

TOWN OF CHESHIRE

CONSERVATION COMMISSION

191 CHURCH STREET CHESHIRE, MASSACHUSETTS 01225

PHONE (413)743-1690 EXT 117 | EMAIL CONCOM@CHESHIRE-MA.GOV



SPECIAL CONDITIONS FOR NOTICE OF INTENT

DEP File #130 - _____

1. **The term “Applicant”** as used in this Order of Conditions shall refer to the owner, any successor in interest 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 thirty (30) days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
2. **Prior to the initiation of any work on site**, the applicant shall submit a letter, by mail or email, of understanding to the Commission stating that he/she has received, read, understood, and shall comply with these Orders.
3. **Prior to the initiation of any work on site, the applicant is responsible for submitting the attached Letter of Recognition to the Commission** prior to the start of work. This letter is to be filled out by all site foreman(s), project/construction manager(s), and/or supervision engineer(s) of the project, signifying that they have read, understand, and will abide by this Order of Conditions in its entirety, including these special conditions. The Applicant remains responsible for all work conducted by all parties involved in this project.
4. **Prior to the initiation of any work on site (i.e. clearing, placement of erosion controls, etc.)**, the applicant shall submit to the Commission a receipt from the Northern Berkshire Registry of Deeds of the recording of this Order of Conditions.
5. **The Order of Conditions** shall be included with all construction-related documents. All site foreman(s), project/construction manager(s), and/or supervision engineer(s) working at the site shall be made aware of the provisions contained within this Order of Conditions and adhere to all Special Conditions herein. At all times, the site foreman(s), project/construction manager(s), and/or supervision engineer(s) shall have a copy of this Order of Conditions at the site and direct compliance with the requirements of this Order. The Commission shall be notified if the site foreman(s), project/construction manager(s), and/or supervision engineer(s) changes during the life of the Order of Conditions and must give a letter as per item #4.
6. **Prior to the initiation of any work**, all erosion control measures shall be constructed and installed as shown on the referenced plan(s) in the Order of Conditions unless otherwise agreed upon by the Applicant and the Commission. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order of Conditions will be the minimum standards for this project (additional measures may be required if necessary). These erosion controls shall be maintained until the Commission agrees that they are no longer needed or until the Certificate of Compliance is issued.
7. **Prior to the initiation of any work**, the Commission reserves the right to inspect and approve the erosion controls.
8. **Prior to any work on site**, the limits of work shall be clearly marked with stakes or flags (or erosion controls, if they are a part of the Order of Conditions). Such markers 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. The Commission reserves the right to confirm these markers as they see fit.

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9. A minimum of ten to twenty-five percent (10-25%), or an amount previously agreed upon by the Applicant and the Commission, of both silt fencing and straw bales shall be stored on site to be used for replacement and/or emergency use.
10. The applicant shall immediately control or correct any erosion problems that occur at the site and shall also immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls, as they see fit, to prevent alteration to jurisdictional areas.
11. In accordance with **federal and state stormwater** requirements, all project sites shall maintain either a twenty-five (25) foot undisturbed buffer of vegetation or a sedimentation/silt fence barrier between the work site and any public roads or neighboring properties to prevent erosion and sedimentation from being carried off the site.
12. Soils exposed or expected to be exposed for periods greater than two (2) months shall be stabilized with one or more of the following: erosion control blankets or netting, covering of straw mulch, or a temporary cover of rye or other native grass, to prevent erosion and sedimentation. Drainage ditches shall be seeded with a perennial grass mixture or another stabilizing material(s). Any stabilization material such as jute netting shall be firmly anchored to prevent them from being washed away from slopes by rain or flooding. Preference should be given to biodegradable materials.
13. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion control measures shall be inspected at this time and maintained or reinforced as necessary. All such devices shall be inspected, cleaned, or replaced during construction and remain in place until such time as stabilization of all areas that may impact resource areas is permanent. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas.
14. Site grading and construction shall be scheduled to avoid periods of heavy rainfall and periods of high surface water. Erosion controls shall be inspected after every rainfall to ensure that maximum control has been provided. Any breach of erosion controls and mitigation of silt sedimentation outside erosion control barriers must be reported to the Commission immediately.
15. All disturbed areas shall be graded, loamed, and seeded prior to November 30th of each year. No disturbed areas or stockpiled materials shall be left unprotected or without erosion control(s) during the winter. If seeding is not an option, soil shall be stabilized with the use of erosion control blankets or by other approved means.
16. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately and the Commission notified. Leaked material shall be cleaned up according to the instruction of the Commission. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed of off-site.
17. All waste products, refuse, debris, grubbed stumps, slash, excavation/construction materials, etc. shall not be incorporated in any manner into the project site unless otherwise specified in the Order of Conditions. No mulch shall be placed in a Wetland Resource Area(s).
18. Any changes made to the plans approved in the Order of Conditions which will alter an area subject to protection under the Wetlands Protection Act, or any changes in activity subject to regulation under MGL Ch. 131 § 40, shall require the Applicant to inquire of the Commission in writing whether the change is significant enough to require an Amended Order of Conditions or a new Notice of Intent.
19. Members of the Commission and/or its agent shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in the Order of

