



Town of Concord
Concord Wetlands Bylaw
WPA Form 5 – Order of Conditions
Article 43 of 2009 Town Meeting, as amended

A. General Information

1. From: Concord Natural Resources Commission
Conservation Commission

2. This issuance is for a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Stephan Marsh
a. First Name b. Last Name
Westchester Company, Inc.
c. Organization
289 Great Road, Suite 304
d. Mailing Address
Acton MA 01720
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Sherrill Gould
a. First Name b. Last Name

c. Organization
P.O. Box 752
d. Mailing Address
Littleton MA 01460
e. City/Town f. State g. Zip Code

5. Project Location:

Lot 2A Keuka Road Concord
a. Street Address b. City/Town
F9 3837
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 42.53292 71.399798
d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex South

a. County

42034

c. Book

b. Certificate Number (if registered land)

435

d. Page

7. Dates: 9/2/2020 4/21/2021 4/23/2021
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Notice of Intent Plan

a. Plan Title

Markey & Rubin, Inc.

b. Prepared By

March 15, 2021

d. Final Revision Date

Ian M. Rubin, P.E.

c. Signed and Stamped by

1 inch = 20 feet

e. Scale

Erosion & Sediment Control & Details Plan

a. Plan Title

Markey & Rubin, Inc.

b. Prepared By

March 15, 2021

d. Final Revision Date

Ian M. Rubin, P.E.

c. Signed and Stamped by

N/A

e. Scale

Stormwater Drainage Report

a. Plan Title

Markey & Rubin, Inc.

b. Prepared By

March 15, 2021

d. Final Revision Date

Ian M. Rubin, P.E.

c. Signed and Stamped by

N/A

e. Scale

Invasive Species Management Plan

a. Plan Title

Goddard Consulting

b. Prepared By

March 17, 2021

d. Final Revision Date

Mark Arnold, W.E.

c. Signed and Stamped by

N/A

e. Scale

Operations and Maintenance Plan

a. Plan Title

Markey & Rubin, Inc.

b. Prepared By

March 17, 2021

d. Final Revision Date

Ian M. Rubin, P.E.

c. Signed and Stamped by

N/A

e. Scale

B. Findings Under the Concord Wetlands Bylaw

1. Findings pursuant to the Concord Wetlands Bylaw:

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

- | | | |
|--|--|---|
| a. <input checked="" type="checkbox"/> Public or Private Water Supply | b. <input checked="" type="checkbox"/> Groundwater | c. <input checked="" type="checkbox"/> Flood Control |
| d. <input checked="" type="checkbox"/> Erosion and Sedimentation Control | e. <input checked="" type="checkbox"/> Storm Damage Prevention | f. <input checked="" type="checkbox"/> Water Quality |
| g. <input checked="" type="checkbox"/> Prevention and Control of Pollution | h. <input checked="" type="checkbox"/> Fisheries | i. <input checked="" type="checkbox"/> Wildlife Habitat |
| j. <input type="checkbox"/> Rare Species Habitat | k. <input type="checkbox"/> Agriculture | |

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

Approved subject to:

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

Denied because:

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

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 50
a. linear feet

Resource Area Impacts: Check all that apply below.

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

C. General Conditions

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.)* the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

- ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions

See attached Lot 2A Keuka Road Special Conditions.

D. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

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

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

4/23/2021

1. Date of Issuance

6

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant.

/Edward Nardi/

Signature

Edward Nardi

Printed Name

/Sarah Grimwood/

Signature

Sarah Grimwood

Printed Name

/Gregory Higgins/

Signature

Gregory Higgins

Printed Name

/Nicholas Pappas/

Signature

Nicholas Pappas

Printed Name

/Judith Zaunbrecher/

Signature

Judith Zaunbrecher

Printed Name

Signature

Delia Kaye, Natural Resources Director

duly authorized (Book 74404, Page 14)

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

4/23/2021

Date

Date

E. Appeals

A decision of the Commission shall be reviewable in the superior court in an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 §4, as amended.

The request for review 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 Concord Wetlands Bylaw, and is inconsistent with the Bylaw Regulations

F. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Project Description: Construct a single-family home with garage, patio, driveway and associated grading within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Finding:

A) This Order is issued under the Concord Wetlands Bylaw, Article 43 approved at 2009 Town Meeting, as amended.

Therefore, under the Order of Conditions issued under CWB File # 20-1, the Commission hereby finds that in addition to standard Mass DEP Conditions #1-19 above, the following special conditions are necessary in accordance with the Performance Standards set forth in the regulations to protect the interests checked above.

The Commission orders that all work shall be performed in accordance with said 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.

