

Commission Members
David Travalini, Chair
Ken McKay
David Blackwell
Dayna Gill
Tara Kripowicz



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 533-3292
bgraziano@townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
CONSERVATION COMMISSION

March 31, 2021

Mounir Tayara
135 Main Street, Suite 5
Medway, MA 02053

Dear Mr. Tayara,

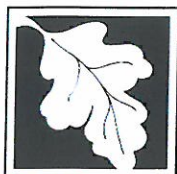
Enclosed is the wetland permit (Order of Conditions) issued **March 31, 2021 DEP #216-0972, #216-0973, #216-0974, #216-0975, #216-0976, #216-0977, #216-0978, #216-0979**. The appeal period is 10 days. No work should be performed prior to the end of the 10-day appeal period.

Please carefully read the Special Conditions. This permit must be recorded at the Norfolk Registry of Deeds please provide our office a check for \$106.00 x (8) made payable to the Norfolk County Registry of Deeds. Therefore, after the 10-day appeal period our office can complete the recording on your behalf. Please contact me for a mandatory pre-construction meeting.

We thank you for the opportunity to review this work and trusts that it will be carried out in such a way that protects our wetland resources. All Order of Conditions DEP #216-0972, #216-0973, #216-0974, #216-0975, #216-0976, #216-0977, #216-0978, #216-0979 shall **expire March 31, 2024**. If you have any questions, please contact me at bgraziano@townofmedway.org.

Sincerely,

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission



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:

216-0976

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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

36615

c. Book

b. Certificate Number (if registered land)

280

d. Page

7. Dates: February 25, 2021 March 25, 2021 March 31, 2021
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):

Conservation Permitting Site Plan - #7 Timber Crest Drive at Timber Crest Estates in Medway, MA

Outback Engineering

b. Prepared By

March 16, 2021

d. Final Revision Date

Christopher Vandenberghe PE no. 54907

c. Signed and Stamped by

1"=20'

e. Scale

Notice of Intent - 7 Timber Crest Drive, Medway, MA

f. Additional Plan or Document Title

February 25, 2021

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

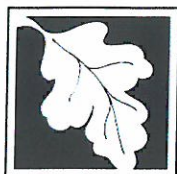
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). 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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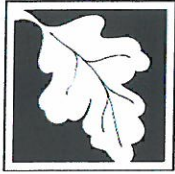
B. Findings (cont.)

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) 32
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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ 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. ☐ 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. ☐ 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. ☐ 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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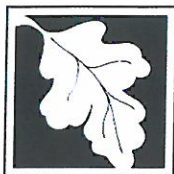
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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. <u>cu yd</u> nourishment	d. <u>cu yd</u> nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. <u>cu yd</u> nourishment	d. <u>cu yd</u> nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ 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 3/31/2024 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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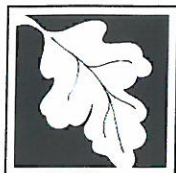
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C. General Conditions Under Massachusetts Wetlands Protection Act

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 216-0976 "
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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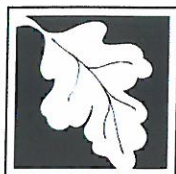
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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:

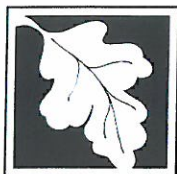
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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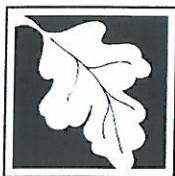
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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).

- 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:

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.

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.

