

ADDENDUM NO. 5

TO

CONTRACT DOCUMENTS

**IMPROVEMENTS TO LOKER CONSERVATION AND RECREATION AREA
Wayland, MA**

IFB #19-1054

March 25, 2019

NOTICE TO BIDDERS

The attention of all bidders submitting proposals for “Improvements to Loker Conservation and Recreation Area” is called to the following Addenda to the specifications and plans. The items set forth herein, whether of omission, addition or substitution are to be included in, and form part of the specifications and plans of the above-named project for bids to be received as advertised.

**PLEASE BE SURE TO ACKNOWLEDGE
THIS ADDENDUM ON BID PRICING PAGE**

The following clarifications, modifications, deletions and additions are hereby incorporated into and become part of the Contract Documents.

Contractor’s take note, The Town of Wayland IFB #19-1054 bid date remains unchanged. Sealed bids for the contract will be received at the Facility Department, 2nd Floor, Wayland Town Building, 41 Cochituate Road on **Wednesday, March 27, 2018 at 2:00 PM.**

WRITTEN CHANGES AND CLARIFICATIONS TO SPECIFICATIONS

1. **ADD** – Appendix: Town of Wayland Conservation Commission **DRAFT** Order of Conditions, per attachment.

For Clarification: Contractor shall note that this is a **DRAFT** Order of Conditions to be included in the base bid contract price. Any item that is struck, shall not be considered by the contractor to be required as part of the lump sum base bid contract price. All other items identified within the Town of Wayland Conservation Commission Permit Order of Conditions and Town of Wayland Ch. 194 Bylaw shall be included within the lump sum base bid contract price. It is not anticipated that the Order of Conditions will change. Should it change following the submission of the bid by the winning contractor, The Town of Wayland, Contractor, Weston & Sampson and Owner’s Representative will determine if a change to the contract price is warranted.

Questions and Clarifications:

1. The MUSCO Pole Foundation Elevation provided in Addendum #2, drawing C2, has a note that states “Block out socket in footing for precast base to be inserted with SECOND pour for PIER.” We understand that the spread footing shall be included in the Base Bid Price. Please clarify if the PIER pour should be included in the Base Bid Price, and if so, does there need to be a blockout in the Pier pour as well. Please clarify if the precast pole base should be included in the Base Bid Price.

Response: The pier pour should be included in the base bid price. The base bid price shall include installation of all materials associated with installation of the light pole foundations to finished surface grade and light pole installation elevation at top of footing pier. Included within the base bid and installation of the footing / pier and associated empty conduits, pull boxes / handholes and pull strings so that the light poles may be installed at a future date if Add Alternate No. 1 is not selected. The expectation of the base bid contract is that the Town will be able to install the light pole and fixtures without having to excavate in the future to install below grade foundations.

ATTACHMENTS

Town of Wayland Conservation Commission DRAFT Order of Conditions.

END OF ADDENDUM NO. 5



TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION

Wayland's Wetlands and Water Resources Protection Bylaw
CHAPTER 194 PERMIT
412 Commonwealth Road – March 2019
(Also DEP File 322-929)

Applicant/Owner: Ben Keefe
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Subject Property: 412 Commonwealth Road, Wayland, MA

Deed Reference: Book 31387 / Page 167, Middlesex South Registry of Deeds

Project Description: An application filed for the construction of a new synthetic turf multipurpose field at the Loker Conservation and Recreation Area with stormwater management and temporary erosion controls within the wetland buffer zone at 412 Commonwealth Road (Map 49, parcel 064B). The scope of work includes the following:

1. Construction of a new 195 x 330 foot synthetic turf multipurpose field
2. Replacement and expansion of the existing parking lot to accommodate 62 parking spaces
3. Installation of new lighting for the field and parking lot
4. Replacement of the existing asphalt drive with a new emergency access drive
5. Earthwork and re-grading of the site to prepare a field and parking area
6. Removal of **391** total trees (47 within the 100-foot wetland buffer area)

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. This permit is subject to the conditions noted below and based upon the findings listed below 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.

