



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:  
216-0854  
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

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



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

Jeffery Robinson  
a. First Name b. Last Name  
Medway Land Ventures, LLC  
c. Organization  
2051 Greenhouse Road Suite 300  
d. Mailing Address  
Houston TX 77084  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

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

5. Project Location:

259, 261, 261R and 263 Village Street Medway  
a. Street Address b. City/Town  
69 014  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude, if known: 42d14m00s 71d41m00s  
d. Latitude e. Longitude



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Norfolk  
a. County  
16653  
c. Book  
b. Certificate Number (if registered land)  
034  
d. Page  
7. Dates: amendment 10/31/19 November 21, 2019 November 25, 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):  
"Construction Documents - Campus Drainage: Sheet C1, C24-27 and C58  
a. Plan Title  
Coneco Engineering John Spink PE #30097  
b. Prepared By c. Signed and Stamped by  
C1(10/22/19), C24-27 (8/21/19, 8/9/19, 9/5/19) and C58 (9/5/19) 1"=40'  
e. Scale  
Construction Documents-Construction Details 11/18/19  
f. Additional Plan or Document Title g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

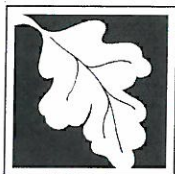
- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.





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**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0  
a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>849</u> a. square feet	<u>843</u> b. square feet	<u>2,000</u> c. square feet	<u>2,000</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>16,151</u> a. square feet	<u>16,151</u> b. square feet	<u>21,511</u> c. square feet	<u>21,511</u> d. square feet
Cubic Feet Flood Storage	<u>9946.8</u> e. cubic feet	<u>9946.8</u> f. cubic feet	<u>16337.7</u> g. cubic feet	<u>16337.7</u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>56, 533</u> a. total sq. feet	<u>56, 533</u> b. total sq. feet		
Sq ft within 100 ft	<u>0</u> c. square feet	<u>0</u> d. square feet	<u>0</u> e. square feet	<u>0</u> f. square feet
Sq ft between 100-200 ft	<u>56, 533</u> g. square feet	<u>56, 533</u> h. square feet	<u>0</u> i. square feet	<u>0</u> j. square feet



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**B. Findings (cont.)**

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

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

2

0

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 3/31/2019 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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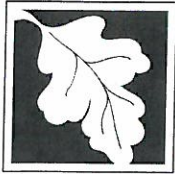
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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            216-0854            "
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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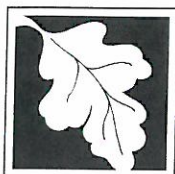
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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.)**

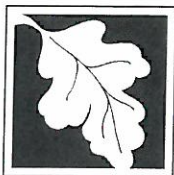
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type 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

Article XXI

1. Municipal Ordinance or Bylaw

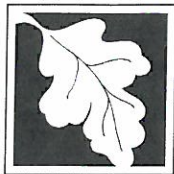
2. Citation

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):

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).





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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  
*Keith Dwyer* Keith Dwyer  
*Scott Salvucci* Scott Salvucci

*Not a Traveler* David A. Traveler

11/25/19  
1. Date of Issuance

4  
2. Number of Signers

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

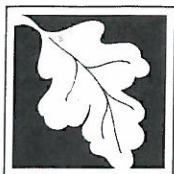
Date

## 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

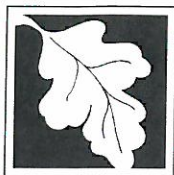
If recorded land, the instrument number identifying this transaction is:

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.







**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**Request for Departmental Action Fee**  
**Transmittal Form**

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

DEP File Number: \_\_\_\_\_

Provided by DEP

**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.

**Amendment to the Order of Conditions**  
**Findings and Conditions for Salmon Retirement Community, DEP File # 216-0854**  
**259, 261, 261R, 263 Village Street, Medway, MA**  
**Assessor's Map 69 Lot 014, 021, 013-0001, 015-0001**  
**Original Order Issued: March 16, 2016**  
**Extension to Order Granted Until: March 31, 2022**  
**Amended Order Issuance Date: November 25, 2019**

**Findings:**

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-0854:

- a) The boundaries of Wetland Resource Areas considered in this Notice of Intent review were defined by a combination of methods:
  - Bordering Vegetated Wetlands, Riverfront, Certified Vernal Pools, and Bordering Land Subject to Flooding were defined during the Abbreviated Notice of Resource Area Delineation (ANRAD) process;
  - Potential Vernal Pool was defined under a Wildlife Habitat Evaluation with an agreement reached by the applicant and the Town of Medway;
  - Bordering Land subject To Flooding (elevation changes along path of Charles River, (elevation 167, 166 and 165+/-) boundaries were determined based upon information submitted by the applicant and the Commission's consultants.
- b) All documents listed in Appendix A of this Order shall be the documents of record and shall be used for all construction of this proposed project.
- c) Notwithstanding the fact that the Massachusetts Wetlands Protection Act Regulations do not recognize vernal pool habitat in upland areas as a protected Interest under the Act, the Commission finds that there is scientific support for the existence and need to protect vernal pool habitat in uplands as well as wetlands, as recognized under the local Medway Wetlands Bylaw. Therefore the Commission under Section 6 of the Medway Wetlands Bylaw Regulations require a 100' No Alteration Zone, which is adhered to for this project for Certified Vernal Pools. A Potential Vernal Pool on the property also is granted a 100' No Alteration Zone based on Section 6 of the Medway Wetlands Bylaw Regulations, however, the Commission allowed a 1, 623 square foot impact for a road to the main building. Therefore, Section 6 of the Regulations was waived for construction of main roadway only.
- d) The Commission hereby finds that the work proposed for construction of an health care facility with main building, pavilion, cottages, stormwater management system, wetlands replication, compensatory flood storage, two stream crossings, was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity shall have no impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2) (b) & (3), 310 CMR 10.05(4), 10.54 (4), 10.55 (4), 10.56(4), 310 CMR 10.57(4)(a) 1, 2, 3, and 310 CMR10.58 (4) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.01, 3.02, 3.03, 3.04, Section 4, Section 5 and Section 6. Additionally, the applicant demonstrated that the proposed work within the 0-100' of the Riverfront Area will be mitigated for in the form of invasive species removal to meet performance standards under 310 CMR 10.58 (4). Additionally, the Commission granted a waiver of the 0-25' No Disturb Setback for temporary disturbance for grading, this was agreed as the alternative for retaining walls would have impacted wildlife habitat and its functionalities. Therefore the Commission waved the 0-25' No Disturb in specific locations on the site, as noted on approved plans.
- e) Additionally, the Commission hereby finds that the proposed amendment to the stormwater management system was presented at this public hearing, where the applicant has presented evidence sufficient to demonstrate that the proposed work meets the provisions under 310 CMR 10.02 (2) (b) & (3), 310 CMR 10.05(6) (k-q), and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.01, 3.02, 3.03, 3.04, Section 4, and Section 5.
- f) 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.
- g) 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.

- 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 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

h.) 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:
    - ii. 25’ - 100’ buffer zone of Bordering Vegetated Wetlands
    - iii. Bordering Vegetated Wetlands
    - iv. Bank
    - v. Bordering Lands Subject to Flooding
    - vi. Intermittent Stream
    - vii. 100’-200’ Riverfront Area
    - viii. 0-25’ No Disturb Setback (requested waiver for portions of project)
    - ix. 0-100’ Riverfront (trails and canoe launch only-no structures)
  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 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.



