

MEDWAY CONSERVATION COMMISSION



**Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053**

December 21, 2018

Timber Crest Estates LLC
c/o Mounir Tayara
135 Main Street, Suite 5
Medway, MA 02053

Dear Mr. Tayara:

Enclosed please find the Order of Conditions, DEP File No. 216-0919 issued the Medway Conservation Commission on December 21, 2018, this document is a record that reflects the approval of your proposal in response to your Notice of Intent filed with the Commission on April 9, 2018 for 11, 13, 15 and 17 Fairway Lane. It is required that this document be recorded with the Norfolk County Registry of Deeds after the ten day appeal period from the date of issuance has elapsed. Please note in order to begin work the Order of Conditions must be recorded on all properties under this Order. If you wish our office to complete the recording please contact us to review this process.

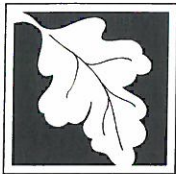
The Medway Conservation Commission staff would be glad to set up an appointment to review the Order of Conditions with you prior to the commencement of proposed work. Our office is open Monday - Thursday 7:30 am – 4:30 pm and Friday 7:30 am - 12:30 pm or by appointment. You may contact the Conservation office with any questions you may have at (508) 533-3292.

Thank you,

A handwritten signature in blue ink that reads "Bridget R. Graziano".

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission

Cc: DEP Central Region, Jim Pavlik – Outback Engineering, Dan Wells – Goddard Consulting, Attorney Watsky, Dan Strachan, William Price, Sean Corbett



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

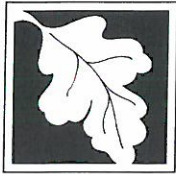
A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: Medway
Conservation Commission
2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:
Mounir Tayara
a. First Name b. Last Name
Timber Crest Estates, LLC
c. Organization
135 Main Street Suite 5
d. Mailing Address
Medway MA 02053
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
see attached list
a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code
5. Project Location:
11, 13, 15, 17 Fairway Lane Medway
a. Street Address b. City/Town
8 and 9 18 and 42, 43, 44
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 42d17m23.41s 71d41m67.79s
d. Latitude e. Longitude



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WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Norfolk
a. County
see attached list
b. Certificate Number (if registered land)
c. Book
d. Page
7. Dates: April 9, 2018 October 25, 2018 December 21, 2018
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 for 11, 13, 15, 17 Fairway Lane in Medway, MA
a. Plan Title
Outback Engineering James Pavilk
b. Prepared By c. Signed and Stamped by
July 13, 2018 1"=30'
d. Final Revision Date e. Scale
Long Term Stormwater Operation & Maintenance Plan & Pollution July 13, 2018
Prevention Plan titled "Emergency Access Road- 13 Fairway Lane g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

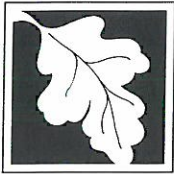
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
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City/Town

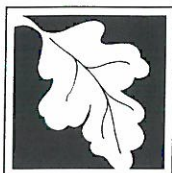
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <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	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
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



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Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
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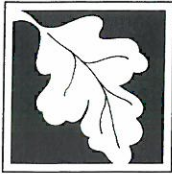
Provided by MassDEP:
216-0919
MassDEP File #

eDEP Transaction #
Medway
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	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	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 12/21/21 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0919

MassDEP File #

eDEP Transaction #

Medway

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 216-0919 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

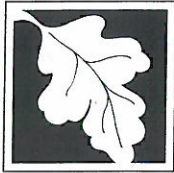
Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

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

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0919

MassDEP File #

eDEP Transaction #

Medway

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

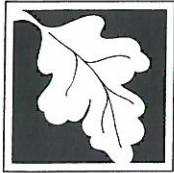
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 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.



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0919

MassDEP File #

eDEP Transaction #

Medway

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:

1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

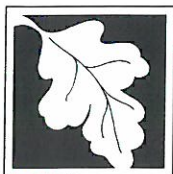
k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Special Conditions under PART II of this Order.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No
2. The _____ hereby finds (check one that applies):
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

E. Signatures

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

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

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

12/21/18

1. Date of Issuance

7
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:

Dayna Gill Dayna Gill
Maurice Haver Maurice Haver
David J. Blackwell David J. Blackwell
Scott Salvo Scott Salvo
David A. Trivelpiece David A. Trivelpiece
Brian Snow Brian Snow
ICEN McKay ICEN McKay

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

12/21/18

Date

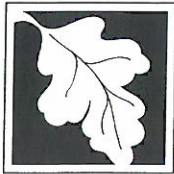
Date

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.