Plan References and Documents:

1. Town of Wayland Improvements to Loker Conservation and Recreation Area (15 sheets labeled L1.00 – L6.01; except L2.00), prepared by Weston & Sampson, signed and stamped by Eugene Richard Bolinger, R.L.A, dated September 17, 2018.
2. Notice of Intent/Chapter 194 Application, received on July 30, 2018. [The initial filing was missing the NOI signature page and provided electronically.]
3. Stormwater Report, prepared by Weston & Sampson, revised September 10, 2018.
4. Focused Environment Records Review & Soil Assessment from Bandon Kunkel, Weston & Sampson, dated April 4, 2018.
5. Geotechnical Engineering Report from Matthew Zanchi and Tulin Fuselier, Weston & Sampson, dated April 13, 2018.
6. Wetland Delineation Memo from Cassidy Chroust, Weston & Sampson, dated April 23, 2018.
7. Loker Conservation and Recreation Area Tree Assessment from Brandon Kunkel, Weston & Sampson, dated July 17, 2018.

8. Response to Conservation Commission Comments from Brandon Kunkel, Weston & Sampson, dated August 16, 2018.
9. Notice of Intent Peer Review Letter from Melissa Kaplan and Frank DiPietro, BSC Group, Inc., dated August 31, 2018.
10. Response to BSC Group, Inc. August 31, 2018 comments from Brandon Kunkel, Weston & Sampson, dated September 10, 2018.
11. Response to documents submitted by project proponents from Weston & Sampson Design Team, dated September 13, 2018.
12. Option 5 Tree Replacement Strategy, prepared by Weston & Sampson (not signed or stamped), dated September 17, 2018, scale: 1" = 30'.
13. Second Peer Review Letter from Melissa Kaplan and Frank DiPietro, BSC Group, Inc., dated September 26, 2018.
14. Response to Second Peer Review from Brandon Kunkel, Weston & Sampson, dated October 4, 2018.
15. Third Peer Review Letter from Melissa Kaplan and Frank DiPietro, BSC Group, Inc., dated October 10, 2018.
16. Transportation Engineering Peer Review letter from Samuel Gregorio, The Engineering Corp., dated December 3, 2018.
17. Environmental Conditions at the former Dow Chemical Facility from Timothy Snay, Ransom Consulting, Inc., dated January 15, 2019.
18. Response to Planning Board Comments from Weston & Sampson, dated January 18, 2019.
19. Testing Overlay, prepared by Weston & Sampson (not signed or stamped), dated January 18, 2019, scale: 1" = 30'.
20. Loker Conservation Management Plan (second draft) dated February 2019.
21. Sketch of stairs from Weston and Sampson, dated January 18, 2019, scale: 1" = 30'.

**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 PERMITTED WORK:

1. **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 Permit, to the Commission. *E-mail shall not be considered written notice.*
2. **Prior to commencing any work permitted by this permit**, a copy of this permit shall be filed at the Middlesex South Registry of Deeds.
3. **Prior to commencing any work** a copy of the Construction General Permit/SWPPP shall be provided to the Commission.
4. **No work shall begin until the 10-day appeal period has expired for the Order of Conditions issued pursuant to the Wetlands Protection Act.**
5. **Prior to commencing any work**, the applicant shall provide the name and phone number of the Contractor, the foreman in charge of the project, 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.
6. **Prior to commencing any work**, the applicant shall provide the Conservation Administrator with a revised Section 01 57 19 – Environmental Protection (of the contract documents) based on comments from the Conservation Administrator for their review and approval.

