

Commission Members
David Travalini, Chair
Ken McKay
David Blackwell
Dayna Gill
Tara Kripowicz
Michael Narducci



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 533-3292
bgraziano@townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
CONSERVATION COMMISSION

August 27, 2021

165 Main Street Realty Trust
c/o John Greene
165 Main Street Suite 307
Medway, MA 02053

Dear Mr. Greene,

Enclosed is the wetland permit (Order of Conditions) issued **August 27, 2021 DEP #216-0956**. The appeal period is 10 days. No work should be performed prior to the end of the 10-day appeal period.

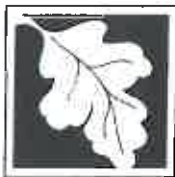
Please carefully read the Special Conditions. This permit must be recorded at the Norfolk Registry of Deeds, please sent a check to our office made payable to the Norfolk County Registry of Deeds for \$106.00. Therefore, after the 10-day appeal period our office can complete the recording on your behalf. Please contact me for a mandatory pre-construction meeting.

We thank you for the opportunity to review this work and trusts that it will be carried out in such a way that protects our wetland resources. The Order of Conditions DEP #216-0956 shall **expire August 27, 2024**. If you have any questions, please contact me at bgraziano@townofmedway.org.

Sincerely,

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

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission



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:

216-0956

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:

John

a. First Name

Greene

b. Last Name

165 Main Street Realty Trust

c. Organization

165 Main Street, suite 307

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

165 Main Street

a. Street Address

Medway

b. City/Town

48

c. Assessors Map/Plat Number

092

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d08m47s

d. Latitude

71d25m37s

e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Norfolk
a. County
24499
b. Certificate Number (if registered land)
010
c. Book
d. Page
7. Dates: February 18, 2020 August 12, 2021 August 27, 2021
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Plan Medway Mill 163-165 Main Street - Medway, MA
a. Plan Title
Guerriere & Halnon, Inc. Elizabeth Mainini-Snchioni PE 48096
b. Prepared By
c. Signed and Stamped by
July 30, 2021
d. Final Revision Date
e. Scale
Long Term Operations and Maintenance Plan
f. Additional Plan or Document Title
g. Date
July 30, 2021

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

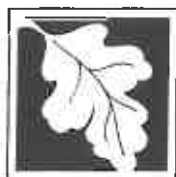
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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



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Bureau of Resource Protection - Wetlands

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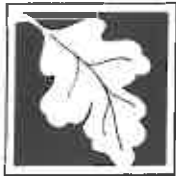
B. Findings (cont.)

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) 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	<u>0</u> a. linear feet	<u>0</u> b. linear feet	<u>0</u> c. linear feet	<u>0</u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>220</u> a. square feet	<u>220</u> b. square feet	<u>0</u> c. square feet	<u>0</u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>14,225</u> a. total sq. feet	<u>14,225</u> b. total sq. feet		
Sq ft within 100 ft	<u>1,100</u> c. square feet	<u>1,100</u> d. square feet	<u>7,850</u> e. square feet	<u>7,850</u> f. square feet
Sq ft between 100-200 ft	<u>13,155</u> g. square feet	<u>13,155</u> h. square feet	<u>0</u> i. square feet	<u>0</u> j. square feet



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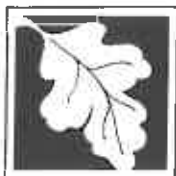
Medway

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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	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
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



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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):

0

1

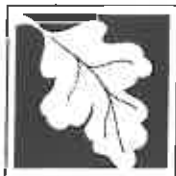
a. number of new stream crossings

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 8/27/24 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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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 216-0956 "
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**

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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;



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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.



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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 attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI).

- 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.**



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

- 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:

Medway General Bylaw

Article XXI

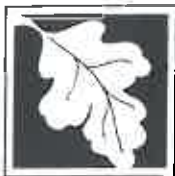
1. Municipal Ordinance or Bylaw

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):

See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI) and for Land Disturbance Medway General Bylaw Article XXVI.



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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.

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:

David A. Truciani *David A. Truciani*

8/27/2021

1. Date of Issuance

2. Number of Signers

Signature Authorization Chain +/or Agent Covid-19
Recorded under
file 37835 pg 135

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

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

Provided by MassDEP:

216-0956

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.

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:

David Travalini

Digitally signed by David Travalini
DN: cn=David Travalini, o, ou,
email=dtravalini@gmail.com, c=US
Date: 2021.08.27 10:00:28 -04'00'

Ken McKay

Digitally signed by Ken McKay
DN: cn=Ken McKay, o, ou, email=mckopt@aol.com,
c=US
Date: 2021.08.27 10:00:47 -04'00'

David Blackwell

Digitally signed by David Blackwell
DN: cn=David Blackwell, o, ou,
email=djbtomedway@verizon.net, c=US
Date: 2021.08.27 10:01:05 -04'00'

Dayna Gill

Digitally signed by Dayna Gill
DN: cn=Dayna Gill, o, ou,
email=dgillmedwayconcom@gmail.com, c=US
Date: 2021.08.27 10:01:24 -04'00'

Tara Kripowicz

Digitally signed by Tara Kripowicz
DN: cn=Tara Kripowicz, o, ou,
email=krpowicz.mco@gmail.com, c=US
Date: 2021.08.27 10:01:49 -04'00'

