

Commission Members
David Travalini, Chair
Dayna Gill
Ken McKay
David Blackwell
Sean Green
James Dacier
Rebekah Mitchell



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

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
CONSERVATION COMMISSION

November 10, 2025

Town of Medway
c/o Peter Pelletier
45B Holliston Street, Door 9
Medway, MA 02053

Dear Mr. Pelletier,

Enclosed is the wetland permit (Order of Conditions) issued **November 10, 2025**, for **DEP #216-1075**. The appeal period is 10 days. No work should be performed prior to the end of the 10-day appeal period.

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

We thank you for the opportunity to review this work and trust that it will be carried out in such a way that protects our wetland resources. The Order of Conditions DEP #216-1075 shall **expire November 10, 2028**. If you have any questions, please contact me at bgraziano@medwayma.gov.

Sincerely,

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-1075

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:

Peter

a. First Name

Pelletier

b. Last Name

Town of Medway

c. Organization

155 Village Street

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

4. Property Owner (if different from applicant):

Michael

a. First Name

Boynton

b. Last Name

Town of Medway Selectboard

c. Organization

155 Village Street

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

5. Project Location:

46 Broad Street

a. Street Address

Medway

b. City/Town

50

002

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d8m49.956s

d. Latitude

71d23m50.64s

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

6435

c. Book

b. Certificate Number (if registered land)

337

d. Page

7. Dates: September 4, 2025 November 6, 2025 November 10, 2025
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):

Figure 1 Medway Landfill Medway, MA Proposed Test Pitting Plan

a. Plan Title

Weston & Sampson

b. Prepared By

9/29/25

d. Final Revision Date

c. Signed and Stamped by

1"=50'

e. Scale

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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☒ Bordering Land Subject to Flooding	3692	3692	0	0
	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	0	0	0	
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
	5050	5050		
9. ☒ Riverfront Area	a. total sq. feet	b. total sq. feet		
	1540	1540	0	0
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	3510	3510	0	0
	g. square feet	h. square feet	i. square feet	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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on xx/xx/xx unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 216-1075 "
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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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 21)

- 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 21
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 21).



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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.

1. Date of Issuance

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

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

2. Number of Signers

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

Signature Authorization Bk 37825 Pg 135

David A. Trave
 Signature

David A. Trave
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date



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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.

11/10/25
 1. Date of Issuance
7
 2. Number of Signers

Signature Authorization Bk 37825 Pg 135

Signature <u>David Travalini</u>	David Travalini
Signature <u>David Blackwell</u>	Printed Name David Blackwell
Signature <u>Dayna Gill</u>	Printed Name Dayna Gill
Signature <u>Ken McKay</u>	Printed Name Ken McKay
Signature <u>Sean Green</u>	Printed Name Sean Green
Signature <u>James Dacier</u>	Printed Name James Dacier
Signature <u>Rebekah Mitchell</u>	Printed Name Rebekah Mitchell
Signature _____	Printed Name _____

☒ by hand delivery on	☐ by certified mail, return receipt requested, on
<u>11/10/25</u> Date	_____ Date



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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

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

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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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

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

MEDWAY CONSERVATION COMMISSION
ORDER OF CONDITIONS – PART II
FINDINGS AND CONDITIONS UNDER THE MASSACHUSETTS WETLANDS PROTECTION
ACT AND THE MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE 21)
PROJECT SITE: 46 BROAD STREET
MEDWAY, MASSACHUSETTS
ASSESSOR'S MAP: 50 Lot 002
DATE OF ISSUANCE: November 10, 2025

Project Description: The applicant proposes to perform testing and pitting investigations under 310 CMR 16.00 at the Medway Landfill. The purpose of the test pits is to locate the extent of the limits of the waste deposition areas, as well as the depth profile of the landfill cap. All the proposed work will be within the 100' Buffer Zone to Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and the 200' Riverfront Area. The applicant has submitted the following documents, which have been accepted as part of the final record and decision for the proposed project referenced above.