## **I. General Conditions**

1. A Conservation Commissioner, agent 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 acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that any of the work is not in 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.
2. 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.
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. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. Any Order not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.
5. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
6. 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, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
7. If any changes are made in the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under G.L. Ch. 131 §40 or the Medway General Bylaw Article XXI, the applicant shall inquire from this 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 procedures shall be followed.
8. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Commission's jurisdiction under the Order, agree that the Order does not in itself impose upon the Town any responsibility to maintain the proposed drainage system and that the Town of Medway shall not be liable for any damage in the event of failure. By acceptance of this Order, the owners agree to indemnify and hold harmless the Town of Medway and its residents for any damages attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage. This condition shall remain in perpetuity.
9. 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.
10. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
11. Should issuance of additional permits result in a change in the project, the provisions of condition #7 apply, regarding the process for plan amendments.
12. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. 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.



13. There shall be no pumping of water from wetland resource areas.
14. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from intermittent streams, Bordering Vegetated Wetlands and all Vernal Pools (regardless of state status), 200 feet from rivers, and not within Bordering Land Subject to Flooding.
15. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
16. Any debris or "dumped" material existing or future that is located in wetland resource areas, Riverfront, or buffer zones shall be removed by the applicant prior to the issuance of the Certificate of Compliance.
17. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas.
18. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under Massachusetts Wetlands Protection Act:
  - 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.
19. Any other work within 100 feet of intermittent streams, Bordering Vegetated Wetlands and Vernal Pools (or 200 feet from any river) not expressly permitted under this Order will require notification to, and determination by the Commission whether a new Notice of Intent or Request for Determination of Application must be filed with the Commission.
20. In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.
21. 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, 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 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.

22. 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.
23. 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.
24. The applicant and its successors agree that they shall not request any additional alteration of the 0-25' No Disturb Setback and 100' vernal pool No Disturb Setback, regardless of the proximity of structures to the limit of work line approved under this Order. This includes but is not limited to landscaping and maintenance, removal of vegetation of any type, construction of any type of structure, etc. The site is considered to be developed to the maximum extent, where the applicant has purposely placed structures in close proximity to No Disturb Setback and/or jurisdictional areas under the Medway General Bylaw Article XXI and its Regulations. This condition shall remain in perpetuity.
25. This Order does not allow the filling of additional wetlands resources, beyond what is approved and noted within the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Site Plans", by Coneco Engineering, dated February 18, 2016 and complies with the performance standards under 310 CMR 10.54, 10.55, 10.57, and 10.58. This Order does not allow the filling of any wetlands resources for the construction of trails, canoe launches, or other recreational activities noted for construction within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, intermittent streams, Bank, perennial streams or Riverfront Areas.

## II. Prior to Construction



26. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing DEP file No. 216-854.
27. 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.
28. 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.
29. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting if absolutely necessary in order to stake the approved erosion control and limit of work lines where required.
30. 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.
31. Prior to any work on site, the applicant shall submit to the Commission and/or its Agent for its review and approval a Stormwater Pollution Prevention Plan or (SWPPP).
32. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. 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.
33. Immediately after installation of erosion controls, the Conservation Commission shall be contacted 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 or its Agent has inspected and approved of the installation of the erosion controls.
34. Prior to any work on site, the proposed limits of work shall be clearly marked with stakes or flags and shall be confirmed by the Conservation Commission. Wherever the limit of work is located within wetland Buffer Zone or Riverfront Area, said limit of work shall, in addition to all required erosion control barriers, include a continuous line of 4 foot tall, highly visible construction fencing. Such fencing shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
35. Prior to commencement of construction on site, the Bordering Vegetated Wetlands, Vernal Pools, intermittent stream and perennial stream lines 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.
36. The applicant shall notify the Conservation Commission in writing at least five (5) 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.



37. 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.
38. No work for the construction of Wetlands Replication Areas, Compensatory Flood Storage shall take place without the **Environmental Monitor present**.
39. It is the responsibility of the applicant to procure and comply with all other applicable federal, state and local permits, approvals, and guidelines associated with the project. A copy of the filed NPDES permit with approval shall be submitted to the Commission prior to the commencement of work. These regulations, guidelines, and permits may include but are not necessarily limited to the following:
- EPA Phase II Stormwater Regulations and NPDES Permit
  - 401 Water Quality Certification
  - Army Corps of Engineering 404 Clean Water Act (Self Verification Form submitted)
40. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
- A set of **photographs** depicting the project site in pre-construction condition.
  - A **clearing plan** showing areas to be cleared and areas to be left in a natural state
  - A **project/construction-sequencing plan**
  - 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 and this Order.
41. Prior to construction the applicant shall submit a bond for the amount of \$10, 000 to the Town of Medway for the construction of the wetlands replication areas, as prescribed under the document titled, "Wetlands Replication Area Design" by BSC Group and dated revised February 2, 2016. The bond shall be posted as required in Condition # 178.

### III. Erosion Control Inspection and Monitoring

42. 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 site plans 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. 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 two weeks and within 24 hours of a rain event of > 0.5" inch within any 24 hour period, 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, inspection of intermittent streams, the vernal

pool wetland adjacent to the development, and the Main Building. Inspections shall include turbidity monitoring as described below.

- C. Precipitation Monitoring: The applicant shall obtain and maintain in good working order at the site a precipitation gauge. The applicant shall maintain a daily log of precipitation at the site, and make the log available for inspection.
- D. Turbidity measurements. Turbidity measurements shall be made as part of every required inspection utilizing an appropriately calibrated field turbidity meter operated by the Erosion Control Inspector. Turbidity shall be measured and reported as Nephelometric Turbidity Units (NTU) or equivalent. Turbidity measurements shall be made on representative samples of surface water collected at the following locations at a minimum (at the discretion of the Inspector, additional turbidity measurements may be made, with all inspection results to be reported to the Commission):
  - a. Both intermittent stream:
    - Upstream of all site activity (both intermittent streams)
    - Upstream and Downstream of Crossing #1
    - Upstream and Downstream of Crossing #2
  - b. Vernal Pool Wetland adjacent to cottages and main building
    - At confluence of Certified Vernal Pool #1 and intermittent stream
    - Certified Vernal Pool #2
    - Potential Vernal Pool #1 (at Main Building)
    - At approximate midpoint of Certified Vernal Pool #1 and #2
  - c. Outlet pipe into Charles River
- E. 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 following:
  - a. Summary of site status with respect to construction phases and erosion control measures.
  - b. Summary of erosion control measure maintenance and additions conducted during the period since the last inspection.
  - c. A list of any and all recommended measures for maintenance, repair, or improvement of erosion control measures.
  - d. The results in tabular form of turbidity monitoring.
  - e. Each inspection report shall contain the following certification signed by the Erosion Control Inspector:

“With only the following exception(s) noted herein, it is my professional opinion that:

    - 1. Work on the site is being conducted in compliance with the Order of Conditions and other regulatory requirements and approvals related to environmental protection.
    - 2. The erosion control barriers and other erosion control measures are functioning as intended, are being maintained adequately, and are in a condition to continue to function as intended.
    - 3. I observed no impacts of sedimentation, physical disturbance, or other alteration of wetland resource areas, including open water areas and vegetated wetlands, on the site.