☐ by hand delivery on

Date

☒ by certified mail, return receipt
requested, on

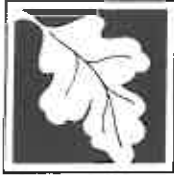
Date

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

Provided by MassDEP:
216-0956
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

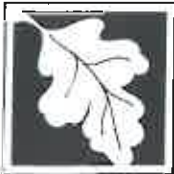
If recorded land, the instrument number identifying this transaction is:

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 _____

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: _____

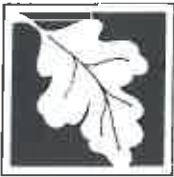
Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



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
Findings and Conditions for Timber Crest Estates, DEP File # 216-0956
165 Main Street
Assessor's Map 48 Lot 093
Date: August 27, 2021

Project Description: The property owner proposes to install and improve existing infrastructure, construct a new parking lot (41 parking spaces) with a new stormwater management system, expand and reconstruct the existing bridge (stream crossing) over Chicken Brook, and completed 7, 850 square feet of mitigation with the 0-100' Riverfront Area and 1, 975 square feet of mitigation with 0-25' Bordering Vegetated Wetland. The site is currently an existing Historic Mill Complex, except for the location where the new parking area is proposed, this area is currently forested with the 200' Riverfront Area. The property owner has submitted the following documents which have been accepted as part of the final record and decision for the proposed project referenced above.

- Plan titled, "Site Plan Medway Mill 163-165 Man Street, Medway, MA" by Guerriere and Halnon, dated July 30, 2021 (final)
- Document titled, "A Long Term Operations and Maintenance Plan for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final)
- O&M PLANPlan titled, "Site Plan Medwy Mill 163-165 Man Street, Medway, MA – Operations and Maintenance Plan" by Guerriere and Halnon, dated July 30, 2021 (final)
- Document titled, "Stormwater Report for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final)
- Document titled, "Supplemental Information 163-165 Main Street, Medway Mills, MA DEP #216-0956" by Goddard Consulting, dated May 6, 2021

Findings:

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-0956:

1. The boundaries of Wetland Resource Areas considered in this Notice of Intent review were defined by a combination of methods:
 - Bordering Vegetated Wetlands, Bank, Mean Annual High Water (Riverfront Area), Land under Bodies of Water, and Bordering Land Subject to Flooding were defined during the Notice of Intent process;
2. All documents listed below and shall record and shall be used for all construction of this proposed project;
 - Plan titled, "Site Plan Medway Mill 163-165 Man Street, Medway, MA" by Guerriere and Halnon, dated July 30, 2021 (final)
 - Document titled, "A Long Term Operations and Maintenance Plan for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final)
 - O&M PLANPlan titled, "Site Plan Medwy Mill 163-165 Man Street, Medway, MA – Operations and Maintenance Plan" by Guerriere and Halnon, dated July 30, 2021 (final)
 - Document titled, "Stormwater Report for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final)
 - Document titled, "Supplemental Information 163-165 Main Street, Medway Mills, MA DEP #216-0956" by Goddard Consulting, dated May 6, 2021

The Commission hereby finds that:

- a) The proposed project is approved as conditioned based on evidence and information presented at public hearings of the Medway Conservation Commission. The property owner presented sufficient evidence at public hearings where the property owner has demonstrated that the activity as proposed meets the provisions and performance standards under 310 CMR 10.02(2)(b) & (3), 310 CMR 10.02(5), 310 CMR 10.05(6)(k-o), 310 CMR 10.53(1), 310 CMR 10.54(4), 310 CMR 10.56 (4), 310CMR 10.57 (4), 310 CMR

10.58(4)(d) and (4)(c)(2 and 3) and the Medway General Bylaw Article XXI and its Regulations Section 21, 2, 23, 25, 26, 28, and 33. Additionally, the Commission agreed to not require a Wildlife Habitat Evaluation under 310 CMR 10.58(4)(d)(1)(c) which is at their discretion for project exceeding 5,000 square feet. This project shall be conditioned to protect the Interests of the Act and the Medway Wetlands Bylaw.

- b) The property owner has only accounted for the impervious surface proposed within the Notice of Intent filed and therefore any additional impervious surface shall have the Massachusetts Stormwater Management Standards applied under 310 CMR 10.02(5) and 310 CMR 10.05(6)(k-o), as this permit does not authorize or allow the segmentation of this project or future projects in such a way to allow circumventing of the Massachusetts Wetlands Protection Act and its authority to impose the Massachusetts Stormwater Management Standards, as specifically referenced under 310 CMR 10.05(6)(n) and the Medway General Bylaws Article XXI and XXVI.
- c) The proposed project was granted a waiver, for the proposed bridge reconstruction and expansion of the existing bridge, under the Medway General Bylaw Article XXI under the Regulations Section 29, as the property owner met the Bylaw Section 21.2(b). The property owner meets the performance standards of waiver for work within the 0-25' No Disturb Zone by proposing 1,980 square feet of mitigation within the 0-25' buffer zone.
- d) 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 Massachusetts Wetlands Protection Act.
- e) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource areas 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 and Order of Conditions 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.
- f) 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 Massachusetts Wetlands Protection Act.
 - 1. Protection of Groundwater Supply
 - 2. Flood Control
 - 3. Storm Damage Prevention
 - 4. Prevention of Pollution
 - 5. Protection of Wildlife Habitat

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 and the Medway General Bylaw Article XXI.

