



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:
MassDEP File #:322-0879
eDEP Transaction #:924328
City/Town:WAYLAND

A. General Information

1. Conservation Commission	WAYLAND		
2. Issuance	a. <input checked="" type="checkbox"/> OOC	b. <input type="checkbox"/> Amended OOC	
3. Applicant Details			
a. First Name	DENISE	b. Last Name	BARTONE
c. Organization	EVERSOURCE AND THE MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION		
d. Mailing Address	247 STATION DRIVE, SE270		
e. City/Town	WESTWOOD	f. State	MA
		g. Zip Code	02090
4. Property Owner			
a. First Name	b. Last Name		
c. Organization	MASSACHUSETTS DEPARTMENT OF TRANSPORTATION		
d. Mailing Address	10 PARK PLAZA		
e. City/Town	BOSTON	f. State	MA
		g. Zip Code	02090
5. Project Location			
a. Street Address	EVERSOURCE ROW 8 - 2		
b. City/Town	WAYLAND	c. Zip Code	01778
d. Assessors Map/Plat#	99	e. Parcel/Lot#	001D-001G
f. Latitude	42.36413N	g. Longitude	71.36414W
6. Property recorded at the Registry of Deed for:			
a. County	b. Certificate	c. Book	d. Page
SOUTHERN MIDDLESEX		8014	319
7. Dates			
a. Date NOI Filed : 9/26/2016	b. Date Public Hearing Closed: 5/25/2017	c. Date Of Issuance: 6/6/2017	
8. Final Approved Plans and Other Documents			
a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date: e. Scale:
EVERSOURCE ROW 8-2 ACCESS ROAD PROJECT (SHEETS 1-6; 15-21; 36-56; NOT 39)	VANASSE HANGEN BRUSTLIN, INC.	TRACIE A LENHARDT, P.E. 11/15/2016	1" = 40'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the 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.

Check all that apply:

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
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- | | | |
|---|--|---|
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

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.

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 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 interests of the Act, 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 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>6438</u> a. square feet	<u>6438</u> b. square feet	<u>13041</u> c. square feet	<u>13041</u> d. square feet
Cubic Feet Flood Storage	<u>1824</u> e. cubic feet	<u>1824</u> f. cubic feet	<u>8704</u> g. cubic feet	<u>8704</u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u>	<u> </u>		



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	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	20080	20080		
	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	20080	20080		
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	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. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		



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21. ☐ Land Subject to Coastal Storm Flowage

_____ a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

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 & d or B.17.c & d above, please entered the additional amount here.

_____ a. square feet of BVW

_____ b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

_____ 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.
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.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
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.
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



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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 : "322-0879"

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 Mass DEP.
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.
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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☒ is not (2) ☐ subject to the Massachusetts Stormwater Standards. If the work is subject to 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 Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 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



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- 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; *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 19(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 Pollutant 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.
- 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



**Massachusetts Department of Environmental
Protection**

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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:

SEE ATTACHMENT A FOR A LIST OF SPECIAL CONDITIONS.



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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 Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____

WETLANDS AND
WATER RESOURCES
PROTECTION
BYLAW

2. Citation CHAPTER 194

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:

SEE ATTACHED CHAPTER 194 PERMIT FOR SPECIAL CONDITIONS IN COMPLIANCE WITH THE
WETLANDS AND WATER RESOURCES PROTECTION BYLAW.



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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

5/18/2017

1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

5

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.

Signatures:

[Handwritten signatures: Susan Breckner and Barbara Howell]

[Handwritten signature: R.A. Backman]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

JUNE 7, 2017

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

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.

WAYLAND

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

WAYLAND

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

EVERSOURCE ROW 8 - 2

Project Location

322-0879

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

Rev 4/1/2010



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

Date of Issue: June 6, 2017

Applicants: Eversource and Massachusetts Department of Conservation and Recreation (DCR)

Owner: Massachusetts Department of Transportation

Project Location: Eversource Right-of-Way (Mass Central Rail corridor)

Map and Lot Number(s): Electric Right-of-Way (ROW 8-2)

Project Description:

The project involves the construction of a multi-use recreational paved trail along the former railroad branch of the abandoned Mass Central Line starting at the Weston town line heading west for approximately 2.3 miles to Route 27 with associated filling and grading, landscaping, stormwater management, and the installation of temporary erosion controls.