Approved Documents:

1. Plans titled, "Figure 1 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated September 29, 2025
2. Plans titled, "Plans titled, "Figure 2 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated August 12, 2019
3. Plans titled, "Figure 3 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated August 12, 2019
4. Plans titled, "Figure 4 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated August 12, 2019
5. Plans titled, "Figure 5 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated August 12, 2019

Other Relative Documents

1. Letter and documents titled, "Request for More Information – NOI Landfill Cap Investigation" by Weston & Sampson, dated September 4, 2025
2. Letter and documents titled, "Request for More Information – NOI Landfill Cap Investigation" by Weston & Sampson, dated October 2, 2025
3. Document titled "Notice of Intent" by Weston & Sampson, dated August 2025
4. Letter titled, "CERO-SWM – Medway Broad Street Landfill, Request for Information on Landfill Closure", by DEP James A. McQuade, dated November 25, 2024

Findings:

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-1075:

- a) The Commission hereby finds that the work proposed to be perform soil testing and depth pitting investigations under 310 CMR 16.000 and 310 CMR 19.000 at the Medway Broad Street Landfill was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity shall meet the provisions under 310 CMR 10.53 (3)(p)(2)(f) for landfill closure (actions are requires for landfill closure compliance) and 310 CMR 10.57(4)(a) and Medway General Bylaw Article 21 Regulations and the performance standards under Section 25, 26, 28, 31. The applicant must complete test pits to determine the extent of the waste deposition areas and the depth profile of the landfill cap to comply with 310 CMR 16.000 and 19.000. The Commission voted to grant a waiver of the Medway General Bylaw Article 21 Section 21.2(b) and its Regulations Section 23 for vegetation removal (where within the capped landfill) and Section 26.06(a) for work in the 0-25 No Disturb Zone, under Section 29 of the Regulations. This allows test pitting to occur within the 0-25' No Disturb Zone and within jurisdictional areas without replacement of vegetation. The test pitting includes the removal of trees and vegetation along the access routes to the test pit locations and at the test pit locations to investigate the cap. The Commission does not require mitigation for lost vegetation, as 310 CMR 19.00 does not permit vegetation that may compromise the drainage layer or low permeability layer. The

proposed work for landfill investigation cannot be determined without this action. Mitigation for vegetation loss is only required under this Order for locations where the landfill cap is found not to extend.

- b) Additionally, the Commission voted to waive a Section of the Medway General Bylaw Article 26, Section 26.5 under its Regulations Section 12, as the proposed work is for determining the extent of the existing landfill cap and to comply with the landfill post-closure regulations. The work, while it disturbs over 20, 000 sq ft of clearing, this project does not meet the intent of the Stormwater Bylaw.
- c) 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 Medway General Wetlands Protection Bylaw.
- d) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the interest of the Bylaw. 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 application, the conditions shall control.

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 Land Disturbance Application, together with all of its contents and attachments, including the plans and documents within this permit, the findings and conditions contained in this Part III, and the information presented and discussed at the public hearing.
- b) Further, the Medway Conservation Commission finds the following:
 - 1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Medway Wetlands By-Law:
 - i. 25'- 100' buffer zone of Bordering Vegetated Wetlands
 - ii. 0-25' No Disturb Zone
 - iii. Bordering Land Subject to Flooding (no filling, test pits and return test pit soils)
 - 2. Additional General Findings Relate to the Project:
 - 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 area 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 not subject to the Department of Environmental Protection's Stormwater regulation and policy. The Commission voted to grant a waiver of the Town of Medway General Bylaw Article 26, as the project total disturbs over 20, 000 sq ft of land, however the proposed work is within the confines of the existing capped landfill and therefore, is prohibited from constructing stormwater management systems within that cap.