3/31/21

1. Date of Issuance

5
2. Number of Signers

COVID - 19 Signature Authorization Bk . 37835 Pg 135

David A. Travelloni
Signature

David A. Travelloni
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

3/31/21

Date

Date



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COVID - 19 Signature Authorization Bk . 37835 Pg 135

Signature **David Travalini**
Digitally signed by David Travalini
 DN: cn=David Travalini, o=D, email=dttravalini@gmail.com, c=US
 Date: 2021.03.31 11:33:34 -0400

Printed Name

Signature **Ken McKay**
Digitally signed by Ken McKay
 DN: cn=Ken McKay, o=D, email=kmcay@massdep.state.ma.us, c=US
 Date: 2021.03.31 11:33:34 -0400

Printed Name

Signature **David Blackwell**
Digitally signed by David Blackwell
 DN: cn=David Blackwell, o=D, email=dblackwell@massdep.state.ma.us, c=US
 Date: 2021.03.31 11:34:12 -0400

Printed Name

Signature **Dayna Gill**
Digitally signed by Dayna Gill
 DN: cn=Dayna Gill, o=D, email=ngill@massdep.state.ma.us, c=US
 Date: 2021.03.31 11:34:15 -0400

Printed Name

Signature **Tara Kripowicz**
Digitally signed by Tara Kripowicz
 DN: cn=Tara Kripowicz, o=D, email=mkripowicz@gmail.com, c=US
 Date: 2021.03.31 11:34:16 -0400

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

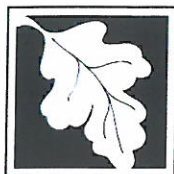
☐ by hand delivery on

☒ by certified mail, return receipt requested, on

3/31/21

Date

Date



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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.



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:

216-0976

MassDEP File #

eDEP Transaction #

Medway

City/Town

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
Request for Departmental Action Fee
Transmittal Form

DEP File Number: _____

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: _____

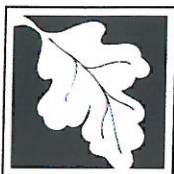
Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



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



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

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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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 MASSACHUSETTS WETLANDS
PROTECTION ACT AND THE REGULATIONS 310 CMR 10.00
PROJECT SITE: 7 Timber Crest Drive Map 14 Lot 005-0011
MEDWAY, MASSACHUSETTS
DATE: March 31, 2021

PROJECT APPLICANT: Timber Crest Estates – Mounir Tayara
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 single family dwelling, (b) driveway, (c) landscaping, and (d) stormwater management – roof run-off required under 310 CMR 10.05 (6) (k-q) for the subdivision.
- B. The lot consists of forested lot with Bordering Vegetated Wetlands and associated 100’ buffer zone under the Massachusetts Wetlands Protection Act and its Regulations.
- C. The proposed project was granted a waiver of the Medway General Bylaw Article XXI by the Zoning Board of Appeals under an approved Comprehensive Permit issued on May 31, 2017, as modified. This Order of Conditions is therefore issued only under the Massachusetts Wetlands Protection Act and its Regulations. The Commission finds that the proposed project is the first phase of the home construction (1W) but this part of the approved subdivision (infrastructure only) under DEP #216-0914. Therefore, stormwater management standards apply for the construction of each unit within the subdivision, as stormwater for this units were not accounted for in the DEP #216-0914 filing.
- D. The applicant has only accounted for the impervious surface proposed within the Notice of Intent filed and therefore any additional impervious surface shall have the Massachusetts Stormwater Management Standards applied under 310 CMR 10.02(5) and 310 CMR 10.05(6)(k-o), as this permit does not authorized or allow the segmentation of this project or future projects in such a way to allow circumventing of the Massachusetts Wetlands Protection Act and its authority to impose the Massachusetts Stormwater Management Standards, as specifically referenced under 310 CMR 10.05(6)(n).
- E. Submitted documents consist of (a) “Notice of Intent – 7 Timber Crest Drive, Medway, MA” by Goddard Consulting, dated February 25, 2021, (b) site plan titled, “Conservation Permitting Site Plan #7 Timber Crest Drive – Timber Crest Estates Medway, MA: by Outback Engineering, dated February 11, 2021, final revision March 16, 2021.
- F. The Commission hereby finds that the work proposed for the construction of a single family dwelling with driveway, utility installation, and installation of stormwater management in the form of roof run-off was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity if conditioned meets the provisions under 310 CMR 10.02 (2) (b) & (3), 310 CMR 10.02(5) and 310 CMR 10.05 (6) (k-o).
- G. 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.
- H. 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 Massachusetts Wetlands Protection Act:

1. Groundwater Supply
2. Flood Control
3. Storm Damage Prevention
4. Prevention of Pollution
5. Protection of Flora and Fauna and their Habitats
6. Erosion Prevention

- I. 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:
 - i. 25’- 100’ buffer zone of Bordering Vegetated Wetlands
 2. Additional General Findings:
 - i. This Order protects the interests specified in the Wetlands Protection Act. 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 currently not 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 currently subject to the Department of Environmental Protection’s Stormwater regulation and policy. The single family home is required to comply with the Stormwater Management Standards, as this is part of a development exceeding one acre in total. The Order of Conditions DEP #216-0914 for roadways and infrastructure only accounted for the roadway, driveway, and stormwater system for the infrastructure.

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 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.

SPECIAL CONDITIONS:

- 4) Prior to the commencement of work erosion controls shall be installed and consist of compost socks and siltation fencing (not straw wattles). These shall be installed according to the approved site plan titled, “Conservation Permitting Site Plan #7 Timber Crest Drive – Timber Crest Estates Medway, MA: by Outback Engineering, dated February 11, 2021, final revision March 16, 2021 (hereafter known as the approved site plan) and then inspected by the Conservation Commission and/or its Agent. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 5) All work shall be conducted in accordance with the approved plan site plan and the conditions of this Order.
- 6) The Conservation Commission and/or its Agent reserve 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 authorized under this Order.
- 7) No leaves, lawn clippings or landscaping materials, organic or non-organic may be placed within the wetland resource or the 0-15’ buffer zone. This condition shall remain in perpetuity.
- 8) **No use of pesticides, herbicides, fungicides or insecticides** is permitted within the Buffer Zone and only the use of slow-release organic granular type fertilizer is allowed in the Buffer Zone. This condition shall remain in perpetuity.

- 9) The applicant shall submit install sub surface infiltrators per the approved site plan titled, "Conservation Permitting Site Plan #7 Timber Crest Drive – Timber Crest Estates Medway, MA: by Outback Engineering, dated February 11, 2021, final revision March 16, 2021. The Agent and/or the Commission shall approve all phases of installation prior to moving to the next. The applicant shall contact the Agent and/or the Commission for an inspection of the bottom of excavation, then once the system is installed and wrapped the applicant shall contact the Agent and/or the Commission for an inspection of the placement of the system prior to backfill. After the Agent and/or Commissioner approves the excavation maybe backfilled.
- 10) 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, and compliance with RCS-1 Standards. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emmissions, 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 Mass DEP 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.

- 11) The applicant shall install granite bounds 25' from the wetland resource flag WF-8, depicted on the site plan titled, "Conservation Permitting Site Plan #7 Timber Crest Drive – Timber Crest Estates Medway, MA: by Outback Engineering, dated February 11, 2021, final revision March 16, 2021. The markers shall be at least 2 feet above ground level and at least 4 inches square. Locations of markers shall be located in field with wooden stake and approved by Agent and/or the Commission prior to installation. These markers shall remain on site permanently and may not be removed by the present or any future property owner. This conditions shall remain in perpetuity.
- 12) The applicant shall supply all costs associated with services provided by a Consulting Engineer for the review and oversight related to, but not limited to, the following construction Services – Inspection of all site work related to the construction of the stormwater management system by the Town's Consulting Engineer is required. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Applicant shall pay a construction services/consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Medway Conservation Commission, until the road construction and stormwater drainage system and other utilities are completed and the as-built and a Certificate of Compliance has been granted determining the infrastructure to be satisfactory in compliance with this Order. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.
- 13) 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.
- 14) Any Homeowners Association and/or Condominium Association formed per the Zoning Board of Appeals Decision under the Comprehensive Permit issued May 31, 2017 or subsequent dates, shall be supplied with the following documents Approved Site Plans, Order of Conditions, conditions in perpetuity, Operations and Maintenance Plan for subsurface infiltrators and other documents. Any persons within the Homeowners Association and/or Condominium Association shall submit written documentation acknowledging the receipt of the above mentioned documents and that they are aware of they shall not dump or alter any locations beyond set (granite) bounds (required under

this Order) without the written authorization of the Conservation Commission. This condition shall remain in perpetuity

Administrative

- 15) 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.
- 16) 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 Norfolk 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.
- 17) 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.
- 18) 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.
- 19) 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.
- 20) 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.
- 21) A copy of this Order shall be provided to the project supervisor and shall be available on the site at all times during construction, until completion.
- 22) 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.