Plans and Documents:

The Commission voted to approve the following site plans subject to the pre-construction amendments required in Condition 20 below:

1. Notice of Intent Application, prepared by VHB, revised and received on May 9, 2017.
2. Eversource ROW 8-2 Access Road Project, prepared by VHB, dated May 19, 2017, signed and stamped by Tracie A. Lenhardt, P.E., no. 47612.
3. Stormwater Management Memorandum (attachment 3 to NOI application), includes DEP Stormwater checklist (Exhibit A) and Operation & Maintenance Plan (Exhibit B), prepared by VHB, not dated, received on May 9, 2017.

Critical Dates:

1. This Order of Conditions is valid for three years. Expiration date 06/06/2020.

Findings:

1. The Applicant, Eversource, Inc. filed a Notice of Intent on September 23, 2016 for the construction of a utility maintenance road along an existing electrical utility line right-of-way (ROW). The original project included removing the existing railroad ties and rail and installing a 16-foot wide gravel access road. On May 9, 2017, a revised Notice of Intent was filed to address changes in the scope of the project and included DCR as a co-applicant. DCR plans to pave a 10-foot wide path and install three feet wide shoulders. DCR is responsible for the Operation and Maintenance of the access road/rail trail.
2. The Commission finds the site significant to all the interests checked on page 2 of the state Order of Conditions, with no evidence presented by the applicant to rebut any of these presumptions.
3. The Commission finds that the project described in the Notice of Intent meets the performance standards of the state Wetlands Protection Act to the extent practicable, provided that all Conditions of the state Order and all conditions listed below are met.
4. The work qualifies as a Limited Project under the WPA according to 310 CMR 10.53(3)(d). The 16-foot wide access road will be constructed within the existing ROW and include the removal of the existing track and ties, addition of 12-inches of clean gravel for the new road sub-base in accordance with DEP "Best management Practices for controlling exposure to soil during the development of Rail Trails" and regrading the slopes and embankments.



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

5. The Commission finds that a significant portion of the proposed Eversource ROW 8-2 Access Road (ROW) is within areas Subject to jurisdiction. The wetland resource area boundaries along the ROW within the Town of Wayland were confirmed during site visits and peer review by Patrick Garner on November 16, 2016. The revised plans reflect adjustments to the wetland delineation as part of the peer review process. The riverfront area (as defined in 310 CMR 10.58) impacts total 20,080 square feet and are associated with the Mill Brook, Hayward Brook and an unnamed stream. The Bordering Land Subject to Flooding impacts total 6,438 square feet and include 1,824 cubic feet of flood storage lost. The proposed replacement is 13,041 square feet of bordering land subject to flooding and 8,704 cubic feet of replaced flood storage. The majority of the work will be within the existing railroad corridor with some additional grading along either side to the rail bed to accommodate Eversource maintenance vehicles and horse traffic. Any temporary impacts to wetlands and land under water will be restored in place to pre-impact conditions.
6. The Commission finds the AE flood zone is located along the 124 foot elevation on the north side of the Mill Brook culvert and at approximately 121 foot elevation on the south side. The AE flood zone is located along the 156 foot elevation on the north side of the Hayward Brook culvert and at approximately 148 foot elevation on the south side (an 8 foot difference).
7. The Commission finds that a NPDES Construction General Permit and a Stormwater Pollution Prevention Plan are required for this project.
8. The Commission further finds that any additional changes will require approval by the Conservation Commission. Therefore, the applicant will be required to provide the Conservation Commission with a copy of the final construction plan prior to the start of any construction or alteration for review and a determination as to whether the final plan is consistent with this Order.

Conditions:

Note: These conditions are issued under the Massachusetts Wetlands Protection Act. Numbering begins with #20, to be consecutive and integrated with and the conditions issued under the state Wetlands Protection Act. Conditions #1-19 are pertinent and are considered a part of this order of conditions.

Before Project Begins (Prior to any Alteration):

20. A site meeting with an Agent of the Conservation Commission and agreement upon/proof of the following must occur before any work may commence on the site.