Special Conditions:

20. Prior to the commencement of any site work, with the exception of installing erosion and sedimentation controls, a preconstruction conference shall be held on site that includes the Applicant, General Contractor, Wetland Scientist, and Natural Resources staff. The Applicant shall notify the Natural Resources Division at least two weeks before project commences in order to schedule this preconstruction conference.
21. This Order shall be included by reference in all contracts, plans, and specifications dealing with any activity that is regulated by this Order, and that are created or modified after the issuance date of this Order. In the event of a conflict between this Order and any plans, contract documents, or specifications, the conditions in this Order shall control. The applicant shall provide an updated operation and maintenance plan for stormwater management features prior to the pre-construction meeting.
22. Construction access is permitted along McCallar Lane (f/k/a Keuka Road) once the Definitive Subdivision Approval issued for the 4-lot subdivision (DEP File No. 137-1419) is amended to allow a fifth lot. No construction or vehicular access from the paved portion of Keuka Road is permitted without review and approval from the Natural Resources Commission.
23. The Applicant shall prepare a deed restriction for Town Counsel review and approval to document that no future encroachment or structures is permitted within the 50-foot No Build Zone, to be recorded prior to the sale of the property. Evidence of the recording information shall be provided to the Division within six months of the issuance of this Order. This deed restriction shall remain in perpetuity, shall survive the issuance of a COC, and shall be so noted in the COC.

24. Immediately upon completion of the foundation, and prior to further construction activities, the applicant shall engage a Professional Land Surveyor to prepare an as-built plan which accurately depicts the foundation location and its proximity to wetland resource areas as approved under this Order of Conditions. Said plan shall be submitted to DNR staff for review before construction on the foundation.
25. Invasive species removal and replanting shall be conducted in accordance with the Invasive Species Management Plan (ISMP) last revised March 17, 2021, and shall be overseen by a qualified wetlands scientist. The name and resume of the wetlands scientist shall be provided to the Division of Natural Resources for review and approval at least two weeks in advance of any site work. At a minimum, the wetlands scientist shall be a “qualified personnel” with a minimum of 3 years professional environmental experience in invasive species control projects.
26. No motorized equipment shall be used for vegetation removal and replanting within the ISMP area. Cut-stump chemical treatment using glyphosate shall be applied by a licensed herbicide applicator. Treatment shall occur between late summer and late in the growing season, prior to plant senescence and before seed production. Replanting shall be completed by hand, between September 15 and May 31.
27. The Applicant shall install FENO markers or approved equivalent as shown on the approved plan. Markers shall be engraved with “NO MOWING OR DISTURBANCE BEYOND THIS POINT”. Stakes shall be a minimum of ¾” in diameter and 24” long, aluminum inserts shall be a minimum of 2” in diameter. FENO stakes shall be installed as shown on the approved plan to demarcate the invasive species management plan area.
28. Snow shall not be stored within 50 feet of wetlands or surface waters. Snow that cannot be stored outside these areas shall be removed and disposed of at an appropriate offsite location. This condition shall remain in perpetuity, shall survive the issuance of a Certificate of Compliance (COC), and shall be so noted in the COC.
29. The Applicant shall commence mitigation measures, including but not limited to invasives species removal, during the first growing season following issuance of this Order. Once invasives have been removed and the areas replanted, they shall be monitored by a qualified Botanist for a period of two consecutive growing seasons. The Botanist shall prepare a written status report accompanied by photographs of the restoration areas to be submitted annually to the Natural Resources Division at the end of each growing season, and no later than December 1st, each year. These reports shall clearly and comprehensively describe restoration conditions, including but not limited to, means and methods of invasive species removal and replanting (first year only), an inventory of planted species, the stability, health, growth, and vigor of the planted species, and any enhancement activities or remedial actions necessary to be undertaken for restoration success to ensure the success of the restoration area. Dead plants shall be immediately replaced with the same or may be substituted with another suitable native species.
30. A silt fence and a 12-inch straw wattle erosion control barrier shall be installed as proposed on the approved plan. Other methods, may be used with the approval of the

Natural Resources Director. Any slash vegetation cut to install the erosion controls shall be removed and not placed within wetland resource areas. The erosion barrier shall define the limit of work, including prohibiting unauthorized removal or cutting of vegetation within the 100-foot wetland buffer.

31. The Applicant shall daily inspect and wash equipment used during construction to reduce the spread of invasives. Any invasives encountered during construction shall be removed by hand and disposed of properly.
32. The stormwater management system shall be properly maintained to ensure that it functions as intended, in perpetuity. Stormwater management shall be maintained as outlined in the Superseding Order of Conditions and Operations and Maintenance Plan approved under DEP File No. 127-1461.
33. This Order of Conditions shall apply to any successor in interest or successor in control of this property. The Natural Resources Commission (acting as the Conservation Commission) shall be notified in writing, at the time of such transfer, or any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. Prior to any transfer of title the Order of Conditions shall be filed at the Registry of Deeds. A lack of such required written notification to the Natural Resources Commission may delay the issuance of the Certificate of Compliance.
34. All proper erosion and sedimentation control measures shall be taken during and after construction to insure that no sedimentation will occur to downgradient wetland resource areas. The applicant shall be responsible for the establishment of permanent erosion control on all slopes within jurisdictional areas using, but not limited to, erosion control blankets and permanent vegetative cover.
35. All fill and/or mulch incorporated into the site must be clean, debris free and devoid of invasive plants or their parts or seeds.
36. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown, must be placed or stored outside all areas subject to jurisdiction under the MA Wetlands Protection Act and the Concord Wetlands Bylaw under cover and surrounded by a double-staked row of straw bales to prevent runoff. If sedimentation reaches a resource area, the Applicant or Contractor shall immediately notify the Natural Resources Division at 978.318.3285.
37. Any damage to any wetland resource areas protected under the MA Wetlands Protection Act (M.G.L. c.131 s.40) and/or the Town of Concord Wetlands Bylaw caused by this project shall be the responsibility of the Applicant to repair, restore and/or replace. Sedimentation or erosion into jurisdictional areas shall be considered damage to wetland resource areas.