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 21, 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 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.
9. The applicant is responsible for procuring all other applicable federal, state, and local permits and approvals associated with this project.
10. Should issuance of additional permits result in a change in the project, the provisions of condition #7 apply, regarding the process for plan amendments.
11. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from, Bordering Vegetated Wetlands, 200 feet from rivers, and not within Bordering Land Subject to Flooding.
12. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
13. 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.
14. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under the 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.
15. Any other work within 100 feet of, Bordering Vegetated Wetlands (or 200 feet from any river), Bordering Land Subject to Flooding 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.
 16. In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.
 17. All work shall be conducted in accordance with the approved site plans titled, "Figure 1 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated September 29, 2025 (hereafter referred to as approved plans) and the conditions of this Order. Copies of the approved documents listed above shall always be kept on site while the site is under construction and in accordance with the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.

II. Prior to Construction

18. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of a minimum size of two feet by two feet shall be displayed so as to be clearly visible from the street, showing DEP file No. 216-1075.
19. The applicant shall engage contractually and have present an Environmental Monitor, or the Town of Medway Department of Public Works (DPW) shall assign a staff person to act as a monitor. The Town of Medway may complete the following;
 - Monitor shall be present during testing, pitting, and tree removal.
 - Trees removed shall be counted and logged with amount of trees greater than 6", the dbh shall be logged, trees location (to be added to As Built Plan).
 - Monitor shall submit final report to the Medway Conservation Commission of trees removed, dbh, and test pitting sizes.
 - All debris encountered shall be logged and removed from site according to the state laws
20. This Environmental Monitor or Town of Medway Staff shall be present during the removal of vegetation and movement of equipment through the access routes. The following shall be performed during the project,

- Monitor shall work with the applicant to mark out all proposed access routes as shown on the approved plan titled, "Figure 1 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated September 29, 2025, with labels for each test pit with a number.
 - Provide information on the width of the test pits, when the alterations exceed the approved amounts within the NOI, the applicant shall seek an amendment to the Order. Testing shall halt work until an amended Order of Conditions is issued.
21. 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 ensuring 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.
 22. 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. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting.
 23. Prior to the commencement of work the applicant shall stake out all access route, as depicted on the approved plan titled, "Figure 1 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated September 29, 2025.
 24. 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.
 25. 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.
 26. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. This includes where old erosion control sit today, shall be removed and replaced to new/fresh erosion controls. 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.
 27. 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.
 28. 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.
 29. Prior to commencement of construction on site, the bordering vegetated wetlands and perennial streamlines 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.
 30. 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.

III. Erosion Control Inspection and Monitoring

31. 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.
32. 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.
33. 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.
34. **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.

IV. During Construction

35. The applicant shall have the Town staff from DPW or Environmental Monitor complete the following within the jurisdictional area during the test pitting, note the following areas;
 - Submit approved plan titled, "Figure 1 Medway Land Fill Medway, MA Proposed Test Pitting Plan" by Weston & Sampson, dated September 29, 2025, with labels for each test pit with a number
 - Mark all trees removed over 6" dbh
 - Mark the size of all test pit holes and use the number assigned to record information on the test pit
 - Mark any areas altered outside of the approved areas for access route and test pitting
 - All the above shall be GPS (sub foot) or surveyed in and added to the As Built Plans
36. The tree stumps shall not be removed from the ground. All trees removed shall be marked as to whether the tree is within the landfill cap or found to be outside the cap. All trees within the landfill cap shall be removed, as required by 310 CMR 16.00 Site Assignment Regulations and 310 CMR 19.00 Solid Waste Management Regulations. All trees and vegetation removed outside of regulated areas shall be surveyed and logged into the plan. These areas shall be restored as required by the Medway General Bylaw Section 23 Vegetation Regulations.
37. As the applicant performs test pitting any landfill materials excavated or within the access routes shall be removed from the site. These materials shall be handled in accordance with the MCP, 310 CMR 40.00. All possible contaminated materials shall be placed on polyethylene sheets and covered from the elements until such time as they can be removed from the site and disposed of according to the requirements of 310 CMR 40.00.
38. 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.
39. 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.
40. 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.