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Conditions, the Wetlands Protection Act, and 310 CMR 10.00, and may require any additional information, measurements, photographs, observations, and/or materials, or may require submittal of any data or information deemed necessary by the Commission for that evaluation.

20. Within thirty (30) days of final grading (or within thirty (30) calendar days after the commencement of the following growing season if the project is completed after October 31st), all disturbed areas shall be permanently stabilized with rapid growing cover and an appropriate amount of clean, amended soil, or other acceptable stabilization methods to ensure long-term stabilization of disturbed areas. Maintenance of these areas shall be in a manner that ensures permanent stabilization and precludes any soil erosion. This shall be the responsibility of the property owner or the Applicant.
21. Fertilizers utilized for landscaping and lawn care on this lot shall be slow release, low nitrogen types, and shall not be used within fifty (50) feet of a Wetland Resource Area. Pesticides and herbicides shall not be used on any lawn area within the buffer zone. **This condition shall be included in the Certificate of Compliance. The maintenance activities specified in this Order of Conditions shall not expire with the issuance of a Certificate of Compliance.** It shall be the responsibility of the property owner to see that maintenance conditions are complied with as required by this Order of Conditions.

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LETTER OF RECOGNITION

For Order of Conditions Issued to DEP File #130-_____

NAME: _____
COMPANY: _____
MAILING ADDRESS: _____
CITY, STATE, ZIP: _____
RELATIONSHIP TO APPLICANT: _____
PROJECT ADDRESS: _____
MAP/LOT NUMBER: _____
BOOK/PAGE NUMBER: _____

Dear Cheshire Conservation Commission,

I, (Print Name) _____, hereby certify that I have read and understand the Order of Conditions issued to (Applicant) _____, DEP File #130-_____, issued on (xx/xx/xxxx) ____ / ____ / _____. As a representative of this project, I will follow and abide by the Order of Conditions, including special conditions, and the site/engineering plans as permitted in the Order of Conditions. I understand that I must always have a copy of the Order of Conditions at the site, and I will direct all work activities according to the requirements of this Order of Conditions.

I understand that any deviation from these plans, conditions, or project specifications, can result in a "Cease & Desist" and an Enforcement Order from the Cheshire Conservation Commission. In addition, I understand that deviating from all permitted plans, conditions, and project specifications can result in the denial of an issuance of a Certificate of Compliance and require that unpermitted work be undone prior to the issuance of a Certificate of Compliance.

I understand that the Cheshire Conservation Commission will need to approve all changes at a scheduled public meeting, and a proposal for these changes or an Order of Conditions Amendment must be submitted to the Commission in a timely manner.

SIGN: _____ DATE: _____

PRINT NAME: _____

ANTICIPATED WORK START DATE(S): _____

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