38. If dewatering of areas is required, no discharge of water is allowed in areas subject to jurisdiction without the submittal of a dewatering plan to the Commission for approval.
39. Erosion controls shall not be removed until approved by the Natural Resources Division.
40. No trash dumpsters will be allowed within areas subject to protection under the MA Wetlands Protection Act or the Concord Wetlands Bylaw.
41. Machinery shall not be stored in the buffer zone. Machinery and delivery trucks shall be managed in a manner that does not result in damage to vegetation, create unnecessary soil compaction, or result in disturbance of sensitive areas.
42. All plantings must survive for at least two growing seasons or be replaced at the expense of the Applicant.
43. Non-native invasive species shall be removed and replanted with native species as shown on the approved plan.
44. The site shall be monitored for three growing years to ensure that invasive species do not recolonize. Any reemerging invasive species shall be removed by hand.
45. At the end of the third growing season, a written report shall be submitted that details, at a minimum, the method(s) of invasive species removal, the timing and frequency of control, success of the control method(s), and anticipated follow-up efforts.
46. All construction shall comply with Title V Commonwealth of Massachusetts Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, and the Town of Concord, Board of Health Regulations.
47. All drainage structures shall be installed and be maintained on a regular basis so as to function properly for their intended purposes. Any catch basins with sumps shall be cleaned a minimum of twice a year including at least once in the spring and once in the fall.
48. All maintenance conditions specified in this Order shall be ongoing and shall not expire at the end of the project construction or with the issuance with the Certificate of Compliance. It shall be the responsibility of the property owner to see that the maintenance conditions are complied with as required.
49. Storage, use and disposal of any “Hazardous Material” during and following construction shall comply with the Town of Concord Groundwater Protection Bylaw as approved under Article 42 of the 1981 Town Meeting.
50. The Commission shall be notified at least five (5) working days prior to the start of any site work or related construction.

51. Neither oil nor sodium chloride shall be used during or after construction for the control of dust or snow and ice within areas of jurisdiction.
52. No underground sprinkler systems shall be installed within the 100-foot buffer zone without further application and approval pursuant to the MA Wetlands Protection Act, MGL Ch. 131, §40. Any proposed use of an underground sprinkler system shall have an automatic storm detector system.
53. Proposed use of herbicides, pesticides, or fertilizers within jurisdictional areas shall be reviewed and approved by the Natural Resources Commission or its agent prior to application.
54. The Applicant shall acquire and maintain, in full force and effect, all other permits and approvals required for the proposed construction.
55. A copy of the Order of Conditions, as well as the approved plan, shall be readily available onsite in a water tight box affixed to a sign bearing the DEP file number (not nailed to a tree) while activities regulated by this Order are being performed and until the issuance of the Certificate of Compliance. Copies of this document shall be provided to all contractors and subcontractors who shall also be held responsible for compliance with this Order.
56. Site clearing and any construction debris shall be promptly removed from the site in accordance with all applicable laws and regulations.
57. No fuels or other potential liquid contaminants shall be stored, at any time, within jurisdictional areas.
58. The Applicant shall furnish to the Natural Resources Director such written and oral reports as the Director may, from time to time, request demonstrating compliance with this Order of Conditions. Without request, the Applicant shall immediately notify the Director if any violation of this Order of Condition occurs.
59. During all phases of construction, all disturbed or exposed soil surfaces shall be brought to final finished grade and stabilized within thirty (30) days. Bare ground that cannot be permanently stabilized within thirty (30) days shall be loamed and seeded or stabilized with mulch or any other protective covering and/or method approved by the Natural Resources Director.
60. Trees scarred by equipment shall be attended to properly and promptly. In landscaping the finish grade, trunks of trees shall not be covered with more than two inches of soil.
61. The work authorized hereunder shall be completed within three years from the date of this Order (please refer to General Conditions #4 & #5 for exceptions). 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. Your Order expires on **April 23, 2024**.

62. Upon completion of the project, the Applicant shall request a Certificate of Compliance (WPA Form 8A) from the Commission and shall submit the following information with the request:

- a. A written statement prepared and signed by a professional engineer or professional land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth deviations, if any exist;
- b. An as built site plan prepared and stamped by a registered professional engineer or professional land surveyor in the Commonwealth of Massachusetts showing the location and grades of the project, including, but not limited to: the single-family house, garage, patio, deck, driveway, and topography shown in 1-foot contours. The as-built plan shall also include all wetland flags, FENO markers, underground stormwater management system, the 100-foot Buffer Zone, 50-foot No Build Zone, and 25-foot No Disturb Zone and the date of the survey.