#### IV. Phasing



43. Work shall not commence in any wetland resource areas approved to be altered until the proposed wetlands replication area is excavated to the proposed base grade.
44. Filling of Bordering Lands Subject to Flooding shall not commence until the compensatory flood storage areas are excavated to the proposed grade.
45. Phasing and Construction sequence shall comply with all approved plans and documents.
46. Work associated with construction of crossings shall be done during dry conditions (summer months) where possible.
47. Phasing and restoration sequence shall comply with all approved plans and documents as well as the actions listed in the following conditions.

#### V. Staging Areas

48. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and buffer zones. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
49. An **area for cleanup and or maintenance of construction equipment** shall be designated prior to construction.
  - a. Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped in, any on-site drainage system or in any area subject to protection under the Mass. Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas and buffer zones. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - b. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.
50. Prior to commencing any work on the site the applicant shall install a stone construction entrance (**tracking pad**) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".
51. All **construction equipment** employed in the resource areas or buffer zones thereto shall be **properly maintained** and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluids, etc.
52. **No fuel, oil, or other pollutants shall be stored** in any resource area or the buffer zone thereto, unless specified in this Order of Conditions.

#### VI. During Construction

53. 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.
54. 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.
55. 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.
56. 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 and demarcated in the field by the flagging and construction barriers installed. 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.

57. Prior to construction of dwelling units in the Buffer Zone, stormwater basins and temporary sediment traps necessary to collect runoff from the area of each dwelling shall be in place.
58. For all work to construct structures (buildings/living units), including any land disturbance, is proposed within the Buffer Zone or along the 100' Vernal Pool No Alteration Zone (line), immediately upon completion of the dwelling foundation and prior to further construction activities, the applicant shall complete a plan prepared by a Registered Professional Land Surveyor of the Commonwealth which accurately depicts the foundation location and specifically notes its proximity to wetland resource areas as approved under this Order of Conditions. Said plan shall be submitted to the Conservation Agent for approval prior to additional construction activities on the dwelling.
59. Equipment for fuel storage and refueling operations shall be located in an upland area greater than 100 feet from the Bordering Vegetated Wetlands, Certified and Potential Vernal Pools and not within the Riverfront Area.
60. Compensatory flood storage and Wetlands Replication shall be constructed prior to any filling of Land Subject To Flooding and Bordering Vegetated Wetlands.

Erosion Control:

61. 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 breeches of the erosion control barriers by sediment or silt-laden water.
62. 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.
63. Placement of erosion controls shall be directed at the site by the Erosion Control Inspector in order to ensure that no sedimentation will reach wetland resource areas and the erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Orders of Conditions. Choice of suitable silt fence materials should be based on the design specifications listed by various manufacturers, and in accordance with the approved Site Plans and Details.
64. 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. With the exception of dewatering effluent discharged into a detention basin, 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. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures. A sedimentation basin shall be constructed within one of the site's proposed infiltration basins to entrap any soils that may be eroded during construction dewatering.
65. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction. At a minimum, this shall include erosion control blankets, 100 straw bales and 500 feet of siltation fence.
66. The Commission reserves the right to impose additional conditions on portions of this project to mitigate



any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

67. 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 should be inspected at this time, and repaired, reinforced or replaced as necessary.
68. 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.
69. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. 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 may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.
70. 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.
71. If soil piles that are present 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 erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
72. All existing and proposed catch basins and oil traps on the site or within the portion of Village Street that receives runoff from the project site and/or within Medway shall be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.
73. Cement trucks 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.
74. 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 two inches in depth.
75. All stockpiles of soils existing for more than one day shall be surrounded by a row of staked straw bales or entrenched silt fence, and shall be covered.
76. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

Grading/Landscaping/Slope:

77. Site grading and construction in areas of potential inundation shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid



erosion and siltation of the wetlands.

78. 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.
79. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, except areas of ongoing construction activity, in which case such areas shall be stabilized with vegetation as soon as possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
80. Loaming and seeding will occur as soon as possible and not more than 14 days following final grading unless occurring outside the growing season. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days, unless the 90 days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted. Seed stock to restore project within denuded areas shall conform to the approved plans.
81. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.
82. All slopes within the 0-25' No Disturb Setback are proposed to be stabilized and planted with native vegetation. These areas shall not be part of any landscaping and maintenance plan. This conditions shall remain in perpetuity.
83. The applicant and its successors shall not prescribe or perform any landscaping or maintenance of any areas within the 0-25' No Disturb Setback, 100' vernal pool No Alteration Setback, and the 0-100' buffer zone and 0-200' riverfront, and any vernal pools (potential or certified) unless located within a permanent approved locations within the limit of work. This condition shall remain perpetuity.
84. All structures that have been approved for locations at or on the limit of work line shall not have any additional alterations of any buffer zone, riverfront and/or resources area, this includes but is not limited to landscaping, maintenance, IPM Program implementation, removal of trees or any type of vegetation. The applicant and its successors agree that they shall not request to remove any type of vegetation within the 0-25 No Disturb Setback or 100' Vernal Pool No Alteration Setback as this was the choice of the applicant to place structures in such close proximity to a sensitive protected resources which is prohibited from alteration. This condition shall remain in perpetuity.
85. The applicant shall slopes that are 2:1 inside of the 25' No Disturb Setback shall be stabilized using erosion control blankets where slope is seeded prior to erosion control blanket placement with a native seed mix approved by the Conservation Commission and/or its Agent prior to application.

#### Placement of Riprap and Stone:

86. Riprap material shall be clean and free of trash, tree stumps, roots, and other deleterious material.
87. Crushed stone of uniform size or erosion control mats shall be used for temporary construction roadways.

### **VII. Wetland Replication and Restoration Conditions**

#### **Overall Conditions**

88. The Applicant shall not fill more than 849 square feet of Bordering Vegetated Wetlands and 1, 045 square feet of Isolated Vegetated Wetlands (under bylaw only).
89. Applicant must **replicate approximately 2, 000 square feet of wetland to the southwest side of the proposed street named Waterside Run**. Failure to adequately comply with this requirement shall be deemed to be a violation of the conditions of this Order and a Certificate of Compliance shall not be granted.
90. Applicant must **reestablish wetland soils and native wetland vegetation** to restore the functions and values of the lost area. All work shall be performed in accordance with the document titled, "Wetlands Replication Area Design Salmon Health and Retirement Community Medway", by BSC Group, dated (revised) February 2, 2016 **and the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Plans" by Coneco Engineering, dated (revised) February 18 2016**



91. Prior to work commencing, the Applicant shall follow all requirement of the document titled, "Wetlands Replication Area Design Salmon Health and Retirement Community Medway", by BSC Group, dated (revised) February 2, 2016. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55 (4) (b).
92. The wetland replication and restoration shall be performed in accordance with the document titled, "Wetlands Replication Area Design Salmon Health and Retirement Community Medway", by BSC Group, dated (revised) February 2, 2016 **and the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Plans" by Coneco Engineering, dated (revised) February 18 2016.**
93. **A Wetland Specialist** shall be retained by the Applicant to supervise construction and monitor progress of the wetland replication areas until the replication area meets the requirements of this Order of Conditions. The resume, name, e-mail address and cell phone number of the proposed Wetland Specialist shall be provided to the Conservation Agent. This person shall be a competent qualified professional that has worked in the Environmental Field for over 10 years with experience in wetland replication, wetland hydrology and a working knowledge of botany and shall be approved for selection by the Agent and/or the Commission prior to retaining the services of this person.
94. The siltation barriers shall serve as the **limit of work** delineation for project activities. The proposed erosion controls for the wetlands replication area shall consist of compost socks and shall not cause additional alterations to jurisdictional areas. No disturbance to adjacent wetland resource areas resulting from work on the project shall occur during or after construction of the replication area.
95. The Commission shall be given 5 business days **notice prior to the beginning of construction** of the replication and restoration areas.
96. Prior to excavation of the proposed replication area, **proposed grades shall be staked** by licensed land surveyors, indicating cuts necessary to achieve grades as shown on the plans. The extent of cut should include necessary over-excavation to allow for backfill of high organic mineral soils or clean loam materials.
97. **Siltation barriers** in the form of compost socks shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.