- A. Proof of recording of the Order of Conditions.

- B. Final Site Plans:

- 1) The applicant will provide final site plans based upon the NGVD datum to the Conservation Commission for review and a determination as to whether the plans are in substantial conformance with the approved plans or whether further approval is required. This will include a final Stormwater Pollution Prevention Plan.

- 2) An amended Order of Conditions is required if a project change results in an increase in disturbance or alteration or the plan is substantially different from the approved plans.

- 3) The applicant will provide an affidavit attesting to the completeness of the plans referenced in this permit and that these are the same plans that have been approved by any other Board and/or Department.

- C. **Erosion controls** shall be installed at the limit of work and will include fiber logs, silt fencing/straw bales, or other acceptable erosion control device approved by the Commission. Erosion control will be required for the duration of the project, and will be inspected by the agent or member of the Commission prior to the start of construction.



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

D. **Contact information** shall be provided to the Agent including a written list of names, addresses, business phone numbers, and mobile phone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate, including 24-hour contact information of the person responsible for the site.

E. Proof that a **copy of the plans and this Order of Conditions has been provided to the Contractor**. The plans and the Order must be available at all times at the construction site for reference. This Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and shall supersede any conflicting contract requirements.

F. **Limit of work line** for the rail trail construction is considered the erosion control barrier. No work may be performed beyond the limit of work line without prior approval of the Conservation Commission under the Mass. Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw.

G. **Additional permits:** The applicant must present satisfactory evidence to the Conservation Commission that the following permits have been issued:

- General Construction Permit (and a Stormwater Pollution Prevention Plan)

H. **Emergency supplies:** The applicants must have extra fiber logs, silt fence and/or straw bales or other acceptable erosion control device approved by the Commission on site in case there is need for immediate repair of erosion controls or if sediment is found to be leaving the site.

I. **Construction Schedule:** The applicant or contractor shall submit a construction schedule to the Commission.

J. **Start of Work Notification:** The applicant or contractor shall submit notification to the Commission not less than two or more than five business days notification before work commences.

K. **There is a separate Bylaw decision for the work permitted by this Order of Conditions issued pursuant to Wayland's Wetlands and Water Resources Bylaw Chapter 194. That decision contains conditions not listed in this decision including a requirement for regular professional inspections of the site.**

L. **Cattle Passes:** The Applicant has indicated that cattle passes will not be altered. The Applicant has provided design details for the repair of a typical cattle pass (see plan 41).

During Construction

21. **Order of Conditions prevails:** Except where modified by these Conditions, all work must be performed in accordance with the plans outlined by the applicant and referenced on page 1 of this Order. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
22. **Stop Work Orders:** An Agent of the Commission shall have the right to halt all or a portion of the work on the site if the Agent determines that any of the work is not in compliance with the 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.
23. **An invasive plant inspection of the rail corridor** shall be conducted by Eversource or its agent and the Commission and/or its Agent for the purpose of identifying and locating areas for invasive plant control.
24. **Maintain Erosion Controls:** Erosion controls shall be properly maintained throughout construction until the site is in a final stabilized condition. The site shall be managed such that no sediment leaves the proposed limit of disturbance to protect adjacent wetlands, land under water, bank, and riverfront.
25. **Dewatering:** If dewatering is required, the discharge must be directed through adequate sedimentation controls on site. No dewatering may proceed until the Commission or its agent has inspected and approved the installation of the dewatering controls.



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

26. Work must conform with the approved plans:

A. Limit of work: At no time shall heavy equipment operate, nor shall work, disturbance, or alteration occur beyond the erosion control barrier, which will also serve as a limit of work. No construction materials, stockpiled soil or fill, debris, brush, leaves, or other materials may be placed beyond the limit of work.

B. Landscaping: The final planting must be installed and the vegetation established along the shoulders and entrance areas before a Certificate of Compliance will be issued. The Commission may require two full growing seasons to determine that the plantings are successfully established, and may require replanting in case of significant failure.

C. Stormwater runoff: Runoff will be directed to the 3-foot grass shoulders on either side of the paved path located along the abandoned rail corridor. The grass will need to be maintained in order to achieve compliance with the stormwater management standards.