- i. 25'- 100' buffer zone of Bordering Vegetated Wetlands
 - ii. 0-25' No Disturb Zone (waiver granted) for remediation work and bridge work only
 - iii. Land Under Water Bodies and Waterways
 - iv. Bordering Land Subject to Flooding
 - v. Bank
 - vi. Riverfront Area
2. Additional General Findings:
- i. This Order protects the interests specified in the Wetlands Protection Act and the Medway General Bylaw Article XXI.
 - 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 the Medway General Bylaw Article XXVI.

In addition to the General Conditions and Findings stated in Parts I and II of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Wetlands Protection Act and regulations and the Medway General Bylaw Article XXI. Headings stated herein are for organizational purposes only and not for substantive purposes. Conditions listed herein may encompass numerous phases of the project and/or the entire project.

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. Further, work shall be halted on the site 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 property owner 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. The term "Property owner" 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.
4. With respect to all conditions, the "Commission" shall include an Agent of the Commission, which may be a Commission Member, the Conservation Agent, or a person specifically hired by the Commission to administer and enforce this OOC, except where action by the Commission acting as a body is required by law.
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.

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, "Site Plan Medway Mill 163-165 Man Street, Medway, MA" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as the Approved Site Plan), document titled, "Stormwater Report for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as Stormwater Report), document titled, "Site Plan Medway Mill 163-165 Man Street, Medway, MA – Operations and Maintenance Plan" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as O & M Plan), and the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.
8. 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 property owner 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 Property owner, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The Property owner shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this OOC's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Property owner for violations of this OOC.
9. 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 or , the property owner 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 property owner shall be considered changes and the above procedures shall be followed.
10. 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 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.
11. Should issuance of additional permits result in a change in the project, the provisions of condition #9 apply, regarding the process for plan amendments.
12. All waste products, refuse, debris, 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.
13. There shall be no pumping of water from or to a wetland resource without field approval from the Conservation Agent and/or Commission during construction.
14. All waste products, grubbed stumps, slash, etc. shall not be stored or stockpiled within 100 feet of any stream or Bordering Vegetated Wetlands or within Riverfront.
15. No fuel, oil, or other pollutants shall be stored during construction in any resource area or the buffer zone thereto.
16. Any debris or "dumped" material existing or future that is located in jurisdictional areas including all associated buffer zones shall be removed by the property owner immediately upon notice from Town.
17. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas. With the exception of underground or above ground propane tanks.
18. 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, 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.
19. In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.
20. 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, emmissions, 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 Property owner 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.

21. The Commission requires shipping documentation for all materials brought to the site. The documentation shall include point of origin, trucking contractor, truck/trailer registration, date and time loaded, volume or weight, and date and time delivered.
22. This Order does not allow the filling, alteration or dredging of Bordering Land Subject to Flooding, Bank or Bordering Vegetated Wetlands, as noted within the Approved Site Plan. The Notice of Intent did not propose impacting existing Bank, Bordering Land Subject to Flooding or Bordering Vegetated Wetlands, therefore, this Order does not allow work in the locations. The property owner shall submit post-construction of the Bridge and Built of the Bridge showing the flood elevations, Bridge work elevations, and bank and BVW. This shall be submitted to the Commission 30 days post – construction.

II. Prior to Construction

23. 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 file No. 216-956.
24. Emergency Contacts – The property owner 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 property owner 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 property owner shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
25. 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. The Bordering Vegetated Wetlands, Vernal Pools, intermittent 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.
26. 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 measure and limit of work lines where required.
27. The erosion controls on site shall consist of 12" Biodegradable composts sock AND trenched siltation fencing at locations designed on the approved site plans. The location where the property owner shall be allowed to only use compost socks are along the wetland side of the remediation areas as shown on Sheet 12 for locations titled, Remediation Area A and B. Remediation Area C shall follow the standard requirements for the entire site under this Condition #27.
28. Prior to the commencement of the proposed parking area and the stormwater management system and the bridge construction for the bridge improvements at the stream crossing, 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 property owner shall contact the Conservation Commission office at 508-533-3292 at least five (5) business days to arrange for the pre-construction meeting.

29. During the pre-construction meeting for erosion control, the property owner shall have completed the removal of all trash and other non-organic materials within jurisdictional areas shall per the Agent and/or the Commissions direction. Once this is completed, the property owner shall contact the Agent and/or the Commission for an inspection if before or after the Pre-Construction Meeting.
30. Prior to any work on site, the property owner shall submit to the Commission and/or its Agent for its review and approval a Stormwater Pollution Prevention Plan or (SWPPP).
31. 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.
32. The property owner 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 property owner 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.
33. The property owner shall secure a qualified professional with minimum 5 years supervisory construction experience to act as a Clerk of the Works/Project Manager/Project Supervisor to be approved or by the Commission. The Clerk of the Works will supervise the contractor and will inspect the site regularly whenever construction in or within jurisdictional areas. The Clerk of the Works/Project Manager/Project Supervisor 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 property owner 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 property owner can meet with the Conservation Commission at a regularly scheduled meeting to explain and rectify their absence. The property owner may submit a letter requesting to the Agent and/or the Commission to suspend the reports during times when there is no work in progress on the parcels under this Order of Conditions which may be approved at the sole discretion of the Agent and/or the Commission. These reports may be combined with the Erosion Control Inspectors reports, required under Condition 41.
34. It is the responsibility of the property owner to procure and comply with all other applicable federal, state and permits, approvals, and guidelines associated with the project. A copy of the filed NPDES permit with approval shall be submitted to the Commission prior to the commencement of work. These regulations, guidelines, and permits may include but are not necessarily limited to the following:
 - EPA Phase II Stormwater Regulations and NPDES Permit (if required)
 - 401 Water Quality Certification (if required)
 - Army Corps of Engineering 404 Clean Water Act (use Self Verification Form or Pre Construction Notification whichever is required) documentation shall be submitted to the Commission.
35. The property owner shall supply all costs associated with services provided by a Consulting Engineer for the review and oversight related to, but not limited to, the following construction Services – Inspection of roadway, Horizontal Directional Drilling, wetlands crossings (bridges and spans), amphibian crossings, and infrastructure construction by the Town's Consulting Engineer is required. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Property owner shall pay a construction services/consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The Property owner shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Medway Conservation Commission, until the road construction and stormwater drainage system and other utilities are completed and the as-built and a Certificate of Compliance has been granted