Pre-Construction Requirements

- 23) Prior to the commencement of work, the applicant shall stake out the erosion control line and determine, if possible, trees along this line which can be protected during construction. The applicant shall contact the Agent and/or Commissioner to review this

line and make a collaborative decision on which trees can be retained (protected) during construction.

- 24) Prior to the commencement of work erosion controls shall installed and consist of compost socks and siltation fencing (straw wattles are NOT AUTHORIZED). These shall be installed according to the approved site plan titled, "Conservation Permitting Site Plan #7 Timber Crest Drive – Timber Crest Estates Medway, MA: by Outback Engineering, dated February 11, 2021, final revision March 16, 2021 (hereafter known as the approved site plan) and then inspected by the Conservation Commission and/or its Agent. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 25) 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.
- 26) The contractor employed to conduct construction activities at the site shall be provided a copy of this Order. Said contractor and the owner can be held jointly responsible for any violation of this Order.
- 27) 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.
- 28) Prior to commencement of work, the applicant shall flag trees along the approved erosion control line to be protected, which shall be reviewed with the Agent and/or the Commission, prior to tree removal.

Erosion

- 29) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal.
- 30) Immediately after installation of erosion control measures and any dewatering areas, but before any other work occurs the Commission and/or its Agent shall be notified in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission and/or its Agent has inspected and approved the installation of the erosion controls.
- 31) Erosion controls and limit of work lines shall be installed as proposed in the Notice of Intent with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation.
- 32) It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance.

- 33) The areas of construction shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls shall be inspected daily and, as necessary, promptly repaired, reinforced, or replaced.

Construction

- 34) The applicant shall not place stockpiles closer than 25' to any wetland resource and all stockpiles shall be within the limit of work approve by the Commission.
- 35) 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.
- 36) 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 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.
- 37) 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.
- 38) Landscaping within resource areas or buffer zones shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.
- 39) All proposed landscaping within the Commission jurisdiction shall only consist of planting and vegetation native to New England and specifically native to Massachusetts. There shall be no plantings or vegetation within the Commission jurisdiction that is a cultivar or cross breed tree or shrub. The applicant shall submit a Landscaping plan to the Commission for approval prior to the issuance of a Certificate of Occupancy and prior to any planting of vegetation within the Commission's jurisdiction. The Landscaping Plan shall be approved by the Agent and/or the Commission.
- 40) Once foundations are complete the applicant shall submit to the Commission an As-Built Plan of the foundation to ensure that the location of the foundation is consistent with the approved plans.

Stormwater

- 41) The applicant shall contact the Conservation Commission to set up a site visit for the

Agent and/or the Commission to inspect the following components of the stormwater management system; bottom of excavation, chamber installation, wrapping of chambers and other components of the system as required by the Agent. If the applicant does not comply with this conditions, the system may be required to be re-excavated in order for the Agent to complete a proper inspection.

- 42) The applicants, owners, and their successors and assignees shall maintain all 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.
- 43) The roof subsurface infiltrators shall be inspected regularly and cleaned as necessary. The applicant shall not disconnect the gutter from the subsurface infiltrator and overflows must be placed on all gutter connections.
- 44) The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system.
- 45) The applicant and its successors shall submit inspection reports to the Medway Conservation Commission every 5 years for the roof run-off subsurface infiltrators. This condition shall remain in perpetuity.

Post-Construction

- 46) Once the site is stabilized to the satisfaction of the Commission, granite bounds are in, and all fabric sedimentation fencing shall be removed and properly disposed of once approved by the Commission and/or Agent.
- 47) Upon completion of the project, 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.