27. **Care of stockpiled materials:** Any stockpiled soil, sand or similar unconsolidated material must be stored within the limits of work unless otherwise authorized by these Conditions, by the Commission, or by an Agent of the Commission. Any stockpile of soil, sand, or similar materials that is permitted within a buffer zone, must be enclosed within a line of entrenched and staked straw bales or siltation fence. In the event that all earthwork ceases for more than 30 days, all exposed soils must be stabilized with a temporary vegetative cover, straw mulch, or other method of erosion control accepted by the Commission.
28. **All railroad ties** removed in the course of the project, as well as any waste asphalt generated by the project, shall be either immediately removed from the site to a proper disposal or recycling facility or placed in a temporary storage area located outside the 100-foot buffer zone. The Applicant shall make every effort to remove any stray ties observed on the surface of the ground, even if outside the limit of work.
29. **Equipment** shall not be refueled or serviced within 100 feet of the bordering vegetated wetlands or within bordering land subject to flooding. A spill containment kit shall be provided on the site at all times.
30. **Trash and debris** encountered within the rail right-of-way and easements during construction shall be removed by the contractors.
31. **Site stabilization during construction:** During construction, bare ground that cannot be permanently stabilized shall be temporarily stabilized by a method approved by the Commission, such as jute netting or hydroseeding.
32. **Fuel storage:** No more than a total of 50 gallons of flammable or combustible chemicals relating to this project shall be stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission shall be notified prior to initiating any emergency repair on the site.

Upon Completion of Project

33. **Permanent soil stabilization:** Following the completion of construction and grading, all exposed soils must be restored to the previous grade or proposed grade per the site plans and permanently stabilized with a permanent cover. Mulch or wood chips will not be considered permanent stabilization except in small planting beds.
34. **Removal of erosion controls:** With the approval of the Commission or its Agent, hay bales and silt fences or other erosion control devices may be removed from the site when the surface is permanently stabilized. These shall be removed before the issuance of a Certificate of Compliance.
35. **Notification of completion of the project/Request for Certificate of Compliance:** Within 30 days of completion of the project, the applicant shall make a written request to the Commission for a Certificate of Compliance (Form WPA 8A) and shall submit the following items with the request:



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

- A. **Two sets of As-Built Plans** showing the location of the rail trail as described above.
- B. **An electronic copy** of the as-built plans shall be submitted on a computer disk in AutoCAD format dxf, dwg or may be e-mailed to the aberry@wayland.ma.us (if this is not possible please contact the Commission).
- C. **Compliance report** and detailed narrative prepared by the Professional Engineer certifying compliance with this Order of Conditions. Any conditions not in compliance need to be addressed. Any deviations or changes to the approved plans need to be noted with information as to any corrections undertaken.
- D. **Also see Condition 18 for other as-built plan and certification requirements.**

Conditions In Perpetuity

The following conditions must be included on the Certificate of Compliance, and must continue in perpetuity. The property owner will have the right to request from the Conservation Commission an amendment to the conditions in perpetuity. If, in the judgment of the Commission, the proposed amendment will not detrimentally affect the values of the wetland resource areas, the Commission will amend this Order or the Certificate of Compliance.

- 36. **Limit of Lawn:** the conversion of the naturally-vegetated portion of the rail corridor to lawn shall be considered an alteration of the wetland buffer zone. No alterations will be allowed in the wetlands or wetland buffer zones without approval of the Commission.
- 37. **Disposal of yard waste:** Yard waste or other debris cannot be disposed in the adjacent wetland buffer zone. Every effort should be made to remove any disposed yard waste.
- 38. **Snow Removal:** Snow shall not be pushed into, or piled toward the wetland adjacent to the property.
- 39. **Prohibition of Chemical Applications**
 - A. **Deicing salts:** Only calcium-based deicing chemicals may be used on surfaces where runoff or drainage will discharge into wetland or riverfront resource areas. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - B. **Lawn fertilizer:** No fertilizer may be applied within the wetland resource area (within the 100-foot buffer zone) or the Riverfront Area. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - C. **Herbicide:** Herbicide may be applied under an approved five year Vegetation Management Plan and annual Yearly Operating Plan authorized by the Massachusetts Department of Agricultural Resources.