7. **Prior to commencing any work at the site**, the Conservation Administrator shall inspect the sediment barriers once they have been installed to ensure that the barriers have been properly installed. The completion of this inspection does not imply the barriers have been installed in the required location – such certification is the responsibility of a qualified professional.
8. The applicant shall perform confirmatory test pits if the soil conditions assumed during design are not consistent with actual conditions. The applicant will ensure that the infiltration system will meet the DEP stormwater regulations and provide two feet of separation between the base of the system and groundwater or ledge. The Commission will be notified 48 hours in advance of the scheduled soil testing. Test results will be reported to the Administrator.
9. **Prior to commencing any work at the site** the applicant shall provide the Conservation Administrator with a construction phasing plan detailing anticipated time periods for confirmatory soil testing, tree removal activities, construction, construction materials and equipment storage, anticipated roadway or access drive closures, and disposal plans for any excess crumb rubber infill material and any synthetic carpet grass carpet and blades.
10. **Prior to commencing any work at the site**, the applicant shall provide final signed and stamped site plans based upon the NGVD datum to the Conservation Commission (Commission) if the project design changes after the issue date of this permit. Significant changes to the site plans may require filing a new Notice of Intent.
11. **Prior to commencing any work at the site**, the applicant shall mark the 30-foot no disturb buffer to the wetlands by wooden stakes or prominent flagging. In addition, the applicant shall clearly mark the 50-foot wide conservation land along Rice Road and the section along the northwest side of the proposed athletic field. The culvert location that connects the North pond with the West pond shall be identified and clearly marked in the field to avoid potential damage during construction activities.
- ~~12. **Prior to commencing any work at the site**, the limits of work shall be laid out and staked in the field by the Town Surveyor who shall submit a stamped, written certification (including photographs) indicated that they have supervised and checked the work and that the limit of work conforms, without exception, to the approved plans. The limit of work shall not intrude on the conservation property with the exception of the area designated for emergency access.~~
13. **Prior to commencing any work**, the applicant shall schedule a pre-construction meeting with the applicant, contractor, person responsible for all on-site erosion controls, the OPM, and the Conservation Administrator.

REPORTING REQUIREMENTS:

14. **There shall be at least one site inspection done while work is on-going at the site. This shall take place within thirty (30) days, or sooner** after work has started on the site. The applicant shall have a site inspection (performed during work hours at the site) by the Project Engineer to determine if all work is being performed in compliance with this Permit. The applicant shall submit periodic progress reports (at least one every 30 days during active construction) signed by the OPM and Project Engineer to the Conservation Commission, certifying that, to the best of his/her knowledge and belief based upon the site inspection, the work is being done in compliance with this Permit. The progress report shall include the DEP number, date, and time of the inspection. If the work is not in compliance, he/she will note where a deviation/s from the Permit occurred and what corrective action/s is required. If needed, a final inspection/report, not less than 180 days before this Permit expires shall also be submitted to the Commission.

15. The applicant shall provide a copy of the manufacturer's specifications regarding installation, care and maintenance of the virgin EPDM infill and artificial grass carpet proposed for the field.
16. **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.** 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.*

GENERAL CONDITIONS TO BE MET DURING THE PROJECT:

17. This permit may be extended by the Commission for up to three years upon application to the Commission at least 30 days prior to the expiration date of the decision.
18. This permit does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
19. 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, bricks, plaster, asphalt*, electronic and computer components, wire lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing. The Design Team estimated that an additional 500 cubic yards of clean material may be required. The origin of any material brought in requires documentation.
20. 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 work permitted by this Order have been permanently stabilized and the Commission has formally approved their removal. **They shall be monitored weekly and after major (2.5" in 24 hrs) storm events to ensure proper function and removed immediately after construction has been completed.**
21. **Tracking on the entrance road/access road shall be avoided.** The entrance road shall be swept as needed for any tracking from the on-site activities. Any evidence of failure to comply with this condition may result in the issuance of a stop-work order.
22. The installation of sediment barriers should be done by hand or with equipment designed to minimize the amount of land disturbed.
23. Sediment barriers shall be a minimum of 10-inch diameter straw wattles, unless an alternative has been approved prior to installation by the Commission, and shall be installed around the perimeter of the project as shown on the plan referenced in this permit. The location of the sediment barriers shall not intrude on the conservation designated land with the exception of the emergency access location.
24. A small supply of straw wattles and silt fence 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.
25. No permanent drainage structure shall be used as a temporary sediment basin or for erosion control during construction.