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

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216-0919
MassDEP File #
eDEP Transaction #
Medway
City/Town

G. Recording Information

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

DEP File Number: _____

Provided by DEP _____

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number: _____

Provided by DEP _____

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

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

Order of Conditions – Part II
Findings and Conditions for Timber Crest Estates Access Road (Emergency only), DEP File # 216-0919
11, 13, 15, and 17 Fairway Lane, Medway, MA
Assessor's Map 8 and 9, Lot 18 and 42, 43, 44
Date: December 21, 2018

Findings:

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-0919:

- a) The boundaries of Wetland Resource Areas considered in this Notice of Intent review were defined by a combination of methods:
 - Bordering Vegetated Wetlands were defined during the Notice of Intent process;
- b) All documents listed below and shall record and shall be used for all construction of this proposed project;
 - Plans titled, "Notice of Intent Plan for 11, 13, 15, 17 Fairway Lane in Medway, Massachusetts" by Outback Engineering, dated March 15, 2018 revised May 18, 2018 and July 13, 2018.
 - Drainage Report titled, "13 Fairway Lane Medway, MA" date March 15, 2018
 - Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled "Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering, dated July 13, 2018.
 - Plan titled, "Stormwater Infrastructure Plan Emergency Access Road at #13 Fairway Lane Timber Crest Estates Medway, Massachusetts" by Outback Engineering, no date.
- c) The Commission hereby finds that the work proposed for construction of an emergency only access road to a proposed subdivision (with associated roadways and Stormwater Management), was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the activity as proposed can be properly conditioned to protect the wetlands resource and meets the provisions under 310 CMR 10.02 (2) (b) & (3), 310 CMR 10.05(4), and 310 CMR 10.53(1). The emergency access road in this filing is considered a mitigation measure to limit additional roadway/disturbance related to 216-#0914 or subsequent Orders. In the absence of the 216-0914 or subsequent Orders, the Commission finds that the proposed work directly adjacent to a Bordering Vegetated Wetland may not otherwise meet the performance standards. This BVW is completely surrounding by development and was altered from its previous condition (as an Isolated Vegetated Wetland) over 20 years ago.
- d) The proposed emergency access road is conditioned to support a development DEP #216-0914 or subsequent Orders. This OOC is designed solely for this purpose. The emergency access road cannot be conditioned for other purposes or access under this Order
- e) The Commission finds that the proposed work for under this Notice of Intent only approves work on 13 Fairway Lane for the construction of an emergency access road and the installation of sewer line Stub to the existing houses at 11, 13, 15, and 17 Fairway Lane. Connections go these houses are to be permitted separately. It should be noted that the sewer line installation does not include the line to the single family dwellings. This will require a separate filing under the applicable state and local laws where these area are within the jurisdiction of the Conservation Commission. Proposed work approved under this plan only includes what is clearly depicted on the approved plans.
- f) This Order is being issued solely under the Massachusetts Wetlands Protection Act and its Regulations, as Medway General Bylaw Article XXI was waived under the Medway Zoning Board of Appeals approved Comprehensive Permit issued on May 31, 2017.
- g) All conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act.
- h) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of this Order. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.
- i) Following 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 area in which work is proposed is significant to the following interests of the Medway Wetlands By-Law:
 1. Public Water Supply
 2. Groundwater Supply

3. Flood Control
4. Storm Damage Prevention
5. Prevention of Pollution
6. Protection of Flora and Fauna and their Habitats
7. Erosion Prevention

h.) Furthermore, the Medway Conservation Commission hereby finds that the proposed project is:

Approved, subject to the findings and conditions contained herein.

- A. The Medway Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions (“Part I”) issued concomitantly with this Part II OOC for the project, together with all of its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.
- B. The Medway Conservation Commission further finds the following:
 1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act:
 - i. 0’- 100’ buffer zone of Bordering Vegetated Wetlands
 2. Additional General Findings:
 - i. This Order protects the interests specified in the Wetlands Protection Act. The Wetland resource areas on the lot are identified on the Plan.
 - ii. The Commission accepts the resource areas as depicted on the above-referenced Plan and as described in the Notice of Intent Project Narrative.
 3. Wildlife Habitat: The Commission finds that the project areas is currently not within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.
 4. Stormwater Management: The Commission finds that the project is subject to the Department of Environmental Protection’s Stormwater regulation and policy and this is project is part of a larger project for subdivision.

