stormwater Management System

- 53) The applicant shall install the proposed stormwater management system as prescribed on the approved site plan and the Stormwater Report conforming to the Massachusetts Stormwater Management Standards.
- 54) The applicant shall follow all aspects and requirements for maintenance under the the O&M Plan and the LTPPP.
- 55) All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, stormwater management system operation and maintenance documents, and the Department of Environmental Protection Stormwater Management Policy and as follows:
- a. Catch basins shall be equipped with deep sumps, oil and gas traps, and shall be inspected and cleaned as outlined in the stormwater operation and maintenance plan submitted with the NOI. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.
 - b. All catch basin discharge points or other point source discharge points shall be riprapped to disperse stormwater energy.
- 56) All Stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions and as depicted on approved site plan.
- 57) Catch basins, once installed, during construction only shall be equipped with siltation sacks and shall be inspected and cleaned on a semi-annual basis. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.
- 58) During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 59) There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
- 60) All earthen berms to be constructed as part of a stormwater management system shall be

constructed as shown on the plan(s) to achieve the water quantity and water quality requirements approved by this Order of Conditions.

- 61) There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
- 62) Immediately upon the installation of the headwalls and riprap, compost socks shall be set and staked around the drainage structure inlets, to prevent sediments from entering the drainage system.
- 63) The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
- 64) The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and infiltration basins, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.
- 65) Post construction, the applicant shall maintain these areas and drainage system in accordance with the following schedule:
 - a. Street sweeping- roadways and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt and during any times were sediments are found on roadways exceeding normal use.
 - b. Catch basins - Accumulated sediments shall be removed from sumps when 50% or more full and floatable wastes shall be removed from the surface of every catch basin at least two times per year. Basins shall be inspected quarterly. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin that becomes damaged shall be repaired or replaced immediately upon discovery.
 - c. Drain Lines- after construction, the drain lines shall be inspected after every major storm for the first 12 months. Presence of silt or sedimentation would indicate more frequent maintenance of pre-treatment is required. Thereafter drainlines inspection once per year.
 - d. Sediment Forebay- after construction the sediment forbay shall be inspected monthly and cleaned 4 times per year or when sediment exceed 50% of the depth of the forebay capacity, sediment shall be immediately removed.
 - e. Bioretention Basin-during and after construction pretreatment devices and bio retention cels shall be regularly inspected for sedimentation build up, structural damage, and standing water. Inspect soil monthly and repair, mulch as needed. Removed and replace dead vegetation. Plant maintenance is critical. Water level shall be measured and corrective action taken if water does not drain in 72 hours following a storm.

- f. Infiltration Basin – after construction inspected twice annually. Inspections shall include measuring water levels. Water level shall be measured and corrective action taken if water does not drain in 72 hours following a storm.
- g. Snow storage – snow shall not be pushed or placed within any component of the stormwater management system.

The Conservation Commission members and the Conservation Agent shall have the right to enter the drainage easement area to inspect for compliance with these conditions. This condition shall remain in perpetuity.

- 66) The Stormwater Management System components for the project will be constructed as soon as possible in the construction sequence so as to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period. The basins will be constructed with temporary vertical riser pipes or other devices approved by the Conservation Commission, which will allow for separation of suspended material from the stormwater prior to its release from the ponds.
- 67) All components of the stormwater management system shall remain in proper working order at all time and shall adhere to the requirements of maintenance as sited in the LTPPP, this condition shall remain in perpetuity.
- 68) All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, and/or as prescribed within the O&M Plan, SWPPP, LTPPP and the Department of Environmental Protection Stormwater Management Standards.
- 69) All Stormwater best management practices shall be maintained and inspected as specified in this Order and/or Subdivision Operations and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions.
- 70) During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.
- 71) The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.

Construction

Erosion Control

- 72) For the duration of the project, the construction supervisor shall conduct daily inspections to evaluate the need for erosion control and/or stabilization. If such measures are indicated, the applicant or their agent shall immediately notify the Agent and/or the Commission and shall install sediment control measures as directed by the Agent and/or the Commission.