End of Municipal Addendum to Order of Conditions



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3046

Wayland's Wetlands and Water Resources Protection Bylaw
CHAPTER 194 PERMIT
Eversource/DCR Paved Access Road & Rail Trail – June 6, 2017
(Also DEP file 322-879)

Project Description: The applicant proposes to construct a multi-use recreational paved trail along the former railroad branch of the abandoned Mas Central Line starting at the Weston town line, heading west for approximately 2.3 miles to Route 27 with associated filling and grading, landscaping, stormwater management, and the installation of temporary erosion controls. The development of an access road/rail trail will impact 20,080 square feet of riverfront area and 6,438 square feet of bordering land subject to flooding, including 1,824 cubic feet of flood storage lost. Compensation includes 13,041 square feet of bordering land subject to flooding and 8,704 cubic feet of proposed replacement.

Decision: The Wayland Conservation Commission (hereinafter "Commission") voted to issue a Chapter 194 permit approving the proposed work, as conditioned herein pursuant to Chapter 194 and Chapter 193. This permit is subject to the conditions noted below and based upon the findings listed thereafter. The Commission finds that the conditions are necessary, in accordance with the provisions of Chapter 194, to protect those interests noted in the findings. **There is a requirement for periodic inspections performed by a Professional Engineer (hereinafter "P.E.") or Professional Land Surveyor (hereinafter "P.L.S.")).** The applicant is responsible for ensuring that the inspections are conducted and site inspection reports are submitted to the Commission as outlined in the "Reporting Requirements" herein.

Plan Reference/s:

1. Notice of Intent Application, prepared by VHB, revised and received on May 9, 2017.
2. Eversource ROW 8-2 Access Road Project, prepared by VHB, dated May 19, 2017, signed and stamped by Tracie A. Lenhardt, P.E., no. 47612 (33 of 88 selected sheets).
3. Stormwater Management Memorandum (attachment 3 to NOI application), includes DEP Stormwater checklist (Exhibit A) and Operation & Maintenance Plan (Exhibit B), prepared by VHB, not dated, received on May 9, 2017.

The work shall conform to these plans *except* as herein conditioned.

Special Conditions Issued by the Wayland Conservation Commission:

CONDITIONS TO BE MET BEFORE COMMENCING WORK:

1. **The Commission requests that a portion of the total project cost shall be held as retainage as a performance guarantee. The Commission recommends that the contract will include a**

provision for retainage that is not less than 5% of the total project cost and that the release of said retainage be conditioned upon issuance of a Certificate of Compliance for the project pursuant to Chapter 194 by the Commission.

2. **Prior to commencing any work**, the applicant shall provide *written notice*, not less than two or more than five business days prior to commencing any activity permitted by this Order, to the Commission. *E-mail shall not be considered written notice.*
3. **Prior to commencing any work on the site**, a copy of the Construction Storm Water Pollution Prevention Plan ("SWPPP"), shall be given to the Commission for their review and approval or approval modifications prior to filing the EPA for a construction general permit.
4. **Prior to commencing any work**, the applicant shall submit a construction schedule that incorporates conditions in this **Permit** to the Commission.
5. **No work shall begin until the appeal period has expired for the Order of Conditions issued pursuant to the Wetlands Protection Act.**
6. **Prior to commencing any work**, the applicant shall provide the name of the person responsible for all on-site erosion controls, the name of the person who shall make the inspection of the sediment barriers and the name of any alternate.
7. **Prior to commencing any work at the site**, the applicant will hold an onsite preconstruction meeting with the contractor, project engineer, and the Conservation Administrator. The meeting will allow for the inspection of the sediment barriers and inlet protection once they have been installed to ensure that the barriers have been properly installed. Any outstanding issues can be resolved at that time.