determining the infrastructure to be satisfactory in compliance with this Order. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.

36. In addition to Condition #33 above, the Property owner shall provide funds appropriate for the oversight of the construction of the wetland crossing construction and the stormwater management system for Professional Engineer (PE) to be chosen by the Commission. Where Environmental oversight is overlapping, the PE shall be designated as the Environmental Monitor.
37. Prior to commencing any work on the site, the property owner 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 property owner, 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.
38. Prior to construction, the property owner shall complete a soil test pit at infiltration basin in the presence of the Town's Consulting Engineer to confirm the groundwater table does not lie within four feet of the bottom of the basin. If at such time the soils conditions are not consistent with the submitted approved Stormwater Report the property owner shall then redesign the system according to the 310 CMR 10.05 (6)(k-o) to be approved by the Commission and/or the Agent depending on the extent of the design. This may require an Amendment to the Order of Conditions.
39. Prior to the construction of the bridge, the property owner shall submit an erosion control plan for work during the construction/improvement of the bridge as shown on the approved site plans. The proposed erosion control plan shall be submitted, reviewed and approved by the Commission prior to commencement of any bridge work.
40. Prior to the commencement of work, the property owner shall submit an Illicit Discharge Evaluation of the site, this was not submitted in the Notice of Intent package as required by the Town Consulting Engineer. Therefore, the evaluation shall be submitted to the Conservation Commission for review by the Town's Consulting Engineer.

III. Erosion Control Inspection and Monitoring

41. It shall be the responsibility of the property owner 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 property owner 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 property owner 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, inspection of all stockpile areas, inspection of intermittent streams, the vernal

pool wetland adjacent to the development, and the Main Building. Inspections shall include turbidity monitoring as described below.

- C. Precipitation Monitoring: The property owner shall obtain and maintain in good working order at the site a precipitation gauge. The property owner shall maintain a daily log of precipitation at the site, and make the log available for inspection.
- D. Turbidity measurements (during Bridge construction only). Turbidity measurements shall be made within 12 hours of any rainfall that results in 0.5 inches of precipitation for more in a 24 hour period utilizing an appropriately calibrated field turbidity meter operated by the Erosion Control Inspector. Turbidity reporting shall then be added to the required erosion control inspection report when these requirements for reporting are the same. The precipitation measurement should be from an on-site or local rain gauge that is approved and accessible to the Conservation Commission and its Agent. Turbidity shall be measured and reported as Nephelometric Turbidity Units (NTU) or equivalent. Turbidity measurements shall be made on representative samples of surface water collected at the following locations at a minimum (at the discretion of the Inspector, additional turbidity measurements may be made, with all inspection results to be reported to the Commission):

1. Chicken Brook:

- Upstream and Downstream of the bridge construction

- E. 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:

1. Summary of site status with respect to construction phases and erosion control measures.
2. Summary of erosion control measure maintenance and additions conducted during the period since the last inspection.
3. A list of any and all recommended measures for maintenance, repair, or improvement of erosion control measures.
4. The results in tabular form of turbidity monitoring.
5. 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:

- a. Work on the site is being conducted in compliance with the Order of Conditions and other regulatory requirements and approvals related to environmental protection.
- b. 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.
- c. 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

42. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and outside the 25' buffer zone. 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.
43. An area for cleanup and or maintenance of construction equipment shall be designated prior to construction.

- a. Property owner shall designate wash out areas (not limited to concrete only) which will be located over 25' from any wetland resource and surrounded by siltation controls or some other form of protection approved by the Commission.
 - b. 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 Massachusetts Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
 - c. 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.
44. Prior to commencing any work on the site the property owner 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".
45. 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.
46. **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 or otherwise approved in writing by the Commission or its agent. No fueling of equipment can occur within any resource area or the buffer zone thereto.

VI. During Construction

47. The Commission shall be notified at least 48 hours prior to any work within the Remediation Areas and Bridge Improvement/Construction.
48. When possible any work associated with construction of crossings shall be done during dry conditions (summer months) where possible.
49. The property owner shall have an Environmental Monitor or the Towns Consulting Engineer present during work within crossing construction. The Environmental Monitor may submit an alternative monitoring program acceptable to the Commission and/or the Agent. This alteration monitoring program shall be approved in the sole discretion of the Commission and/or the Agent prior to implementation.
50. Any **damage caused** as a direct result of this project to any wetland resource areas shall be the responsibility of the Property owner to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed remediation measures shall be submitted for approval and implementation.
48. The property owner shall not place stockpiles closer than 25' to any wetland resource. The property owner shall follow the proposed stockpiling location on the approved site plans.
49. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act and/or the Medway Wetlands Bylaw Article XXI, upon discovery by either the Conservation Commission, its agent, or the property owner, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the property owner, and other concerned parties to determine the correct measures to be employed. The property owner 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.
50. 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.
51. Dust suppression shall utilize water only unless otherwise specifically authorized by the Commission.