#### **Details of Installation**

98. The area of wetland replication shall be excavated and **graded to a depth below** the proposed contours shown on the site plan to accommodate a sufficient depth of high organic mineral soil of clean A Horizon loam.
99. Replication of vegetation shall be similar to the area lost in terms of species composition, and cover and structure of dominant species, unless modified by the Commission. Only native plant species may be placed in the replication area as identified in the document titled, "Wetlands Replication Area Design Salmon Health and Retirement Community Medway", by BSC Group, dated (revised) February 2, 2016 and the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Plans" by Coneco Engineering, dated (revised) February 18, 2016.
100. The replication area shall be **constructed as described in the approved plans and documents** and in the following manner:
  - a. The area shall be **excavated** and graded to a sufficient depth below the proposed contours shown on the site plan to enable the required depth of topsoil to be added.
  - b. The adjacent **slopes shall be graded** as shown on the plan with the topsoil stockpiled.
  - c. Grades must be **verified by a licensed land surveyor and shall not be lower than high seasonal groundwater**. Field adjustment shall be made in the field to ensure that the grade and vegetation to be installed is not under water during seasonal high groundwater, this shall be approved by the Agent and/or the Commission in collaboration with the hired wetlands scientist.
  - d. **High organic mineral soils** shall be placed in the wetland replication after grades have been verified by a licensed land surveyor.



- e. Planting or seeding shall occur after final grades are surveyed by licensed land surveyors to ensure that grades have been achieved as shown on the plan.

#### **Following Installation**

101. A **weeding program** must be implemented to maintain the restoration and replication areas. The goal of this program is keep these areas free of weedy and invasive species. Species to be removed by hand shall include all species identified on the Invasive Species List distributed by the Massachusetts Division of Fisheries and Wildlife. In addition, cat-tails shall be considered an invasive species. The weeding program shall begin within one month of replication/restoration installation and continue at a minimum of twice per growing season until a Certificate of Compliance is issued for the project. The weeding program shall be completed as prescribed in the document titled, "Wetlands Replication Area Design Salmon Health and Retirement Community Medway", by BSC Group, dated (revised) February 2, 2016.
102. Following construction of the replication area, the **Wetland Specialist shall certify** to the Commission that the area has been constructed in compliance with approved wetland replication plan(s) and this Order of Conditions. Such certification shall be accompanied by a plan showing the limits of the replication area and final grades as surveyed by a licensed land surveyor, which meet grades shown on the plans approved in this Order of Conditions.
103. **Seasonal monitoring reports** shall be prepared for each of the replication and restoration areas by a qualified wetland scientist for a period of 2 additional years after installation. This monitoring program will consist of spring and fall inspections which will include photographs and documentation that details the vitality of the restoration and replication areas. Monitoring reports shall be submitted to the Commission within 30 days of each monitoring effort (i.e., by June 15<sup>th</sup> and by October 15<sup>th</sup>). Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication/restoration areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers).
104. Wetland regulation (310 CMR 10.55 (4) (b) (6) requires that **at least 75% of the surface area** of the replacement area be re-established with indigenous wetland plant species within two growing seasons. If the restoration and replication areas do not meet the 75% re-vegetation requirement by the end of the second growing season after installation, the Applicant shall submit a remediation plan to the Commission for approval that will achieve, under the supervision of a Wetland Specialist, replication/restoration goals. This plan must include an analysis of why the areas have not successfully re-vegetated and how the Applicant intends to resolve the problem.
105. Any **damage caused** as a direct result of this project to any wetland resource areas, except as permitted by this Order, shall be the responsibility of the Applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.

#### **VIII. Compensatory Flood Storage**

106. The Applicant shall complete all required compensatory flood storage for the loss of Bordering Land Subject to Flooding (BLSF) prior to filling of BLSF as proposed within the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Site Plans" dated June 12, 2015 and revised February 18, 2016.
107. All locations where compensatory flood storage is being provided shall be seeded with a native grass seed approved by the Conservation Commission and/or its Agent prior to seed placement. These areas shall remain stabilized by any means and shall be determined stable by the Agent and/or the Commission before the next phase of work commences.
108. The applicant shall not alter more than 16, 151 square feet of Bordering Land Subject to Flooding provided that 21, 511 square feet of compensatory flood storage is completed.

#### **VIV. Vernal Pool Time of Year Restrictions**



109. All construction locations near Vernal Pools shall be conducted during specific times of the year, as noted within the document titled, "Detailed Wildlife Habitat Study, by BSC Group, dated February 1, 2016.
110. Erosion controls shall be constructed at all Vernal Pool 100' No Alteration Zone lines as prescribed on plans titled, **"Salmon Health and Retirement Community ARCPUD Special Permit Plans" by Coneco Engineering, dated (revised) February 18 2016.** This includes the staggering of erosion control during certain times of the season to allow if vernal pool species to enter into the vernal pool for breeding. The Agent and/or the Commission shall have the final determination on placement of all erosion controls during particular times of the year in order to properly protection wildlife habitat of any wetland resource.

## **XX. Trail System and Canoe Launch Construction**

111. The Applicant shall stake out the location of the proposed trail and canoe system for the Agent and/or the Commission to approve prior to installation. The proposed trail shall not be greater than 6' wide and shall be constructed through the hand removal of vegetation to the least extent possible. Vegetation of greater than 2" in diameter (this does not apply to non-invasive or invasive species) shall not be removed all trails shall around large trees. There shall be no surface placed for the proposed walking path, this would be considered fill and then does not qualify this proposed project to meet the performance standards as presented under the Notice of Intent. If the Agent and/or the Commission determines that the performances standards are not met for 310 CMR 10.55(4) then the Commission at any time shall require the Applicant to file a separate Notice of Intent for the construction of the trail system.
112. The proposed trail system as depicted on the plans titled, **"Salmon Health and Retirement Community ARCPUD Special Permit Plans" by Coneco Engineering, dated (revised) February 18 2016** shall be approved by the Agent and/or the Commission prior to installation to ensure that the proposed trail meet all the performance standards set under 310 CMR 10.00 and the Medway General Bylaw Article XXI Wetlands Regulations.
113. The Applicant shall maintain the trails and canoe launch as prescribed under the Conservation Restriction agreement referenced in Conditions #112, 113, and 115.
114. The Applicant shall file a separate Notice of Intent for any and all proposed stream crossings for trail systems that impact any wetlands resource under 310 CMR 10.54 (4) and 10.56(4) or any wetlands resource not approve for alteration under this Order. This shall be determined by the Agent and/or the Commission prior to installation of the trail.