I. General Conditions

1. A Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. A commissioner, an agent of the commission or the DEP may require stoppage of all Site work if a Commissioner, agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
2. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.
3. This Order of Conditions does not approve the construction of any portion of any proposed subdivision for which this access road shall support, such as lots, homes, or any other structures. This order approves no portion of said development
4. The term “Applicant” as used in this Order of Conditions shall refer to the owner, any successor in interest, title or successor in control of the property referenced in the Notice of Intent, supporting documents and

this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.

5. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. Any Order not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.
6. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
7. All work shall be conducted in accordance with the approved site plan titled, "Notice of Intent Plan for 11, 13, 15, 17 Fairway Lane in Medway, Massachusetts" by Outback Engineering, dated March 15, 2018 revised May 18, 2018 and July 13, 2018 (hereafter referred to as the approved site plan) and (b) Drainage Report titled, "13 Fairway Lane Medway, MA" date March 15, 2018 (hereafter referred to as the Stormwater Report), (c) Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled "Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering, dated July 13, 2018 (hereafter referred to as LTS O&M Plan/PP Plan) and the conditions of this Order.
8. Any additional work not approved under this Order of Conditions and/or the Zoning Board of Appeals Comprehensive Permit, issued on May 31, 2018 shall not be considered approved until such time as it is approved through a modification or amendment of the Comprehensive Permit with the Zoning Board of Appeals.
9. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
10. If any changes are made in the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under G.L. Ch. 131 §40, the applicant shall inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request To Amend this Order of Conditions. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
11. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Commission's jurisdiction under the Order, agree that the Order does not in itself impose upon the Town any responsibility to maintain the proposed drainage system or road or structure and that the Town of Medway shall not be liable for any damage in the event of failure. By acceptance of this Order, the owners agree to indemnify and hold harmless the Town of Medway and its residents for any damages attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage. This condition shall remain in perpetuity.
12. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
13. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
14. Should issuance of additional permits result in a change in the project, the provisions of condition #10 apply, regarding the process for plan amendments.
15. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site. No mulch shall be placed in wetland resource areas.
16. There shall be no pumping of water to or from wetland resource areas.
17. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto. Fueling and service to construction equipment shall be completed outside of resource and buffer areas.
18. Any debris or "dumped" material existing or future that is located in wetland resource areas, Riverfront, or

- buffer zones shall be removed by the applicant prior to the issuance of the Certificate of Compliance.
19. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas.
 20. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under Massachusetts Wetlands Protection Act:
 - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
 - c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.
 - d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
 - e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.
 21. Any other work within 100 feet of intermittent streams, Bordering Vegetated Wetlands and Vernal Pools (or 200 feet from any river) is not expressly permitted under this Order will require notification to, and determination by the Commission whether a new Notice of Intent or Request for Determination of Application must be filed with the Commission.
 22. In the case of a conflict between a specific condition in this Order and a referenced document, the conditions of this Order shall prevail.
 23. In the case of a conflict between this Order and the Comprehensive Permit issued on May 31, 2016 by the Zoning Board of Appeal for the project called Timber Crest Estates. It shall be the responsibility of the applicant to ensure that the project is amended or modified so final approved plans do not differ or cause non-compliance with either above mentioned permit or any permit issued by the Town of Medway. All work that does not conform to one or more of the Town issued permits shall following the process of the Board, Committee or Commission to seek approval so that all plans for the proposed project are consistent between each permitting authority.
 24. In the event that the Order of Conditions and/or the Comprehensive Permit Issued on May 31, 2016 by the Zoning Board of Appeals is not initiated, executed or completed, this Order for an emergency access only will void.
 25. Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that Any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) or suitable Qualified Environmental Professional describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emissions, lead, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent

with MassDEP Policy # COMM-97-001 and the Applicant may use the MassDEP WSC#-13-500, Similar Soils Provision Guidance to refer to.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
- Substitute MassDEP VPH/EPH for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its Agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the commission or its agent is required for alternate plans. These may include management of soils consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