Erosion Control:

52. 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 property owner 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 property owner shall immediately control all erosion on the site, and shall immediately notify the Commission of any breeches of the erosion control barriers by sediment or silt-laden water. 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.
53. 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.
54. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any dewatering 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 property owner 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.
55. An adequate covered 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, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction. At a minimum, this shall include erosion control blankets, 500 feet compost socks and 500 feet of siltation fence, this shall be stored under cover in specified location on site during construction for any issues that may arise requiring the maintenance of erosion controls.
56. 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.
57. 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.
58. 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 are not 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 property owner.
59. Subsequent to seeding, disturbed areas will be covered with a hay mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.

60. A temporary cover of rye or other grass shall be established on any soil stockpiles inactive for more than 60 days 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.
61. All existing and proposed catch basins and oil traps on the site or within the portion of any street (if any) 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.
62. 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 and all impacted areas restored to their original condition.
63. 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.
64. All stockpiles of soils existing for more than seven days shall be surrounded by a row of staked straw bales, compost socks or entrenched silt fence, and shall be covered. The property owner shall cover and surround all soil piles with erosion controls prior to a rain event of 0.5 inches or greater. The Commission reserves the right to require any stockpiles be covered during rain events, as directed through the Agent and/or a Commissioner.

Grading/Landscaping/Slope:

65. 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.
66. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.
67. Slopes that are 2:1 shall be stabilized using erosion control blankets where slope is seeded prior to erosion control blanket placement with a native seed mix approved by the Conservation Commission and/or its Agent prior to application.

Placement of Riprap and Stone:

68. All stone aggregate material shall be clean and free of trash, tree stumps, roots, and other deleterious material.

IX. Stormwater Management

69. Prior to construction of the stormwater management system for the new parking lot, the property owner shall have the pipe for the overflow from the infiltration basin evaluated and the report submitted to the Conservation Commission and the Town Consulting Engineer for comment (per Sheet 7).
70. The property owner shall upgrade all sump basins where possible and shall submit documentation of which catch basin could not be upgraded to the 4' depth and why. The property owner shall provide the Conservation Commission and the Towns Consulting Engineer an As-Built of the sump depths for the modified structures as proposed within the approved site plan.
71. All Stormwater best management practices shall be maintained as specified in the O&M Plan and SWPPP 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.
72. 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.
73. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.

74. 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.
75. The property owners, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, 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.
76. **Street sweeping and snow plowing** – Roadway and sidewalks shall be swept, in a manner consistent with the TSS Removal calculations in the early spring immediately after snow melt. Any and all work surrounding the roadways shall not be allowed to erode, causing soils and other material to impeded roadways and stormwater management systems. Snow shall not be pushed into the stormwater management areas or any wetland resources.
77. **Parking 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.
78. 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 and as follows:
 - a. As indicated on the plan(s), stormwater shall be directed first to an into a Water Quality Unit for removal of total suspended solids and second to a infiltration basin equipped for further removal of sediments and nutrients and infiltration before over flow to buffer zone and wetland resource.
 - b. Catch basins shall be equipped with sumps, oil and gas traps, and shall be inspected and cleaned as outlined in the stormwater operation and maintenance plan submitted with the NOI. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.
79. All stormwater BMP's maintenance logs as prescribed under the O & M Plan shall be kept on site and shall be provided to the Conservation Commission upon request and annually, this includes but is not limited to street sweeping logs and receipts.
80. All Stormwater best management practices shall be maintained as specified in the (of approved O & M 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 schedule prescribed within the Long Term Pollution Prevention Plan. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
81. The property owner and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in Long Term Pollution Prevention Plan to the Conservation Commission including identification of any systems needing repair and a proposed schedule for completion of those repairs, this shall be submitted no later than December 1st of every year. ***This condition shall remain in perpetuity.***
82. The property owner 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 O & M Plan . These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management (mowing of swales, infiltration basins or other structures requiring mowing), and inspection and cleaning of water quality units and bioretention areas).
83. The property owner and its successors shall complete all maintenance of stormwater management system as prescribed under O & M.

84. All future and approved work on the parcels referenced within the Order of Conditions shall comply with the MA Stormwater Management Standards. This Order does not authorize or allow the segmentation of this project or future projects in such a way as to allow the circumventing of the Massachusetts Wetlands Protection Act, the Medway General Bylaw, Article XXI and XXVI and its authority to impose the Massachusetts Stormwater Management Standards, as specifically referenced under 310 CMR 10.05(6) (n).