26. 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.
27. Any dewatering or draw down activities shall not be directly discharged into a resource area or catch basin. The Commission's approval does not alter the need for the work to be conducted in compliance with State or Federal regulations and permitting applicable to construction dewatering. See Mass DEP requirements for Permit #BRP WM10 including submission to EPA for coverage under the Federal General Permit for Construction Dewatering. <http://mass.gov/dep/water/approvals/wm10.pdf>. **Any dewatering shall be approved, in advance, by the Commission or Conservation Administrator. Thereafter,** prior to commencing any dewatering, the contractor shall provide 24 hours written notice (excluding holidays and weekends) to the Conservation Administrator.
28. There shall be no stockpiling of soil or other materials within 100 feet of the wetland 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 Administrator to prevent soil from entering any resource area. Stockpiles shall also be contained with straw bales around the perimeter of the pile.
29. 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. **The equipment shall be refueled in the area designated on the site plan.**
30. 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.

SITE SPECIFIC CONDITIONS

31. All disturbed or exposed areas shall be brought to final finished grade and stabilized with loam and seed. The proposed grading indicates steep slopes around the perimeter of the field and on the southeast and south side of the parking area. These areas shall be protected with jute netting and replaced as necessary until the conservation seed mix has germinated and the seedlings are well established.
- ~~32. Prior to construction of the new field, the locations of two surface water sampling locations shall be specified by the Commission. One surveyed and staked location will be designated in each of the North and the West ponds. One round of samples shall be collected to establish a baseline condition for total and dissolved benzene, arsenic, styrene, cadmium, chromium, copper, lead, silica, zinc, hardness, and SVOCs including the phthalates BBP, DBP, DEHP, and DIBP. During and after construction, the Applicant shall sample surface water for the above noted substances monthly between April and October. After the first year, the Applicant may reduce sampling frequency to quarterly, with one round collected during the month of September until such time that the results are consistently at or below the initial baseline levels measured during the first round of sampling or below Surface Water Quality Standards. Detailed reports including analytical results shall be submitted to the Administrator upon receipt.~~
- ~~33. In addition to the above noted sampling, after the infill has been installed the Applicant shall sample surface water from the North and West ponds for the above noted substances within 72 hours of any 24 hour rain event of greater than 2.5 inches. Detailed reports including analytical results shall be submitted to the Administrator upon receipt. The Applicant may suspend sampling after qualifying precipitation events if three~~

~~consecutive analytical sets of results report levels of the parameters listed in Condition 32 at or below the initial baseline levels or below Surface Water Quality Standards.~~

- ~~34. The National Ambient Water Quality Criteria of MCP Method 1-GW-3 or, in the absence of applicable standards for testing particular substances, any peer-reviewed regulatory guidelines shall be used for sampling testing. In the event that sampling results for the parameters listed in Condition 32 exceed the baseline conditions or below Surface Water Quality Standards, the Applicant shall evaluate response actions with a goal of reducing contaminant levels. Such response actions shall be submitted to the Administrator for review and approval in the form of a Notice of Intent, if required, by the Commission or its Administrator, within 90 days of the exceedance.~~
- ~~35. The Applicant shall submit to the Administrator for review and approval a protocol and plan for monitoring any migration of infill material and synthetic grass blades from the synthetic turf field to the wetland buffer zone. The plan shall include installation of screens in the stormwater system below grade in the cleanout locations and the overflow discharge pipe to intercept the infill material and synthetic grass blades for regular monitoring and quantification. Maintenance of the screens shall be performed according to the vendor's standard maintenance practices. The plan shall also include the installation of a 12-inch or higher high mesh shirt to prevent migration of material off the turf field. Detailed reports shall be submitted to the Administrator within 72 hours of monitoring. In the event that the screens are regularly clogged with infill material or synthetic grass blades, the Applicant shall evaluate response actions with a goal of preventing migration of infill and/or synthetic grass blades. Such response actions shall be submitted to the Administrator for review and approval within 90 days.~~
36. A copy of this Permit shall be provided to the project contractor and OPM and shall be available on the site at all times during construction.
37. Any excess excavated material shall be removed from the site and disposed of legally. Asphalt pavement, brick, concrete, synthetic carpet, and any onsite recycling shall be processed in accordance with 310 CMR 16.03(2)(b)5, including the requirement to notify the Board of Health 30 days prior to commencement of recycling operations. Evidence shall be provided demonstrating compliance with this condition.
38. If it is determined that blasting is required on site, the Applicant shall immediately notify the Administrator and the Commission will reevaluate the conditions of this permit.
39. Any evidence of contaminated material unearthed during excavation activities shall immediately halt the project until a Licensed Site Professional evaluates the contaminated material and prepares a response action.
40. The Applicant shall remove all litter generated from construction activities from the site before the Commission will grant a Certificate of Compliance.
41. The Applicant proposes to install a 20-foot high ball netting behind the goal area of the field. This netting shall be bird friendly netting that is designed NOT to entangle birds. A retractable netting design that is set up on an as needed basis would also be acceptable by the Commission.
- ~~42. The Recreation Department shall mitigate for the removal of 47 trees from the wetland buffer zone in accordance with the Option 5—Tree Replacement Strategy (dated September 17, 2018). Note; the sidewalk on the north side of the parking lot shown on the Option 5 plan was **not** approved for construction by the Commission. The Applicant shall notify the Administrator or Commission at least 48 hours in advance of any land disturbance activities.~~