REPORTING REQUIREMENTS:

8. At least every other week, beginning the first week of construction, in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, and until the completion of work within the buffer zone or draining to the buffer zone, the applicant shall submit a written report to the Commission from a Registered Professional Engineer. The Registered Professional Engineer shall certify that, to the best of his/her knowledge and belief based upon careful site inspections (conducted during work hours at the site not less than biweekly) all work is being performed in compliance with this Order of Conditions. If the work is not in compliance, he/she will note where a deviation from the Order occurred. **The reports shall also include the date of the inspection/s, the time of the inspections, a summary of activities being conducted, any comment on the condition of the sediment barriers, and compliance with these conditions and conditions issued pursuant to the Wetlands Protection Act, if different.** These reports may be stopped if work ceases for a period of more than five days and the work is in conformance with this Order. If the reports are stopped, no work may occur, except for maintenance of the sediment barriers, until the Commission is given written notice, as required in Condition #20 of the intent to recommence work. If needed a final inspection/report, not less than 180 days before this Order expires shall also be submitted to the Commission.

9. The required reports shall be submitted within five business days after each required site inspection (the second inspection of each cycle).
10. The Commission may extend this decision for one or more periods of up to three years each upon application to the Commission at least 30 days prior to the expiration date of the decision.
11. 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.
12. **All written submissions to the Commission shall include: a date, the DEP File Number and the condition or conditions that the submission is intended to meet.** Failure to comply with this requirement may result in an incomplete file and adversely impact consideration of a Certificate of Compliance.

CONDITIONS TO BE MET DURING THE PROJECT:

13. A copy of this permit shall be included with any bid documents and contracts issued for work authorized by this permit.
14. The work authorized hereunder shall be completed within three years from the date of this permit unless extended pursuant to Chapter 194. *Any extension sought must be done in compliance with this permit.*
15. This permit 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.
16. The conditions of the NPDES construction general permit, if required, are incorporated as conditions of this permit.
17. This Permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
18. Any backfill used in connection with this project shall be clean fill. Any backfill shall contain no trash, refuse, rubbish, or debris, including but not limited to wood, lumber, **asphalt**, bricks, concrete, plaster, electronic and computer components, wire lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
19. This permit incorporates the conditions listed in Order of Conditions, DEP File 322-879. Failure to comply with a condition shall be deemed a violation of Wetlands and Water Resources Protection Bylaw Chapter 194.
20. Grading shall conform to the plans referenced in this permit except as conditioned herein. There shall be no increase in grade permitted within the buffer zone, riverfront area, and/or bordering land subject to flooding.
21. Sediment barriers shall be sediment filter fence and straw bales unless an alternative has been approved, prior to installation, by the Commission and shall be installed in the location as shown on the plan referenced in this permit.

22. The installation of sediment barriers should be done by hand or with equipment designed to minimize the amount of land disturbed. Heavy equipment should not be used to install the sediment filter fence; trenches should not be more than 4"-6" deep and not more than 3" wide. Straw bales shall be staked at grade without being dug into the ground.
23. 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 Permit.
24. All disturbed or exposed areas shall be brought to final finished grade and stabilized with loam and seed. This shall be specifically addressed in the site inspection reports required by this Permit.
25. Any debris, which falls into any pond, stream, or wetland, shall be removed immediately by hand. All construction debris shall be properly disposed by the contractor.
26. A copy of this Permit shall be provided to the project supervisor and shall be available on the site at all times during construction.
27. If a container is used for disposal of materials, it shall be covered at night and secured. It shall not be placed closer than 100' from the wetlands.
28. Any excess excavated material, including the railroad ties shall be removed from the site and disposed of legally. Evidence shall be provided when the Certificate of Compliance request is provided demonstrating compliance with this condition.
29. There shall be no stockpiling of soil or other materials within 100 feet of any pond, stream, wetland area or within the riverfront area except as depicted on the plan referenced in this decision. Any erodible material stockpiled overnight shall be covered with plastic or canvas, or stabilized in a manner acceptable to the Commission to prevent soil from entering any resource area. Stockpiles shall also be contained with straw bales around the perimeter of the pile. Stockpiling shall be minimized.
30. Any concrete washouts shall conform to the U.S. EPA "Stormwater Best Management Practice for Concrete Washout".
31. Any catch basins on or adjacent to and down gradient from the site shall be protected by Silt Sacks while construction is ongoing at the property. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the permitted work permitted have been permanently stabilized and the Commission has formally approved their removal. **They shall be monitored at least weekly and after major (.5" in 24 hrs) storm events to ensure proper function and removed immediately after construction has been completed.**
32. A small supply of straw bales and filter fabric shall be stockpiled for emergency use only. The applicant shall immediately control any erosion/sedimentation problems that occur on the site. They shall also immediately notify the Commission if any corrective action has been required. The need for any additional erosion/sedimentation controls found to be necessary by either the applicant or the Commission during construction shall be implemented by the applicant.
33. Equipment shall not be refueled or serviced within 100 feet of the riverfront, wetlands, and any other resource area or within the buffer zone except as conditioned herein. Prior to commencing any activity within the buffer zone or a resource area the applicant shall provide documentation to