VI. Bridge Construction

85. Prior to commencement of bridge work, the property owner shall submit a proposed erosion control plan for work at the bridge crossing. The property owner submitted general locations of erosion controls which are not acceptable for review by the Agent until such time as the property owner submits a comprehensive erosion control plan, which shall be reviewed and approved by the Commission at public meeting.
86. Once the erosion controls for the bridge work are approved by the Agent and/or the Commission, the applicant shall install and schedule a site visit with the Agent for review and approved prior to the start of any work associated with the bridge improvements.
87. Prior to commencement of bridge work, the property owner shall supply information to the Commission for review on any trees or vegetation proposed to be removed within the immediate vicinity of the bridge work. The request for tree removal shall come from the Structural Engineer who is requiring it for construction or to maintain structural integrity of the new bridge. The Commission shall review the information and determine if an amendment to the Order is required under the Bylaw Regulations.
88. Prior to the commencement of work, the applicant shall submit a proposed bridge construction sequence plan to the Commission. This construction sequence shall designate locations where existing businesses shall be allowed to operate and store materials, along with new locations for parking for partons of the Mill. This plan shall be reviewed and approved by the Commission and/or the Agent. If there are proposals which will impact additional (unauthorized impacts) to jurisdictional areas, the property owner shall file for an amendment to the Order.
89. Prior to the commencement of bridge work, the property owner shall submit documentation that the Medway Fire Chief has approved the proposed plans for the improvements to the existing bridge.
90. Prior to the commencement of bridge work, the property owner shall submit the grading proposal from the Structural Engineer (as noted on Sheet 5) to the Commission for review by the Town Consulting Engineer to determine if there needs to be any amendments to the Stormwater Management System.
91. The Medway Conservation Commission does not approve the filling of Bordering Land Subject to Flooding (176.0) for the construction of the bridge.
92. The Medway Conservation does not approved alterations to Bank under 310 CMR 10.54 (4). The proposed retaining wall is depicted on the approved site plans seems to impact, however, at the Public Hearing on July 29, 2021, the Commission was told that although shown in the manner seeming to impact bank, the property owners representative has stated that Bank will not be altered for the construction of the bridge.
93. Once the construction of the expansion of the bridge is completed, the property owner shall submit from the Professional Engineer of record Plan and a letter, showing and stating, that no Bordering Land Subject to Flooding was filled as a result of the bridge construction and that Bank was not impacted as a result of the construction.

VI. Riverfront and Buffer Zone Remediation

94. The property owner shall comply with the Plan titled, "Site Plan Medway Mill 163-165 Man Street, Medway, MA" by Guerriere and Halnon, dated July 30, 2021 (final) Sheet 12 with other remediation documents referenced in this Order.
95. Property owner shall mitigate **approximately 1980 square feet of 0-25' Buffer Zone of Bordering Vegetated Wetlands and 7850 square feet of 0-100' Riverfront Area of Chicken Brook** the Approved Site Plan – Sheet 12. Failure to adequately comply with this requirement shall be deemed to be a violation of the conditions of this Order and a Certificate of Compliance shall not be granted.
96. **A Wetland Specialist** shall be retained by the Property owner to supervise construction and monitor progress of the remediation areas until the replication area meets the requirements of this Order of

Conditions. The resume, name, e-mail address and cell phone number of the proposed Wetland Specialist shall be provided to the Conservation Agent. This person shall be a competent qualified professional that has worked in the Environmental Field for over 5 years with experience in wetland replication, wetland hydrology and a working knowledge of botany and shall be approved for selection by the Agent and/or the Commission prior to retaining the services of this person.

97. The siltation barriers shall serve as the **limit of work** delineation for project activities. The proposed erosion controls for the wetlands replication area shall consist of compost socks and shall not cause additional alterations to jurisdictional areas. No disturbance to adjacent wetland resource areas resulting from work on the project shall occur during or after construction of the replication area. The Agent shall determine any locations of compost sock required to prevent impact to the remediation areas after work is completed.
98. The Commission shall be given 5 business days' **notice prior to the beginning of remediation work**
99. Prior to excavation of the proposed replication area, **property owner shall have the limit of work staked by a Land Surveyor and during construction the wetland scientist shall determine the grades. Final grades shall be** the cuts necessary to complete the required wetlands replication. The extent of cut should include necessary over-excavation to allow for backfill of high organic mineral soils or clean loam materials.
100. **Siltation barriers** in the form of compost socks shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.

Following Installation

101. A **weeding program** must be implemented to maintain the remediation and replication areas. The goal of this program is keep these areas free of weedy and invasive species. Species to be removed by hand shall include all species identified on the Invasive Species List distributed by the Massachusetts Division of Fisheries and Wildlife. In addition, cat-tails shall be considered an invasive species. The weeding program shall begin within one month of replication/remediation installation and continue at a minimum of twice per growing season until a Certificate of Compliance is issued for the project. The weeding program shall be completed as prescribed in the Replication Plan.
102. Following construction of the replication area, the **Wetland Specialist shall certify** to the Commission that the area has been constructed in compliance with approved wetland replication plan(s) and this Order of Conditions. Such certification shall be accompanied by a plan showing the limits of the replication area and final grades as surveyed by a licensed land surveyor, which meet grades shown on the plans approved in this Order of Conditions.
103. **Seasonal monitoring reports** shall be prepared for each of the replication and remediation areas by a qualified wetland scientist for a period of 2 additional years after installation. This monitoring program will consist of spring and fall inspections which will include photographs and documentation that details the vitality of the remediation and replication areas. Monitoring reports shall be submitted to the Commission within 30 days of each monitoring effort (i.e., by June 15th and by October 15th). Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication/remediation areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers).
104. Wetland regulation (310 CMR 10.55 (4) (b) (6) requires that **at least 75% of the surface area** of the replacement area be re-established with indigenous wetland plant species within two growing seasons. The growing season is defined as the time period between the last frost in the Spring and the first frost in the Fall and typically spans from March/May to September/November in Massachusetts. If the remediation and replication areas do not meet the 75% re-vegetation requirement by the end of the second growing season after installation, the Property owner shall submit a remediation plan to the Commission for approval that will achieve, under the supervision of a Wetland Specialist, replication/remediation goals. This plan must include an analysis of why the areas have not successfully re-vegetated and how the Property owner intends to resolve the problem.