~~Replacement plantings must be installed within 180 days of the day when the existing tree is cut. Replacement plantings that do not survive for the first year must be replaced by the site contractor. No Certificate of Compliance shall be issued if the plants have not been established for at least two growing seasons.~~

- ~~43.—The Recreation Department shall mitigate for the removal of 335 trees from the upland areas of the site by funding the Conservation Department for staff, equipment and tools, plantings, disposal mechanisms, and soil amendments to eradicate invasive plants and restore areas with native plants at the Loker Conservation and Recreation Area. This mitigation shall follow the guidelines provided in the Loker Conservation Management Plan (revised version). The staff and the project shall be managed by the Conservation Department.~~
44. Should the Applicant choose to install stairs from the parking area to the field, at the request of the Planning Board, the Commission will require submittal of final design plans for the stairs and a statement of how stormwater runoff shall be managed from the stairs for Administrator review and approval prior to construction.
- ~~45.—Snow shall not be removed from the field by plowing or shoveling. Chemicals and other substances shall not be used for treatment of snow and ice on the field. Snow storage shall be designated on the site and shall not be stored on the field or in the 100 foot wetland buffer zone.~~
46. The Project P.E. shall oversee the installation of the stormwater drainage system. The depth of excavation and elevation of the bottom of the systems shall be field verified and photographs shall document the installation. The depth to ledge and the groundwater elevations shall be documented in the field log.
- ~~47.—The lighting in the parking lot shall be directed downwards and equipped with glare shields to direct the lighting to the parking lot and to protect the wetlands, ponds and buffer area from receiving artificial lighting. The lights shall be adjustable LEDs models and mounted on posts no greater than 15 feet from the ground surface and shall be switched on and off with a timeclock and NOT a photosensor. After installation, light levels may need to be adjusted to minimize disruption of wildlife from artificial lighting.~~
- ~~48.—A final Stormwater Operation and Maintenance Plan shall be submitted to the Conservation Department and the DPW at completion of the project that specifies the responsible Town department, inspection requirements, and corrective actions, and provides inspection templates. Annual stormwater inspection reports shall be submitted to the Conservation Department by December 31st of each year.~~

CONDITIONS TO CONTINUE IN PERPETUITY-- These Conditions shall remain in force permanently and be recorded on the Certificate of Compliance.

- ~~49.—No composting and/or dumping of debris are permitted within 100' of a wetland resource area. Any existing material within the buffer zone shall be removed.~~
- ~~50.—No underground sprinkler systems shall be installed within the wetland buffer area.~~
- ~~51.—The applicant shall maintain the 30 foot no disturb wetland resource area in the vicinity of the upper pond with native shrubs as shown on the Option 5 planting plan.~~
- ~~52.—The applicant shall fund the invasive plant management and habitat restoration activities and passive recreation improvements as part of the mitigation for tree removal as set out in the Loker Conservation Management Plan.~~