## **XXI. After Construction / In Perpetuity**

115. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A)
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
  - (3) An "As-Built" plan or plans signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
    - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plans approved in this Order of Conditions;
    - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
    - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;



- (d) A line delineating the actual limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation, whether or not approved under this Order;
  - (e) The limit of work approved under this Order.
- (4) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
- 116.If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review, and if approved by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
- 117.No herbicides, pesticides or fertilizers shall be used on this site except as prescribed under the Stormwater Management Plan- Long Term Pollution Prevention Plan (LTPPP) within the document titled, "Stormwater Management Report Volume I, by Coneco Engineering, dated June 12, 2015, revised February 18, 2016. Only low phosphate and organic fertilizers shall be used on lawns within the buffer zone and all lawns within the entire site must comply with an IPM lawn care plan and standards approved by the Commission and managed and enforced by the property owners and its successors This condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.
- 118.There shall be no snow storage in 0-25' No Disturb Setbacks, 100' Vernal Pool Habitat Zone or locations noted in under the Stormwater Management Plan- Long Term Pollution Prevention Plan (LTPPP) within the document titled, "Stormwater Management Report Volume I, by Coneco Engineering, dated June 12, 2015, revised February 18, 2016, and no dumping of excess snow into water bodies or resource areas. Any season when snow fall exceeds allotted space for storage, the snow shall be removed and trucked off site. This Conditions shall remain in perpetuity.
- 119.Snow storage is specifically prohibited from areas along Lilac Path and Walnut Grove, as depicted on plan titled, "Lilac Path Snow Storage Restriction, by Coneco Engineering dated February 18, 2016 and plan titled, "Walnut Grove Snow Storage Restriction, by Coneco Engineering dated February 18, 2016. This conditions shall remain in perpetuity.

Perpetual Conditions:

- 120.Conditions numbered 8, 24, 82, 83, 84, 116, 118, 119, 120-138, 141, 154, 158, 159, 160, 161, 162, 163, 170, and 174-177 shall survive the expiration of this Order, shall continue in force beyond the Certificate of Compliance, in perpetuity, shall be so noted on the Certificate of Compliance, and shall be referred to in all future deeds to this property.
- 121.Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into the 100' Vernal Pool Habitat or Vernal Pools (regardless of certification), perennial/intermittent streams, specifically the Charles River, 100' Buffer Zone, 200' Riverfront, Bordering Vegetated Wetland, or any component of the Stormwater Management System.
- 122.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.
- 123.Snow storage is restricted from the following locations, 25' No Disturb Setback, Bordering Vegetated Wetlands, Wetlands Replications Areas, Stormwater Management System, Compensatory Flood Storage Areas, Bordering Land Subject to Flooding, as noted under the under the Stormwater Management Plan-Long Term Pollution Prevention Plan (LTPPP) within the document titled, "Stormwater Management Report Volume I, by Coneco Engineering, dated June 12, 2015, revised February 18, 2016.
124. The applicant and its successors shall follow all prescriptive language for landscaping and maintenance under the document titled, Appendix D-2 Site Landscaping Requirements within the "Stormwater Management Report Volume I, by Coneco Engineering, dated June 12, 2015, revised February 18, 2016.
- 125.Amendments to the approved plans at no time shall the applicant or its successors apply for permits or amendments to permits to place any structures within the 25' No Disturb Setback, 100' vernal pool habitat zone. Additionally, this includes removal of vegetation from these No Disturb Setback, as the applicant has chosen to place units in extremely close proximity to these resources knowing that vegetation may be not altered or removed for any reason.



126. All conditions noted in this Order as continuing in perpetuity, listed under this section, or listed under Section V. After Construction/ In Perpetuity, shall survive the expiration of this Order, shall continue in force beyond the Certificate of Compliance, in perpetuity, shall be so noted on the Certificate of Compliance, and shall be referred to in all future deeds to this property.
127. The maintenance or repair of infiltration basins, supporting drainage systems, weeps holes, stormwater management best management practices, other than those in the public way shall be the responsibility of the applicant/property owner and its successors. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained. The applicant shall be responsible for mitigation of any alteration to jurisdictional areas caused by water from the weep holes in the retaining wall and if the Commission and/or the Agent determines the water from the weep holes has caused alteration of jurisdictional areas, then the applicant shall submit a mitigation plan to correct the alteration(s).
128. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether "bio-engineered" or mechanically-stabilized slopes.
129. 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.
130. The Applicant shall have the Stormwater Management Plan- Long Term Pollution Prevention Plan (LTPPP) within the document titled, "Stormwater Management Report Volume I, by Coneco Engineering, dated June 12, 2015, revised February 18, 2016 and Conditions in Perpetuity after this Order has received a Certificate of Compliance, and the SWPPP made part of the all contracts for maintenance work that effects jurisdictional areas and for all residents who are leasing units or cottages.
131. The "owners", other than itself, shall provide a legal instrument that establishes the terms of the legal responsibility for the operation and maintenance of the stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity, municipality, state agency or person other than the owner of the units upon which the stormwater management facilities are located, the owner shall provide a plan and easement deed that provide the right of access for the legal entity to be able to perform all said operations and maintenance functions as required under the Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan, the SWPPP, and all Conditions in perpetuity as prescribed under this Order.
132. All tenants or occupants of units (detached cottages), prior to the occupancy of the unit must read a summary document to be approved by the Conservation Commission which summarizes the Conditions of the issued Order, Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan, and the SWPPP. The future owner shall sign a document of acknowledgement of receipt and of agreement to this document shall be provided at time of sale. These statements must be made available upon request of the Medway Conservation Commission. This condition shall remain in Perpetuity.
133. The owner(s) and their successors shall follow all requirements of Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan, Conditions in perpetuity, and the SWPPP.
134. The owner(s) and their successors shall maintain annual logs of all annual inspections required for the stormwater BMPs. The inspections shall be done according to the approved Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan. These logs shall be sent to the Conservation Office at the end of every year.
135. Snow storage shall be done according to the Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan and the SWPPP. Snow storage areas shall be clearly marked on site and all snow removal operator shall be made aware of approved locations on site for storage.
136. All deicing chemical must be stored in a cover location, outside the 100' buffer zone, the wetland resource area and all areas where stormwater BMP's are located. In accordance with Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan submitted by the Applicant, no sodium chloride (NaCl or rock salt) shall be used for de-icing on the site.
137. The owner(s) and their successors shall not apply sand to areas where porous pavers are installed or store snow within these locations.



138. Maintenance of landscaped areas shall be performed in accordance with the **Integrated Pest Management Plan (IPM)** detailed in Appendix D-2 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan. Only low nitrogen content, slow release organic fertilizers shall be applied within riverfront resource areas or wetland buffer zones. This condition shall be reflected in the final Storm Water Operation and Maintenance Plan.