- 73) Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using removal procedures that the Commission finds satisfactory. 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 designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water.
- 74) Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line. All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas, and at a location sufficient to prevent sediment from entering wetland resource areas.
- 75) Erosion control devices may be augmented based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place and in good working order until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall. No portion of the erosion control barriers or mechanisms may be deleted without written authorization by the Commission or its Agent.
- 76) Subsequent to seeding, disturbed areas will be covered with a hay mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
- 77) If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass shall be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
- 78) Cement trucks or any other vehicles shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any such deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 79) Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any silt adjacent to the barriers shall be removed when it accumulates to half the height of the erosion controls.
- 80) All stockpiles of soils existing for more than seven days shall be surrounded by a row of staked straw bales, entrenched silt fence, or compost socks. The Agent has the right to require any piles be covered due to a pending precipitation event or recent precipitation event.

Grading/Landscaping/Slope:

- 81) Grading shall be accomplished so that runoff shall not be directed to the property of others outside the project area without mitigation as described in the project plans. This project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others outside the project area.
- 82) Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

Placement of Riprap and Stone:

- 83) Riprap material shall be clean and free of trash, tree stumps, roots, and other deleterious material.

Construction:

- 84) If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.
- 85) All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.
- 86) Upon beginning of work, the Project Supervisor or Clerk of the Works shall submit to a list of contact information for the site and signed document agreeing to comply with all conditions of this Order.
- 87) A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.
- 88) All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
- 89) Equipment for fuel storage and refueling operations shall be located in an upland area greater than 100 feet from the Bordering Vegetated Wetlands.
- 90) All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.
- 91) Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. No discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act.

If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission and/or the Agents for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area of Buffer Zone. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.

- 92) All exposed soil finish grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded or mulched with a layer of mulch hay or stabilized with proposed treatments as indicated on the approved plans. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods include, but not be limited to, hydro-seeding, straw mats, jute netting, sod or other Commission-approved method.
- 93) Erosion controls devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Commission has authorized their removal.

Perpetual Conditions

- 94) The following conditions were referenced in other sections of this Order and are to remain in perpetuity as referenced, those conditions are as follows, #65 and 67, which by reference are included into this section of the Order.
- 95) The applicant shall add a sign along the roadway on the drainage parcel that has language such as "No Dumping within the Stormwater Management System and/or Parcel" or other language approved by the Commission and/or its Agent.
- 96) Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into wetlands jurisdictional areas, or any component of the Stormwater Management System.
- 97) Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
- 98) Snow storage shall only be stored on approve locations as depicted on the approve site plans. Snow shall not be piled over any catch basins or any component of the stormwater management system.
- 99) The Riverfront Restoration Area, labeled as "Proposed Grassland" shall remain as a grassland once constructed, as depicted on the approved site plan titled, "Apartments at Glen Brook Way Phase 1 & 2" by Merrill Engineering and Land Surveyors, dated February 5, 2019.

Post-Construction

- 100) Once all construction on the site is complete and the applicant is certain all conditions of this Order have been met, then applicant shall supply documentation from a

Professional Engineer stating that all work performed has been completed per the approved site plan and/or that any alterations made without the consent of any permitting board, commission, or committee do not affect the stormwater management system and its original calculations provided under any of Medway's current issued permits or decisions. If deviations were made these changes shall be specified and shall be accompanied by calculations specifically related to how the project as it currently is constructed meets the Massachusetts Stormwater Management Standards along with the original calculations supplied within the approved Stormwater Report.

- 101) Once the site is stabilized to the satisfaction of the Commission, all fabric sedimentation fencing shall be removed and properly disposed of.
- 102) Upon completion of the project and stabilization of the site, after two growing seasons (monitoring of the grassland area), the applicant shall submit the following to the Commission:
 - (1) A completed Request for a Certificate of Compliance ("COC") (WPA Form 8a or other form if required by the Conservation Commission at the time of request) and associated fee.
 - (2) A letter from a Registered Professional Engineer or certified wetlands specialist certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential for adverse impact on wetland resource areas and buffer zones. Said certification shall also include a statement that the work is in "substantial compliance" with Parts I and II of the Order of Conditions.
 - (3) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
 - (4) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Commission by virtue of the Massachusetts Wetlands Protection Act and the Medway Wetlands Protection By-Law. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated Buffer Zones and regulatory setback areas taken from the plan(s) approved in the Order of Conditions;
 - (b) Distance(s) from any structures constructed under this Order to wetland resource areas and buffer zones: the term "structures" shall include, but not be limited to, all buildings, septic systems components, wells, utility lines, fences, retaining walls, and roads/driveways.
 - (c) A line delineating the limit of work actually performed—"work" includes any filling, excavating and/or disturbance of soils or vegetation under this Order.