- ~~53. No de-icing chemicals shall be used on any paved surface located within the 100-foot wetland buffer except with the prior written permission of the Commission.~~
- ~~54. No pesticides, herbicides, or insecticides shall be used on the grounds located within the 100-foot wetland buffer, except with the prior written permission of the Commission.~~
- ~~55. The Recreation Department shall be responsible for all maintenance required for the operation of an artificial turf field. The Town shall be responsible for maintaining the landscaping outside the turf field. Surface water monitoring shall be performed by an outside contractor who is experienced and qualified to perform water quality sampling.~~

CONDITIONS ADDRESSING PROJECT COMPLETION:

56. The 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 R.S., P.E. or P.L.S. has certified that the site is permanently stabilized.
- ~~57. The applicant shall submit a request for a Certificate of Compliance not less than 60 days before this decision expires. That request shall include the following items:~~
- ~~a. The request for a Certificate of Compliance shall be submitted with a **detailed narrative** (signed original plus two copies and electronic submittal) prepared by a P.E. 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. 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. Two sets of 11 x 17 inch as-built site plans and two full size plans shall be prepared and stamped by a registered land surveyor or registered professional engineer showing the project site including wetland resource areas, grades, utilities, 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 and the request for a Certificate of Compliance including the narrative shall be submitted electronically (in .pdf format) to the Conservation Administrator at Conservation@wayland.ma.us~~
 - ~~d. A Chapter 194 Form properly filled out for a Certificate of Compliance and the required fee.~~

This decision is not valid without a signature sheet.
The page numbering does not include the signature sheet.
This Permit expires on March 2022
If necessary, an extension must be filed by February 2022.

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: Vegetated Wetlands and associated Buffer Zones, Land under Water, and Bank.
- c. 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.
- d. A public hearing was opened on August 2, 2018 and closed on January 31, 2019. The Town granted the Conservation Commission a waiver to extend the 21-day requirement to issue the permit after the close of the hearing.
- e. The minutes of the hearings are incorporated as part of the record for this decision.
- f. Periodic progress reports will be required given the scope of the work, the proximity of sensitive habitats, and the importance of having the stormwater system properly installed.
- 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. Cultural resources areas have been identified on the project site that need to be protected during construction.
- i. This decision is intended to run concurrently with the Order of Conditions issued pursuant to the Wetlands Protection Act for DEP File 322-929.
- j. The requirements and findings of this permit are consistent with the provisions of Chapter 194. As noted above, the wetland buffer zone is a resource area as defined by Chapter 194 – those conditions have been adopted as part of this decision.
- k. **This decision does not permit the installation of any temporary or permanent underground sprinkler system.**
- l. The Commission requires the replacement of any tree cut that is greater than 6” diameter at breast height (dbh). Forty-seven (47) trees are permitted for removal within the wetland buffer area and shall be compensated per Option 5 tree replacement strategy/planting plan. Another 335 total trees will be removed from outside the wetland buffer and require mitigation according to the Loker Conservation management Plan.
- m. 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.
- n. The Commission will accept an alternative sediment barrier provided the specifications for these have been submitted to the Commission for formal action at a Commission meeting. The use of an alternative barrier shall not be presumed to be permissible unless formally approved by the Commission.
- o. To protect wetland areas from disturbance by invasive plants, the Commission requires that landscaping be achieved with native noninvasive plants according to *The Vascular Plants of Massachusetts: A County Checklist* (First Revision 2011) by Melissa Dow Cullina, Bryan Connolly, Bruce A. Sorrie and Paul Somers, for work in a resource area or buffer zone. A cultivar may be accepted as a substitute plant on a case-by-case basis.
- p. A growing season, for the purposes of interpreting this Permit, is considered April through October of any given year.
- q. Discharges to the wetland resources, or the Town drainage system, if not properly permitted by DEP or EPA, are prohibited.
- r. During construction, precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the river or wetland resources 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.

- s. **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.**
- t. 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.
- u. Site plans shall be based upon the National Geodetic Vertical Datum (NGVD) and indicated on plan.
- v. 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.
- w. Any required approval by the Commission may be provided within 21 business days unless additional information is requested.
- x. Any required approval or action by the Conservation Administrator may be taken within 12 business days unless additional information is requested.
- y. The Conservation 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 Conservation Commission during the public hearings.