## **XXII. Stormwater Management**

139. 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. All roof runoff shall be directed as proposed on the site plans.
  - b. As indicated on the plan(s), stormwater shall be directed first to a sedimentation forebay basin or into a Stormceptor-type unit for removal of suspended sediments and second to a infiltration basin for further removal of sediments and nutrients and infiltration.
  - c. Catch basins shall be equipped with 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.
  - d. All catch basin discharge points or other point source discharge points shall be riprapped to disperse stormwater energy.
140. 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. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.
141. Catch basins 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. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
142. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
143. 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.
144. 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.
145. All discharges of storm water from sedimentation basins, detention ponds or other manmade water management facilities shall conform as closely as practicable to Class B water quality standards or higher prior to entering natural wetlands on the site. This is intended as a minimum standard for all work allowed under this Order. In addition, the quality of water at the point of discharge should not be significantly less than the quality of the receiving waters. If at any time the stormwater originating on the site discharging into wetland or waterways is found to be of a significantly lower quality, the Commission may require mitigation as needed to protect the resource areas(s) in question.
146. Water quality in intermittent streams, perennial streams and any vernal pools on site or for which the Commission requires monitoring shall not differ significantly following completion of the project from the pre-development conditions.
147. Pre-development water quality shall be determined by analysis of surface water samples collected by the Erosion Control Inspector or another qualified and appropriately experienced person prior to the start of construction and at 6 month intervals until the issuance of a certificate of compliance. Sampling locations shall include, at a minimum:
- Certified Vernal Pools



- Downstream of Crossing #1
- Downstream of Crossing #2
- Pond which feeds the Charles River (old "ice skating rink")

Analyses of surface water samples shall be by an analytical laboratory certified by the Commonwealth of Massachusetts. Analyses shall include: Total suspended solids, total nitrogen, nitrate nitrogen, total phosphorous, and total sodium. The results of the analyses shall be submitted to the Commission, together with a written report with tabulated summaries detailing the sampling conditions, methods of analyses, detection limit, sensitivity and analytical results.

148. Following completion of construction and before a Certificate of Compliance may be issued, water samples shall be again collected and analyzed for comparison with the original samples, and the results shall be reported to the Commission in writing. No Certificate of Compliance will be issued until post-development monitoring shows that water quality does not differ significantly from pre-development water quality.
149. If the water quality in the post-development samples differs significantly from the pre-development quality, the applicant shall meet with the Conservation Commission to determine if any change in water quality is a result of on-site conditions or other off-site factors, what additional measures should be implemented if the degradation is due to the site to restore water quality to its pre-development condition.
150. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
151. Immediately upon the installation of the headwalls and riprap, straw bales shall be set and staked around the drainage structure inlets, to prevent sediments from entering the drainage system.
152. 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.
153. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, 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.
154. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the roadway shall maintain the roadway and drainage system in accordance with the following schedule:
  - a. Street sweeping and snow plowing – Roadway and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt.
  - b. Roadway surface and right-of-way surface – Paving and curbing shall be maintained in good condition to channel surface runoff into the storm water treatment system. Vegetation within the roadway right-of-way shall be maintained in healthy condition to prevent erosion and sedimentation in the drainage system and wetland resource areas. These areas shall be inspected in the spring and fall, and repaired or replaced as needed.
  - c. Catch basins - Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at least two times per year. 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.
  - d. Drain pipes – All drain pipes shall be inspected at least two times per year. Sediments and debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Any pipe which becomes damaged shall be repaired or replaced immediately upon discovery.
  - e. Sedimentation Forebay – Forebays shall be inspected and cleaned at least two times annually and inspected quarterly, beginning in the early spring after snow melt. Accumulated sediments, leaves, branches, and other debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Vegetated and rip-rapped surfaces and flared end sections shall be repaired or



replaced as needed to prevent erosion and sedimentation and slumping of berms. Vegetation shall be mowed at least twice a year to prevent the growth of woody species or when grasses and herbaceous vegetation has grown taller than 6", slope vegetation shall be maintained between 3"-6".

- f. Infiltration basin – The detention basin shall be inspected at least twice annually, in the early spring after snow melt and in the fall. Accumulated sediments, leaves, branches, and other debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Vegetated and rip-rapped surfaces and flared end sections shall be repaired or replaced as needed to prevent erosion and sedimentation and slumping of berms. Vegetation shall be mowed at least once a year to prevent the growth of woody species. At least once a year, the basin shall be monitored during a heavy rain storm to determine whether it is meeting the intended detention times, sediment removal, and infiltration functions.
- g. Outlet control structure and spillway – The outlet structures for the detention basin shall be inspected at least twice annually for evidence of clogging, scouring, slumping, erosion or other problems and shall be cleaned and repaired as needed to maintain proper functioning. The outlet shall also be inspected at least annually during a heavy rain storm to detect any problems in function. Any problems shall be corrected.
- h. Grass Swales- All grass swales shall be inspected quarterly where all trash, debris, other any materials that will interfere with the functionality of the swale shall be removed immediately. All grass and herbaceous layers shall be kept to the length of 3" -6" in height. All grass clippings and sediments shall be removed after quarterly inspections. All removal shall be conducted with the use of hand tools only and shall be done at least twice annually by prior to April 15<sup>th</sup> and prior to October 15<sup>th</sup> of every season.
- i. Water Quality Unit (Stormceptor or other approved unit) – Operations and maintenance of the proprietary separator shall be done per the manufacturer's guidelines. Sediments shall be removed when it reached approximately 15% of the unit storage and all units shall be vacuumed for oils, fuel or other hydrocarbons that float on top of the water if there is a spill or other incident that would require the removal of the hydrocarbons. Stormceptor units shall be inspected quarterly for sediments and oils, where they shall be removed as necessary. All unit shall be cleaned annually.

All maintenance of stormwater management units shall be conducted as prescribed under Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan. The Conservation Commission members and the Commission Agent shall have the right to enter the roadway parcel and drainage easement area to inspect for compliance with all sub conditions of this condition.

- 155. The Stormwater Management basins 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.
- 156. The applicant shall install inspection ports within the infiltration system 16, 19, 20, and 23 , one inspection port within the 'wick' and 2 or more ports within the system, as depicted on the plans titled, "Construction Documents" (amended) – Construction Details (Sheet 8 of 12) by Coneco Engineers and Scientists, dated November 18, 2019.
- 158. 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 plan/documents, Stormwater Pollution Prevention Plan, and the Department of Environmental Protection Stormwater Management Policy and as follows:
  - a. All roof runoff shall be directed as proposed on the site plans.
  - b. As indicated on the plan(s), stormwater shall be directed first to an into a Water Quality Unit for removal of total suspended solids and second to a infiltration basin equipped for further



removal of sediments and nutrients and infiltration before over flow to buffer zone and wetland resource.