the Commission as to how they will achieve compliance with this Condition. The Commission may permit, on a restricted basis, some refueling within the buffer zone, if a spill containment kit is provided on the site at all times.

34. There shall be no more than a total of 50 gallons of flammable or combustible chemicals relating to this project stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Commission shall be notified prior to initiating any emergency repair on the site.

CONDITIONS TO CONTINUE IN PERPETUITY:

35. No composting and/or dumping of debris are permitted within 100' of a wetland or stream. Any existing material within the buffer zone shall be removed. *This Condition shall remain in force permanently and be recorded on the Certificate of Compliance.*
36. No de-icing chemicals shall be used on any paved surface located within the 100-foot buffer zone or inner riparian zone except with the prior written permission of the Commission. The Commission will consider the use of calcium chloride. *This Condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.*
37. Herbicides may be applied under an approved five year Vegetation Management Plan and annual yearly Operation Plan authorized by the Massachusetts Department of Agriculture. The Commission prefers the use of mechanical methods to control unwanted vegetation in all resource areas. *This Condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.*

CONDITIONS ADDRESSING PROJECT COMPLETION:

38. By acceptance of this Permit and commencement of work authorized herein, the applicant, owner, and their respective agents, assign, and successors in title agree to indemnify, defend and hold harmless the town for any damages that might occur on or off the subject property, or any legal claims which may be attributable to any alterations undertaken or construction performed on the subject property pursuant to this Permit. Issuance of this Permit does not in any way imply or certify that the subject property or downstream or adjacent properties will not be subject to flooding, storm damage, or any other form of water damage that might result from alterations undertaken or construction performed on the subject property pursuant to this decision.
39. The Commission and/or Conservation Administrator may require the removal and dispersal of the erosion controls after the site has been fully stabilized to their satisfaction. Sediment barriers may also be removed if, upon a required site inspection, the P.E. or P.L.S. has certified that the site is permanently stabilized.
40. The applicant shall submit a request for a Certificate of Compliance not less than 60 days before this decision expires. The request for Certificate of Compliance shall include the following items:
 - a. The request for a Certificate of Compliance shall be submitted with a **detailed narrative** (signed original plus five copies and electronic submittal) prepared by a P.E. or P.L.S. registered in the Commonwealth of Massachusetts, which lists conditions that were not

complied with and the reasons for non-compliance and details the manner and extent of any deviations from compliance with any condition, shall be submitted with a request for a Certificate of Compliance. This narrative shall certify compliance with the approved plans referenced above and this Permit and setting forth any deviation/s that exist with a note as to how it/they may be corrected. Work that is not complete shall be detailed in a schedule of planned completion dates prior to expiration of the Permit with a certification to the commitment of resources by an authorized official representative of the applicant to complete the work prior to expiration of the Permit.

- b. Eight sets of 11 x 17 inch as-built site plans and one full size plan shall be prepared by a registered P.L.S. or registered P.E. showing the wetland resource areas, grades, utilities, building footprint and landscaping. These plans shall include the date/s of fieldwork. The plan shall be based upon the NGVD datum and indicated on plan.
- c. A copy of the as built site plans shall be submitted electronically in autocad format, dxf, dwg, to the Town Surveyor at aberry@wayland.ma.us.
- d. A Chapter 194 Form properly filled out for a Certificate of Compliance.