VIII. After Construction / In Perpetuity

105. Any locations designated by the Commission where work is significantly in close proximity to wetland resource areas signage shall be installed with language: "Sensitive Area - No Cutting No Dumping No Snow Storage" showing Medway Conservation Commission beneath in smaller font. ***This condition shall apply in perpetuity.***
106. Snow storage areas shall be clearly marked on site and all snow removal operators shall be made aware of approved locations on site for storage. Excess snow shall be removed from the site and disposed of in accordance with applicable regulations. At no time, may snow be placed over locations on the site where there is porous pavement or stone pavers. Snow shall not be pushed or piled into stormwater management areas, Riverfront Area, Bordering Vegetated Wetland, or any forested or unaltered natural areas of these parcels. Snow may be windrowed immediately adjacent to existing paved streets. ***This condition shall apply in perpetuity.***
107. No sodium chloride (NaCl or rock salt) shall be used for de-icing on the site unless specifically authorized by the Commission. ***This condition shall apply in perpetuity.***
108. Upon completion of construction and final soil stabilization, the property owner 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.
109. No herbicides, pesticides or fertilizers shall be used on this site except as prescribed under the O & M Plan or as otherwise described in this Order or approved by the Commission. Only low phosphate and organic fertilizers shall be used within the buffer zone. ***This condition shall apply in perpetuity.***

Perpetual Conditions:

110. Conditions numbered 10, 80, 81, 105-107, 109, 110-119, and including all conditions listed within the perpetual conditions heading, 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.
111. Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris within jurisdictional areas and including any natural, unaltered buffer zone areas, or any component of the Stormwater Management System.

112. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state wetlands protection laws and regulations.
113. Snow storage is prohibited within stormwater management area, remediation areas A, B, and C, and jurisdictional locations which have natural buffer zone or riverfront areas. This includes, not allowing the pushing of snow over slopes into Chicken Brook.
114. The maintenance or repair of infiltration basins, supporting drainage systems, stormwater management best management practices shall be the responsibility of the property owner/property owner and its successors. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained. The property owner shall be responsible for mitigation of any alteration to jurisdictional areas caused by water from the weep holes in the retaining wall and if the Commission and/or the Agent determines the water from the weep holes has caused alteration of jurisdictional areas, then the property owner shall submit a mitigation plan to correct the alteration(s).
115. The Property owner shall have O&M Plan and Conditions in Perpetuity after this Order has received a Certificate of Compliance, and the made part of the all contracts for maintenance work that effects jurisdictional areas.
116. The property owner and/or any successor owner, or owners, shall provide a legal instrument that establishes the terms of the legal responsibility for the operation and maintenance of the stormwater BMPs.
117. Any future owner or owners shall sign a document of acknowledgement of receipt of this document shall be provided at time of sale. These statements must be made available upon request of the Medway Conservation Commission. ***This condition shall apply in perpetuity.***
118. The owner(s) and their successors shall follow all requirements of O & M Plan and Conditions in perpetuity.
119. All annual inspections required for the stormwater BMPs. The inspections shall be done according to the approved O&M PLANPlan and the SWPPP (during construction). These logs shall be sent to the Conservation Office at the end of every year.

STORMWATER BYLAW PERMIT - PART III
FINDINGS AND CONDITIONS UNDER THE MEDWAY STORMWATER PROTECTION
BYLAW (ARTICLE XXVI)
PROJECT SITE: 165 Main Street Map 48 Lot 093
MEDWAY, MASSACHUSETTS
DATE OF ISSUANCE: August 27, 2021

The Medway Conservation Commission makes the following findings relative to the Land Disturbance Permit Application LD-21-02:

- a. The Commission hereby finds that the work proposed to install improve existing infrastructure, construct a new parking lot (41 parking spaces) with a new stormwater management system, expand and reconstruct the existing bridge (stream crossing) over Chicken Brook, and completed 7, 850 square feet of mitigation with the 0-100' Riverfront Area and 1, 975 square feet of mitigation with 0-25' Bordering Vegetated Wetland. The site is currently an existing Historic Mill Complex, except for the location where the new parking area is proposed.. The property owner has met the requirements for the Stormwater Management Standards for new development for the parking lot proposal.
 - b. It was noted that 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 ensure that all the performances standards of the Medway General Stormwater Bylaw Article XXVI are met.
1. A Conservation Commissioner, agent of the Commission reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Medway Stormwater Bylaw Article XXVI 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. Further, work shall be halted on the site if a Commissioner, agent 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. 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.
 3. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
 4. 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.
 5. All work shall be conducted in accordance with the approved site plan titled, "Site Plan Medwy Mill 163-165 Man Street, Medway, MA" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as the Approved Site Plan), document titled, "Stormwater Report for Medway Mill Parking Expansion" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as Stormwater Report) , document titled, "Site Plan Medwy Mill 163-165 Man Street, Medway, MA – Operations and Maintenance Plan" by Guerriere and Halnon, dated July 30, 2021 (final) (hereafter referred to as O & M Plan), and the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.
 6. Copies of applicable documents listed above in Condition #5 shall be kept on site at all times while the site is under construction. 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 Permits terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Permit's resulting from failure to comply with its conditions. The Applicant shall ensure that all contractors, subcontractors and other personnel

performing the permitted work are fully aware of this permit's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this permit.