- c. Catch basins shall be equipped with 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.
  - d. All catch basin discharge points or other point source discharge points shall be rippapped to disperse stormwater energy.
159. All stormwater BMP's maintenance logs as prescribed under the Appendix F- Operations and Maintenance Plan shall be kept on site and shall be provided to the Conservation Commission upon request and annually or Planning Board upon request, this includes but is not limited to street sweeping logs and receipts.
160. All Stormwater best management practices shall be maintained as specified in the Appendix D-1 (of Stormwater Management Report dated February 18, 2016) Long Term Pollution Prevention Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on an annual basis post construction, but Stormwater BMP's shall be checked and cleaned according to the schedule prescribed within Appendix D-1 and D-2. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
161. Deep Sump Catch Basins shall be inspected after a 0.5" storm event and on a weekly basis during construction. Post- Construction: the catch basins shall be inspected and cleaned on a quarterly basis. Post-construction all inspection and cleaning dates shall be provide to the Commission written confirmation that the inspections and cleanings were conducted, this shall be provided annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
162. Sediment Forebays shall be inspected after 0.5" storm event and on a weekly basis during construction. Post -Construction: shall be inspected after 0.5" storm event and then four times per year, this shall be reported annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
163. Subsurface Infiltration Bed after 0.5" storm event and on a weekly basis during construction. Post-Construction: inspected twice per year and all debris shall be removed, this shall be reported annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
164. Infiltration Bed after 0.5" storm event and on a weekly basis during construction. Post-Construction then twice annually in the spring and fall. The amount of hours its takes for water to infiltration after a storm should be monitored and recorded. Any water remaining over 72 hours suggests there is a clog in the system. Sediment shall be removed as needed. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
165. Water Quality Units shall be inspected after 0.5" storm event and on a weekly basis during construction. Post -Construction shall be inspected once per year, cleaned as needed and reported in writing annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
166. During construction, all drainage structures shall be inspected regularly and cleaned as necessary as prescribed under the Appendix F- Operations and Maintenance Plan.
167. The applicant shall complete regular inspections of the sub-surface infiltrations systems (specifically #16, 17, 18) which were approved to allow the installation of a 'wick' which is designed to allow the roof run-off to infiltrate directly to native soils. The applicant shall perform the following inspections;
- Inspections of all infiltrators with 'wicks' shall be performed after storms 0.5" or greater
  - Inspections shall be performed at the above noted frequency for 1 year, from the date of installation and if after the one year of monitoring is completed, the Commission reserves the right to extend the inspections for an additional 6 months. The criteria for requiring the 6 month extension shall be based on the Commissions review of the reports and whether there was an adequate amount of qualifying storms to arrive at a reasonable conclusion that the systems are functioning as designed.
  - After one year the Commission shall determine whether to return inspections to the requirements within the Operations and Maintenance Plan.



- If one subsurface infiltration unit is found to have failed due to the design as determined by the Conservation Commission. Then, the applicant shall not only replace the failed infiltration system but all units which use the 'wick' technology. The new proposed systems shall be approved by the Commission and the Commission's consulting engineer. This portion of the conditions shall continue in perpetuity.

168. 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.
169. 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.
170. All discharges of storm water from sedimentation basins, detention ponds or other manmade water management facilities shall conform as closely as practicable to Class B water quality standards or higher prior to entering natural wetlands on the site. This is intended as a minimum standard for all work allowed under this Order. In addition, the quality of water at the point of discharge should not be significantly less than the quality of the receiving waters. If at any time the stormwater originating on the site discharging into wetland or waterways is found to be of a significantly lower quality, the Commission may require mitigation as needed to protect the resource areas(s) in question.
171. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
172. 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.
173. The applicants, owners, and their successors and assignees shall maintain all water quality units, collection basins, traps, 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. This conditions shall remain in perpetuity.
171. The Conservation Commission members and the Commission Agent shall have the right to enter the roadway parcel and drainage easement area to inspect for compliance with these conditions. The Stormwater Management basins 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. This Conditions shall remain in perpetuity.
172. The applicant and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in Long Term Pollution Prevention Plan Appendix D-1 to the Conservation Commission. This condition shall remain in perpetuity.
173. 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 as prescribed under the Operations and Maintenance Plan Appendix F of the Stormwater Management Report, by Coneco Engineering, dated June 12, 2015 revised February 18, 2016. These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management (removal or mowing of swales, infiltration basins or other structures requiring mowing), and inspection and cleaning of proprietary separator.

### **XXIII. Miscellaneous**

174. The applicant shall comply with the note on the plans titled, "Salmon Health and Retirement Community ARCPUD Special Permit Site Plans", by Coneco Engineering, dated February 18, 2016, Sheet L1.01. The applicant shall hire a certified arborist to evaluate the existing black walnut trees in light of the proposed construction. The arborist shall provide a written statement/report outlining which of the Black Walnut trees should be preserved and the special measures to do so. All results of the report shall be reviewed by



the Town Tree Warden for which he/she shall provide a written opinion on the Certified Arborists Report to the Commission. This Condition shall remain in perpetuity.

175. The Applicant and its successors shall established a Conservation Restriction for open space based on the decision of the Community Economic and Planning Board's decision. The Conservation Restriction shall the recorded at the Registry of Deeds and baseline documentation established for the land, prior to the issuance of a full Certificate of Compliance.
176. In accordance with the Stormwater Operation and Maintenance Plan submitted by the Applicant, no sodium chloride (NaCl, rock salt) shall be used for de-icing on the site. This condition shall continue in perpetuity.
177. There shall be no additional alteration of Riverfront Area on the property that is the subject of this Notice of Intent, including all lots and common areas. This condition shall continue in perpetuity. This condition shall not be construed to prohibit exempt or grandfathered activities in the Riverfront Area provided that such activities are not in conflict with other conditions of this Order.
178. No work shall commence until the Town of Medway-Conservation Commission has received a suitable security/performance guarantee has been provided to the Town of Medway, to the Commission's satisfaction, to cover the cost of the construction of the wetlands replication areas as prescribed under this Order.
  - a. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Commission, the Medway Treasurer/Collector and Town Counsel. The Commission may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
    - the date by which the developer shall complete construction of the wetlands replication areas
    - a statement that the agreement does not expire until released in full by the Commission
    - procedures for collection upon default
  - b. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the wetlands replication areas that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
  - c. The security amount shall be approved by the Commission based on an estimate provided by the Town's Consulting Wetland Scientist and/or the Conservation Agent. The estimate shall reflect the cost for the Town to complete the work to construct the wetlands replication areas which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures.
  - d. Final release of performance security is contingent on project completion.

**Amended Order of Conditions Documents of Record  
 Salmon Health and Retirement Community, Medway, MA  
 259, 261, 261R and 263 Village Street  
 DEP File No: 216-0854  
 Date: November 25, 2019**

The following documents, engineering plans, publications, opinions, assessments, and other submissions to the Medway Conservation Commission during the public hearings on August 13, 2015, October 22, 2016, November 11, 2015, December 12, 2015, January 11, 2016, January 28, 2016, February 11, 2016, and the Amended Order on November 14, 2019 and November 21, 2019 are filed at the Medway Conservation Commission office, located in Medway Town Hall. These submissions constitute the bases upon which the Commission made its findings and determined its conditions:

Abbreviations: MCC: Medway Conservation Commission  
 MA DEP: Massachusetts Department of Environmental Protection  
 NOI: Notice of Intent  
 ANRAD: Abbreviated Notice of Resource Areas Delineation

Note regarding emails: Emails that were deemed to be substantive in nature were included in this list. A large number of additional emails generated during this Notice of Intent process related to simple matters that did not substantially augment the substantive record have not been included.