41. 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.

Erosion Control:

42. Appropriate erosion control devices shall be in place prior to the beginning of any phases of the project, and shall be maintained during the life of the project, as direct by the Conservation Agent, in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using removal procedures that the Commission finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water.
43. 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.
44. Placement of erosion controls shall be directed at the site by the DPW assigned monitor and/or the Conservation Agent 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.
45. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts resulting 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, it shall be installed within 48 hours of the Commission's request.
46. 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.
47. 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.
48. 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 topsoil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. The loam and seeding shall be held in place with jute netting where necessary. 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 methods. Continued maintenance of this area in a manner that assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.
49. Subsequent to seeding, disturbed areas will be covered with hay mulch, erosion control blanket, netting, or other suitable material to provide adequate surface protection until seed germination. Preference should be

given to erosion control netting with biodegradable stitching.

V. Wetland Resources

Bordering Land Subject to Flooding

50. The applicant shall not add additional materials to test pits located within the Bordering Land Subject to Flooding.
51. The soils from test pits shall not be piled or placed in one location within the Bordering Land Subject to Flooding for permanent placement. The filling of BLSF is not approved under this Order.
52. This Order permits this application to temporarily alter 192 square feet (sq ft) and 960 cubic feet. All materials will be returned to the original test pit area; no additional fill materials will be added to the BLSF. Any further alterations will require a Request for Amendment to the Order.

0-25' No Disturb Zone

53. Applicant shall submit a restoration plan for all disturbed locations within the 0-25' No Disturb Zone found to not extend into the landfill cap. These areas shall be located by the Environmental Monitor or DPW staff post testing. The applicant shall submit a restoration plan to the Commission for review and approval. All areas within the 0-25' shall be restored to vegetated condition, if not within the landfill cap.
54. If Condition #65 applies, then the applicant shall submit a restoration plan to the Conservation Commission for review and approval. Once approved, the applicant shall complete restoration to altered areas where the landfill cap does not exist

200' Riverfront

55. The applicant is approved to complete 1540 sq ft of 0-100' Riverfront and 3510 sq ft of 100'-200' Riverfront. If the Environmental Monitor determines that there has been over this amount. The applicant shall cease work and file a Request for Amendment to the Order of Conditions. Work may not commence until an Amended Order is issued.
56. The Environmental Monitor shall determine the location of the Riverfront, if any, that are not located within the landfill as defined under 310 CMR 19.00. These areas shall be restored to vegetated Riverfront.
57. If Condition #65 applies, then the applicant shall submit a restoration plan to the Conservation Commission for review and approval. Once approved, the applicant shall complete restoration to altered areas where the landfill cap does not exist.

Tree Removal After – Project

58. All trees removed will be marked on an As Built Plan and trees found to not be located within the Landfill cap areas, shall be mitigated for under Section 23 of the Regulations, this will be determined by DPW staff and the Conservation Agent in collaboration with the Towns Consulting Engineer.
59. Applicant shall submit a restoration plan for the vegetation and trees removed outside of the capped landfill. This shall be submitted to the Conservation Agent and/or the Commission for review and approval prior to planting.

VI. After Construction / In Perpetuity

60. 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.
61. 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.
62. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether "bio-engineered" or mechanically stabilized slopes.
63. 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.

VII. Stormwater Management

64. The Medway Conservation Commission has voted to waive the Medway General Bylaw Article 26 under its Regulations Section 12, as the intent of this project is not to alter land or have land amended in such a way that it requires stormwater management. This project is strictly permitting exploratory borings for compliance with post-closure of a landfill.

VIII. Miscellaneous

65. The applicant/property owner shall complete and submit to the Medway Conservation Commission an Operations and Maintenance Plan for the post-closure requirements.
66. The property owner and its successors shall submit annual reports of inspections of compliance with 310 CMR 19.000 and 310 CMR 16.000. This condition shall remain in perpetuity.