26. The Commission reserves the right to require the applicant and/or its successors to hire a qualified environmental professional and/or Licensed Site Professional (LSP) for all review of the above requirements of conditions #22 of this Order. The review of these materials shall be completed prior to the placement of any fill material being stored on site within the Commission's jurisdiction.
27. The Commission reserves the right to request truck manifests or other supporting materials that depicts the trucks route with regards to the transportation of soil materials from an off-site location approved by the Conservation Commission, its Agent or a Licensed Site Professional who is employed on behalf of the Town of Medway.
28. The applicant shall add signage for snow storage locations, specifically restricting the placement of snow within the wetland resource and/or stormwater management systems. When required snow shall be removed from site. This condition shall remain in perpetuity.

II. Prior to Construction

29. Prior to the construction of this access road the applicant shall have an approved Order of Conditions for the construction of a subdivision under an issued/approved Comprehensive Permit with the Medway Zoning Board of Appeals for the abutting property known as 0-R Woodland Road or Map 8 Lot 019.
30. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing DEP # 216-0919.
31. Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact

information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.

32. Prior to the Pre-Construction Meeting and commencement of any activity on this site, the approved erosion control and limit of work lines shall be staked, by survey. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting. Pre-Construction requirement may be combined with other permits taken if this Order is part of other permits under the Commission's jurisdiction, however, this is at the discretion of the Commission and/or its Agent.
33. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting if absolutely necessary in order to stake the approved erosion control and limit of work lines where required.
34. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three (3) business days prior to any activity to arrange for the pre-construction meeting.
35. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. Erosion controls and limits of work lines shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side.
36. Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
37. Prior to any work on site, the proposed limits of work shall be clearly marked with stakes or flags and shall be confirmed by the Conservation Commission. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
38. Prior to commencement of construction on site, the Bordering Vegetated Wetlands, Vernal Pools, intermittent stream and perennial stream lines shall be flagged with surveyor's tape numbered to correspond to the wetland delineation on the approved plans and shall remain in place during construction.
39. The applicant shall notify the Conservation Commission in writing at least five (5) business days prior to commencement of construction activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the on-site person responsible for compliance with the Order.
40. The applicant shall secure a qualified professional to act as a clerk of the works to be approved or designated by the Commission. The Clerk of the Works will supervise the contractor and will inspect the site regularly whenever construction within 100 feet of a bordering vegetated wetland is in progress. The Clerk of the Works will provide inspection reports to the Commission every two weeks and after storm events over 0.5", and will respond to required inspected the next day or 24 hours whichever is sooner after storm events of over 0.5", so as to take responsibility for the proper functioning of drainage systems for the project. The applicant shall provide that person's phone number for the Commission. Failure to provide above reports may result in cessation of all work on site until the applicant can meet with the Conservation Commission at a regularly scheduled meeting to explain and rectify their absence.
41. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:

- A set of **photographs** depicting the project site in pre-construction condition.
- A **clearing plan** showing areas to be cleared and areas to be left in a natural state
- A **project/construction-sequencing plan**
- A **statement** signed by the applicant, owner of the property and all persons responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act and this Order.

III. Erosion Control Inspection and Monitoring

42. It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance. In addition, it shall be the responsibility of the applicant to take whatever measures are necessary to prevent any form of wetland impacts not approved within this Order. Additional requirements related to site monitoring and control are:

- A. Erosion Control Inspector. The applicant shall designate and identify to the Commission a qualified Erosion Control Inspector. This person shall have appropriate credentials in the field of engineering or environmental science, and erosion and sedimentation control.
- B. Erosion control inspections. At least once every two weeks and within 24 hours of a rain event of > 0.5" inch within any 24 hour period, the designated Erosion Control Inspector shall conduct a thorough inspection of the site. At a minimum, each inspection shall include a visual inspection of all erosion control barriers, visual inspection of all temporary sediment traps and other erosion control measures, and inspection of all stockpile areas. Inspections shall include turbidity monitoring as described below.
- C. Inspection reports. Within one week of the completion of an inspection, the Erosion Control Inspector shall submit a report of findings to the Medway Conservation Commission. The contents of this report shall include, but are not limited to, the following:
 - a. Summary of site status with respect to construction phases and erosion control measures.
 - b. Summary of erosion control measure maintenance and additions conducted during the period since the last inspection.
 - c. A list of any and all recommended measures for maintenance, repair, or improvement of erosion control measures.
 - d. The results in tabular form of turbidity monitoring.
 - e. Each inspection report shall contain the following certification signed by the Erosion Control Inspector:

"With only the following exception(s) noted herein, it is my professional opinion that:

1. Work on the site is being conducted in compliance with the Order of Conditions and other regulatory requirements and approvals related to environmental protection.
2. The erosion control barriers and other erosion control measures are functioning as intended, are being maintained adequately, and are in a condition to continue to function as intended.
3. I observed no impacts of sedimentation, physical disturbance, or other alteration of wetland resource areas, including open water areas and vegetated wetlands, on the site.

V. Staging Areas

43. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and buffer zones. All construction trailers, portable sanitary facilities, material storage and

overnight parking of equipment shall be in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.

44. An area for cleanup and or maintenance of construction equipment shall be designated prior to construction.

- a. Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped in, any on-site drainage system or in any area subject to protection under the Mass. Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas and buffer zones. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
- b. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.

45. Prior to commencing any work on the site the applicant shall install a stone construction entrance (**tracking pad**) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".

46. All **construction equipment** employed in the resource areas or buffer zones thereto shall be **properly maintained** and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluids, etc.

47. There shall be no overnight parking of equipment on the proposed emergency access road during construction of any phased work on this property or any adjacent properties.

48. **No fuel, oil, or other pollutants shall be stored** in any resource area or the buffer zone thereto, unless specified in this Order of Conditions.

VI. During Construction

53. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

54. All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.

55. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.

56. All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers installed. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.

57. Prior to construction of dwelling units in the Buffer Zone, stormwater basins and temporary sediment traps necessary to collect runoff from the area of each dwelling shall be in place.

58. Equipment for fuel storage and refueling operations shall be located in an upland area greater than 100 feet from the Bordering Vegetated Wetlands, Certified and Potential Vernal Pools and not within the Riverfront Area.

Erosion Control:

59. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and a member or agent of the Conservation Commission

agree that they are no longer needed, at which time they will be removed, using removal procedures that the Commission finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water.

60. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line. All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas, and at a location sufficient to prevent sediment from entering wetland resource areas.
61. Placement of erosion controls shall be directed at the site by the Erosion Control Inspector in order to ensure that no sedimentation will reach wetland resource areas and the erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Orders of Conditions. Choice of suitable silt fence materials should be based on the design specifications listed by various manufacturers, and in accordance with the approved Site Plans and Details.
62. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. With the exception of dewatering effluent discharged into a detention basin, no discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures. A sedimentation basin shall be constructed within one of the site's proposed infiltration basins to entrap any soils that may be eroded during construction dewatering.
63. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
64. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.
65. The areas of construction shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
66. Erosion control devices may be augmented based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place and in good working order until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall. No portion of the erosion control barriers or mechanisms may be deleted without written authorization by the Commission or its Agent.
67. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems

acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.

68. If soil piles that are present for longer than two months, a temporary cover of rye or other grass shall be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
69. All existing and proposed catch basins and oil traps on the site or within the portion of Fairway Lane that receives runoff from the project site and/or within Medway shall be protected by silt sacks or equivalent to prevent sediment from entering the drainage system. 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 and/or its Agent has formally approved their removal.
70. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any such deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
71. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any silt adjacent to the barriers shall be removed when it accumulates to two inches in depth.
72. All stockpiles of soils existing for more than one day shall be surrounded by a row of staked straw bales or entrenched silt fence, and shall be covered.
73. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

Grading/Landscaping/Slope:

74. Site grading and construction in areas of potential inundation shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands.
75. Grading shall be accomplished so that runoff shall not be directed to the property of others outside the project area without mitigation as described in the project plans. This project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others outside the project area.
76. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, except areas of ongoing construction activity, in which case such areas shall be stabilized with vegetation as soon as possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
77. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

Placement of Riprap and Stone:

78. Riprap material shall be clean and free of trash, tree stumps, roots, and other deleterious material.
79. Crushed stone of uniform size or erosion control mats shall be used for temporary construction roadways.

XXI. After Construction / In Perpetuity

80. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A)
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.