Document	Date (latest revision date, if applicable)	Signed/ stamped by
<b>Documents submitted by the Applicant's Representatives</b>		
<b>Engineering Plans – By Coneco Engineering unless noted.</b>		
<b>Salmon Health and Retirement Community ARCPUD Special Permit Plans</b>		
• Sheet C1 -Construction Documents – Campus Drainage	10/22/19	John Spink PE #30097
• Sheet C24-27 -Construction Documents – Campus Drainage	8/21/19, 8/9/19, 9/5/19, 9/5/19	John Spink PE #30097
• Sheet C58 -Construction Documents – Campus Drainage	9/5/19	John Spink PE #30097
• Sheet : Cover	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C1: Notes and Legend	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C2: Proposed Open Space and Trails	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C3: Key Sheet	6/12/15,	Tracey L. Duarte PE #48660



	rev.2/18/16	Timothy S. Bodah PLS #46110
• Sheet C4 –C9 : Existing Conditions	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet. C10- C15: Erosion Control	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C16- C21: Site Layout	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C22-C27: Grading and Drainage	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C28: Drainage and Foundation Schedule	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C29 – C34: Utility Layout	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C35: Plan & Profile Key Sheet	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C36 – C41: Plan and Profile	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C42 - C43: Crossing Elevation	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C44&C44A:Compensatory Flood Storage Plan	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C44B: Wetlands Replication	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C44C:Riverfront Impacts	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C44D: Wetlands Impacts	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C45-C50: Photometric Plan	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C51 –C61:Construction Details	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
• Sheet C62:Construction Sequence Plan	6/12/15, rev.2/18/16	Tracey L. Duarte PE #48660 Timothy S. Bodah PLS #46110
<b>Landscaping Plans – CHA</b>		
• Sheer L1.00: Landscape Plan Key Sheet	7/12/15, rev. 2/18/16	CHA – David M. Thompson, Jr RLA #905
• Sheet L1.01 –L1.06: Landscape Plan	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet L2.01: Courtyard Schematic Plans	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet L2.02: Detached Cottage Landscape Plans	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet L2.03: Attached Cottage and Main Building Entrance Landscape Plans	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905

• Sheet L2.04-L2.05: Landscape Construction Details and Notes	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet G0.00: Drawing List	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet G1.01: Rendered Site Plan and Zoning Information	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
• Sheet G1.02 Exterior Perspectives-Site Main Entry	7/12/15, rev. 2/18/16	CHA– David M. Thompson, Jr RLA #905
<b>Architecture Sheet – Dario Designs</b>		
• Sheet A1.01MR –A2.07MR	12/11/15	Dario Designs – Dario D. Dimare AIA, LEED AP #8144
• Sheet A2.07MR –A2.08MR	12/11/15	Dario Designs– Dario D. Dimare AIA, LEED AP #8144
• Sheet A1.01MOB – A2.02MOB	12/11/15	Dario Designs– Dario D. Dimare AIA, LEED AP #8144
• Sheet A1.01P – A2.02P	12/11/15	Dario Designs– Dario D. Dimare AIA, LEED AP #8144
• Sheet A1.01DC – A2.03DC	12/11/15	Dario Designs– Dario D. Dimare AIA, LEED AP #8144
<b>WPA Documents</b>		
• Detailed Wildlife Habitat Evaluation	Rev. 2/2/16	BSC Group, Michael Toohill
• Alternative Analysis	Date stamped con com 12/16/15	Coneco Engineering
• Wetlands Replication Area	Rev. 2/1/16	BSC Group, Michael Toohill
• Resource Area Impacts	12/23/15 checked date	Coneco Engineering
<b>Stormwater Management Documents</b>		
• Construction Documents (amended) – Construction Details Sheet 8 of 12	11/18/19	Coneco Engineering
• Letter titled, “Salmon Health and Retirement Community – Village Street Field Modification of Drainage Facilities” (amended)	10/23/19	Coneco Engineering
• Stormwater Management Standards Review (amended)	n/a	Coneco Engineering
• Test of Soil – Rubicon Builders	5/13/19	Thompson & Lichtner Engineering/Testing/Consulting
• Proposed Drawdown for Recharge Structures	n/a	Coneco Engineering
• Stormwater Management Report	10/23/19	Coneco Engineering



(amended)	and 10/31/19	
• Stormwater Management Report	6/12/15, rev.2/28/16	Coneco Engineering
• Stormwater Management Report Volume 1	6/12/15, rev. 10/13/15	Coneco Engineering
• Stormwater Management Report Volume 1	6/12/15, rev. 12/11/15	Coneco Engineering
• Stormwater Management Report Volume 1	6/12/15, rev. 2/18/16	Coneco Engineering
• Stormwater Management Plan Volume 2	6/12/15, rev. 10/13/15	Coneco Engineering
• Long Term Pollution Prevention Plan Appendix D	6/12/15, rev.2/28/16	Coneco Engineering
• Appendix J:Addendum:Infiltration Trench 8	6/12/15, rev. 12/11/15	Coneco Engineering
• Table 2 Peak Rate Run-off & Table 3 Recharge to Groundwater	June 12, 2015 revised 2/4/16	Coneco Engineering
• Stormwater Management Standard 2- Peak Rate Run-Off	2/4/16	Coneco Engineering
• Stormwater Management Standard 3 –Recharge Volume	2/4/16	Coneco Engineering
• Proposed Drawdown for Recharge Volume Structures	2/4/16	Coneco Engineering
• Waterside Run -25 Year Storm – Closed System Pipe Sizing	Received 2/3/16	Coneco Engineering
• Stormwater Structures	Received 12/16/15	Coneco Engineering
• Waterside Run and Willow Pond Road – Crossing Capacity Calcs	Received 12/16/15	Coneco Engineering
• Vernal Pool Subcatchment Existing/Proposed	Received 12/16/15	Coneco Engineering
<b>Plan Comments from Agent</b>		
Application Summary	11/14/19	Bridget Graziano, Conservation Agent
Application Summary-Agent comments	8/27/15	Bridget Graziano, Conservation Agent
Plan Comments for 10/22/15		Bridget Graziano, Conservation Agent
Plan Comments for 12/22/15 submission		Bridget Graziano, Conservation Agent
Plan Comments updated for 1/14/15 meeting		Bridget Graziano, Conservation Agent

<b>Documents submitted to Planning and Conservation Commission in response to comments</b>		
Letter to Conservation Commission – responses to comments from 10/10/19 meeting	11/13/19	Coneco Engineering
Letter to Planning and Economic Development Board titled, “Salmon Health and Retirement Community ARCPUD Subdivision	12/11/15	Coneco Engineering
<b>Forms and Text Documents</b>		
Notice of Intent (NOI)	7/31/15	Coneco Engineering
NOI Application Report	7/31/15	Coneco Engineering
Letter on Potential Isolated Land Subject to Flooding	1/27/16	Coneco Engineering
Letter from the Agent to Jeffery Robinson- Soil Test Pits	8/21/15	Bridget Graziano
Stream Crossing Waterside Run	No date	Coneco Engineering
Stream Crossing Willow Pond Road	No date	Coneco Engineering
Flood Plain Compensatory Storage Volumes	No date	Coneco Engineering
<b>Documents submitted by the Medway Conservation Commission’s Consultants</b>		
Email from Steve Bouley- Salmon Health Drainage	10/3/19	Tetra Tech
Email from Bridget Graziano – RE: Salmon Health Drainage	10/4/19	Medway Conservation Agent
Letter from Steve Bouley – to Planning and Economic Development Coordinator	10/30/19	Tetra Tech
Email from Steve Bouley titled, Salmon Retirement – Amendment to Order of Conditions	11/13/19	Tetra Tech
Email from Art Allen		Eco Tec Inc-Arthur Allen
Letter from Tetra Tech	8/5/15, 11/5/15, 1/7/16, and revised 3/3/16	Tetra Tech
<b>Documents submitted by others</b>		
Letter from Anthony Gerardi		Anthony Gerardi- public comment
<b>Abutter Notification</b>		
<b>Submitted Memorandum</b>		
Bridget Graziano to Planning & Economic Development Board	1/22/16	Bridget Graziano, Conservation Agent (Medway)