7. The Applicant shall submit a final As-Built Plan with a letter from the Engineering stating that all work was completed in conformance with the approved plans, this permit and the Medway Stormwater Bylaw Article XXVI.
8. 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 Permit, 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. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that any of the work is not in compliance with this Permit. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
9. This Permit 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.
10. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
11. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the proposed construction 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.
12. The form provided at the end of this Permit 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 Permit not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.
13. 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 Permit.
14. 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 Permit's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Permit resulting from failure to comply with its conditions. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Permit terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this OOC.
15. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
16. All waste products, refuse, debris, construction materials, etc. shall be contained and then post-construction, deposited at an appropriate off-site facility.
17. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas except as permitted for utilities required for regular operation of a two family residence.
18. 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 Permit 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.
19. In the case of a conflict between a specific condition in this Permit and a referenced document, the condition shall prevail.
20. 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) 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, 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.

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.

21. The applicant shall supply all costs associated with services provided by a Consulting Engineer for the review and oversight related to, but not limited to, the following construction Services – Inspection of all site work related to the construction of the stormwater management system by the Town's Consulting Engineer is required. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Applicant shall pay a construction services/consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Medway Conservation Commission, until the road construction and stormwater drainage system and other utilities are completed and the as-built and a Certificate of Compliance has been granted determining the infrastructure to be satisfactory in compliance with this Permit. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.
22. This Permit 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.
26. 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 and its successors shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Land Disturbance Permit terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Permit resulting from failure to comply with its conditions. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Permit's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Permit.

I. PRE-CONSTRUCTION

27. 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 Medway File No. 21-02.
28. 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 Permit. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
29. 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.
30. 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.
31. 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 Permit 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.

32. Prior to the commencement of work, the applicant shall designate an approved location for concrete washout. This location shall be approved by the Agent and/or the Commission.
33. Prior to any work on site, the applicant shall submit to the Commission and/or its Agent for its review and approval a Stormwater Pollution Prevention Plan or (SWPPP).
34. Prior to any work on the site the applicant shall submit to the Commission and/or its Agent a filed approved NPDES Permit.
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 commencement of construction on site, the Bordering Vegetated Wetlands 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.
38. 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.
39. The applicant shall secure a qualified professional to act as a clerk of the works (the Commission shall review the Clerk of the Works resume for the qualifications) whose information shall be provided to the Commission. The Clerk of the Works will supervise the contractor and will inspect the site regularly.
40. The Permit shall be recorded at Norfolk County Registry of Deeds. Any Permit not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.

II. EROSION CONTROL AND MONITORING

41. 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 Permit 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 Permit. Additional requirements related to site monitoring and control are:
42. 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 Land Disturbance Application and the erosion control provision in the Permit and approved site plan 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 breeches of the erosion control barriers by sediment or silt-laden water.
43. Placement of erosion controls shall be directed at the site by the applicant and/or property owner and its successors to ensure that no sedimentation will reach the Town right-of-way or abutting properties and the

erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Permits 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.

III. DURING CONSTRUCTION

Staging Areas

45. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and outside the 25' buffer zone and/or within designed location as depicted on the approved site plan. 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.
46. An **area for cleanup and or maintenance of construction equipment** shall be designated prior to construction.
 - a. Applicant shall designate wash out areas with some other form of protection approved by the Commission
 - b. Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped in, any on-site drainage system. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
 - c. 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.
47. 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".
48. 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. If this is not recommended based on the site conditions, it shall be agreed to remove this requirement by the Agent and/or the Commission.
49. All **fuel, oil, or other pollutants** shall be stored in the designated locations as to not impact abutters, the Town's right-of-way or any resource area or the buffer zone.

Construction

50. The applicant shall place all stockpiles shall be within the limit of work approve by the Commission and/or as depicted on the approved site plan.
52. All existing and proposed catch basins and water quality inlets on the site or within the parcel that receive runoff from or contributes runoff to the project site shall be cleaned of sediment prior to commencement of work and be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks and sumps shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Permit have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.
53. 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.
54. A copy of this Permit, construction plans, and copies of the documents and reports cited in this Permit shall be on the site upon commencement and during any site work for contractors to view and adhere to.

IV. STORMWATER MANAGEMENT

57. The owner(s) and their successors shall follow all requirements of the Conditions in Perpetuity, O&M Plan and if still under Construction SWPPP and Permit of Conditions. ***This condition shall remain in perpetuity.***
58. The applicant and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in O&M Plan to the Conservation Commission. Annual report shall be submitted to

the Commission no later than December 1st of every year. The inspections shall be done according to the approved O&M PLANPlan. *This condition shall remain in perpetuity.*

V. POST-CONSTRUCTION

59. The Applicant shall submit a final As-Built Plan with a letter from the Engineering stating that all work was completed in conformance with the approved plans, this permit and the Medway Stormwater Bylaw Article XXVI.