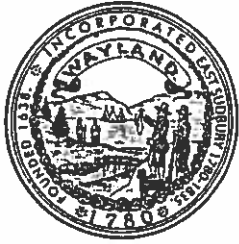
**This decision is not valid without a signature sheet.
The page numbering does not include the signature sheet.**

This Permit expires on June 6, 2020
If necessary, an extension must be filed by May 6, 2020.

Findings:

- a. Chapter 194 requires filing an application for any work to be done in a resource area – work is proposed in resource areas for this project.
- b. The resource areas that have been identified in the application are: Riverfront, Vegetated Wetlands, Buffer Zone, and Bordering Land Subject to Flooding.
- c. This permit does not define the limits of resource areas regulated by the Bylaw.
- d. These resource areas identified have values relating to: the protection of public and private water supplies, prevention of pollution, wildlife habitat, prevention of flooding, prevention of storm damage, protection of ground water, unusual plants, wildlife, wildlife habitat, and passive recreation.
- e. A public hearing was opened on October 20, 2016 and closed on May 25, 2017.
- f. The minutes of the hearings are incorporated as part of the record for this decision.
- g. Discovery of additional resource areas, not identified in the wetlands report, will be grounds to find this decision to be incomplete, inaccurate, and/or invalid.
- h. The Wetlands Bylaw provides greater protection of the buffer zone – a resource area defined within Chapter 194.
- i. This permit shall run concurrently with the Order of Conditions issued pursuant to the Wetlands Protection Act for DEP File 322-879.
- j. The work completed by the Town at the road crossing with Plain Road done previous to this filing is approved under this permit. A separate filing under the WPA was prepared for this previous road crossing work and approved by the Commission
- k. The requirements and findings of this permit are consistent with the provisions of Chapter 194 and are intended to be more stringent than the Order of Conditions. As noted above, the buffer zone is a resource area as defined by Chapter 194 – those conditions have been adopted as part of this decision.

- l. Nothing in this decision is intended to permit an increase in rate or volume of water discharged from the applicant's property onto the property of others as a result of work being permitted by this decision.
- m. The Commission's decision is not intended to confer property rights of any abutting property owners.
- n. Sediment barriers will be required until disturbed areas within 100 feet of the wetlands are permanently stabilized.
- o. Discharges to the wetlands or the drainage system, if not properly permitted by DEP or EPA, are prohibited.
- p. During construction, precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the wetlands or other resource areas. Precautions include limiting where equipment is serviced and refueled, having spill containment kits at the site, and taking steps to avoid spills and accidents.
- q. Projects covered by a Chapter 194 Permit meet Chapter 193 requirements.
- r. **Any deviation from the approved, detailed plan will require a formal determination by the Commission as to whether this decision may be modified or a new filing will be required.**
- s. Failure to comply with the conditions of this permit is a violation of the Wetlands Bylaw. Violations of Chapter 194 may result in the imposition of non-criminal penalties in the amount of \$300 in addition to other remedies available. Each day the violation exists may be considered a separate violation of the Bylaw.
- t. Site plans are required to be based upon the National Geodetic Vertical Datum (NGVD) and indicated on plan.
- u. Submission of an as-built plan showing significant deviations from the approved plan may result in a requirement to file a new application, enforcement action, or other actions as deemed appropriate by the Commission.
- v. Any required approval by the Commission may be provided within 21 business days unless additional information is requested.
- w. Any required approval or action by the Conservation Administrator may be taken within 12 business days unless additional information is requested.
- x. The Commission may consider revoking this permit in the event the material presented during the hearing and/or on the plans is found to be different from material provided to another Board, Commission or official for work other than that described to the Commission during the public hearings.



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3606

CHAPTER 194 PERMIT
WETLANDS AND WATER RESOURCES PROTECTION BYLAW

Signature Sheet
Eversource Access Road – Route 27 to Weston Town Line
(Also DEP 322-879)

Wayland Conservation Commission:

Stuart Greenbaum *Barbara Hull*
[Signature] *RH Backman*

Date issued: JUNE 6, 2017

This Permit is issued to the applicant as follows: by hand delivery on
✓ by certified mail on JUNE 7, 2017