- (3) An "As-Built" plan or plans signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plans approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) A line delineating the actual limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation, whether or not approved under this Order;
 - (e) The limit of work approved under this Order.
 - (4) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
81. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review, and if approved by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
82. No herbicides, pesticides or fertilizers shall be used on within jurisdictional areas. Only low phosphate and organic fertilizers shall be used on lawns within the buffer zone and all lawns within the entire site must comply with standards approved by the Commission and managed and enforced by the property owners and its successors this condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.

Perpetual Conditions:

83. Conditions numbered 83-96, 106, 110-112, 118-120, 122 and 123 shall survive the expiration of this Order, shall continue in force beyond the Certificate of Compliance, in perpetuity, shall be so noted on the Certificate of Compliance, and shall be referred to in all future deeds to this property.
84. Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into the 100' Vernal Pool Habitat or Vernal Pools (regardless of certification), perennial/intermittent streams, specifically the Charles River, 100' Buffer Zone, 200' Riverfront, Bordering Vegetated Wetland, or any component of the Stormwater Management System.
85. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
86. The existing catch basin within the Bordering Vegetated Wetlands shall not be altered in any manner and is not authorized under this Order.
87. Snow storage is restricted from the following locations, Bordering Vegetated Wetlands, Wetlands Replications Areas, Stormwater Management System, and as noted under the under the LTS O&M Plan/PP Plan within the document titled, "Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled "Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering.
88. All conditions noted in this Order as continuing in perpetuity, listed under this section, or listed under Section V. After Construction/ In Perpetuity, shall survive the expiration of this Order, shall continue in force beyond the Certificate of Compliance, in perpetuity, shall be so noted on the Certificate of Compliance, and shall be referred to in all future deeds to this property.
89. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether

“bio-engineered” or mechanically-stabilized slopes.

90. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
91. The Applicant shall have the LTS O&M Plan/PP Plan the document, Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled “Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering, dated July 13, 2018 and Conditions in Perpetuity after this Order has received a Certificate of Compliance, and the SWPPP made part of the all contracts for maintenance work that effects jurisdictional areas and for all residents who are leasing units or cottages.
92. The "owners", other than itself, shall provide a legal instrument that establishes the terms of the legal responsibility for the operation and maintenance of the stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity, municipality, state agency or person other than the owner of the units upon which the stormwater management facilities are located, the owner shall provide a plan and easement deed that provide the right of access for the legal entity to be able to perform all said operations and maintenance functions as required under the LTS O&M Plan/PP Plan, the SWPPP, and all Conditions in perpetuity as prescribed under this Order.
93. The owner(s) and their successors shall follow all requirements of this Order, the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan, Conditions in perpetuity, and the SWPPP.
94. The owner(s) and their successors shall maintain annual logs of all annual inspections required for the stormwater BMPs. The inspections shall be done according to the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan. These logs shall be sent to the Conservation Office at the end of every year.
95. Snow storage shall be done according to the approved Plans, Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan and the SWPPP. Snow storage areas shall be clearly marked on site and all snow removal operator shall be made aware of approved locations on site for storage.
96. All deicing chemical must be stored in a cover location, outside the 100' buffer zone, the wetland resource area and all areas where stormwater BMP's are located. In accordance with Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan submitted by the Applicant, no sodium chloride (NaCl or rock salt) shall be used for de-icing on the site.

XXII. Stormwater Management

97. All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, stormwater management system operation and maintenance documents, and the Department of Environmental Protection Stormwater Management Policy.
98. All Stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.
99. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
100. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
101. All earthen berms to be constructed as part of a stormwater management system shall be constructed as shown on the plan(s) to achieve the water quantity and water quality requirements approved by this Order of Conditions.
102. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
103. Immediately upon the installation of any stormwater management system component, 8” biodegradable compost socks shall be set around the drainage structure, to prevent sediments from entering the drainage

system.

104. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
105. The applicants, owners, and their successors and assignees shall maintain all elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.
106. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the roadway shall maintain the roadway and drainage system in accordance with the following schedule:
 - a. Street sweeping and snow plowing – Roadway and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt.
 - b. Roadway surface and right-of-way surface – Paving and curbing shall be maintained in good condition to channel surface runoff into the storm water treatment system. Vegetation within the roadway right-of-way shall be maintained in healthy condition to prevent erosion and sedimentation in the drainage system and wetland resource areas. These areas shall be inspected in the spring and fall, and repaired or replaced as needed.
 - c. Bio Retention Area- inspection once per month, remove dead vegetation, remove trash and other debris that may affect the functionality of the system. Replace dead vegetation and mulch once annually with shredded hardwood mulch with no dyes or alteration. Replace media and/or all vegetation as needed.
 - d. Sedimentation Forebay – Forebays shall be inspected and cleaned at least two times annually and inspected quarterly, beginning in the early spring after snow melt. Accumulated sediments, leaves, branches, and other debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Vegetated and rip-rapped surfaces and flared end sections shall be repaired or replaced as needed to prevent erosion and sedimentation and slumping of berms. Vegetation shall be mowed at least twice a year to prevent the growth of woody species or when grasses and herbaceous vegetation has grown taller than 6”, slope vegetation shall be maintained between 3”-6”.
 - e. Outlet control structure and spillway – The outlet structures for the detention basin shall be inspected at least twice annually for evidence of clogging, scouring, slumping, erosion or other problems and shall be cleaned and repaired as needed to maintain proper functioning. The outlet shall also be inspected at least annually during a heavy rain storm to detect any problems in function. Any problems shall be corrected.

All maintenance of stormwater management units shall be conducted as prescribed under Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled “Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering, dated July 13, 2018 (hereafter referred to as LTS O&M Plan/PP Plan) and the conditions of this Order. The Conservation Commission members and the Commission Agent shall have the right to enter the roadway parcel and drainage easement area to inspect for compliance with all sub conditions of this condition.

107. The Stormwater Management basins for the project will be constructed as soon as possible in the construction sequence so as to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period. The basins will be constructed with temporary vertical riser pipes or other devices approved by the Conservation Commission, which will allow for separation of suspended material from the stormwater prior to its release from the ponds.
108. All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, stormwater management system operation and maintenance plan/documents, Stormwater Pollution Prevention Plan, and the Department of Environmental Protection Stormwater Management Policy.
109. All stormwater BMP's maintenance logs as prescribed under the LTS O&M Plan/PP Plan shall be kept on site and shall be provided to the Conservation Commission upon request and annually or Planning Board

upon request, this includes but is not limited to street sweeping logs and receipts.

110. All Stormwater best management practices shall be maintained as specified in the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on an annual basis post construction, but Stormwater BMP's shall be checked and cleaned according to the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
111. Sediment Forebays shall be inspected after 0.5" storm event and on a weekly basis during construction. Post Construction: shall be inspected four times per year, this shall be reported annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
112. Bio-Retention Area shall be inspected after 0.5" storm event and on a weekly basis during construction. Post Construction: shall be inspected monthly and this shall be reported annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
113. During construction, all drainage structures shall be inspected regularly and cleaned as necessary as prescribed under the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan and the SWPPP.
114. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
115. All earthen berms to be constructed as part of a stormwater management system shall be constructed as shown on the plan(s) to achieve the water quantity and water quality requirements approved by this Order of Conditions.
116. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
117. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
118. The applicants, owners, and their successors and assignees shall maintain all water quality units, collection basins, traps, infiltration basins, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site. This conditions shall remain in perpetuity.
119. The Conservation Commission members and the Commission Agent shall have the right to enter the roadway parcel and drainage easement area to inspect for compliance with these conditions. The Stormwater Management basins for the project will be constructed as soon as possible in the construction sequence so as to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period. This Conditions shall remain in perpetuity.
120. The applicant and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan to the Conservation Commission. This condition shall remain in perpetuity.
121. The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system as prescribed under the Long Term Stormwater Operation & Maintenance Plan & Pollution Prevention Plan titled "Emergency Access Road- 13 Fairway Lane Timber Crest Estates Medway, Massachusetts, by Outback Engineering. These receipts shall refer to but are not limited to, bio retention area, sediment forebay.

XXIII. Miscellaneous

122. In accordance with the Stormwater Operation and Maintenance Plan submitted by the Applicant, no sodium chloride (NaCl, rock salt) shall be used for de-icing on the site only the use of Calcium Chloride is authorized within jurisdictional areas. This condition shall continue in perpetuity.

123. The access road shall not use as an entrance to the subdivision, this roadway approved as an emergency access road, this includes the restriction of parking. The roadway shall be gated to restrict the use my vehicles and other possible storage. This condition shall continue in perpetuity.
124. The easement shall be maintained and held by the homeowners association for which the access road is in service to.