



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:

216-0937

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:

Robert

a. First Name

Marzilli

b. Last Name

21 Trotter Drive LLC

c. Organization

21 Trotter DRive

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:

21 Trotter Drive

a. Street Address

Medway

b. City/Town

64

c. Assessors Map/Plat Number

003

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d08m12.04s

d. Latitude

71d28m17.56s

e. Longitude



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:
216-0937
MassDEP File #
eDEP Transaction #
Medway
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Norfolk
a. County 25503 b. Certificate Number (if registered land) 584
c. Book 584 d. Page 584
7. Dates: April 22, 2019 September 12, 2019 September 30, 2019
a. Date Notice of Intent Filed b. Date Public Hearing Closed
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
"21 Trotter Drive A Site Plan in Medway, MA"
a. Plan Title Engineering design Consultants Walter Lewinski PE no. 32327
b. Prepared By August 28, 2019 c. Signed and Stamped by 1"=40'
d. Final Revision Date "Stormwater Calculations for 21 Trotter Drive at Site Re- e. Scale August 28, 2019
Development" g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0937

MassDEP File #

eDEP Transaction #

Medway

City/Town

B. Findings (cont.)

Denied because:

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

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

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



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

Provided by MassDEP:
216-0937
MassDEP File #

eDEP Transaction #
Medway
City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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:
216-0937
MassDEP File #

eDEP Transaction #
Medway
City/Town

B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 9/30/22 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.



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:
216-0937
MassDEP File #

eDEP Transaction #
Medway
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 216-0937 "

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0937

MassDEP File #

eDEP Transaction #

Medway

City/Town

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

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

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

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



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0937

MassDEP File #

eDEP Transaction #

Medway

City/Town

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

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

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

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

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

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

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

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

216-0937

MassDEP File #

eDEP Transaction #

Medway

City/Town

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

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

See 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.



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:
216-0937
MassDEP File #

eDEP Transaction #
Medway
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

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)



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:
216-0937
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.

9/30/19

1. Date of Issuance

2. Number of Signers

Signatures:

Paul G. Sandoz David A. Travelloni
James J. McNamara
Daniel G. Blackwell David S. Blackwell

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

9/30/19

Date

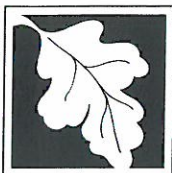
Date

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:
216-0937
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

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

DEP File Number: _____

Provided by DEP

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.

MEDWAY CONSERVATION COMMISSION
ORDER OF CONDITIONS – PART II
FINDINGS AND CONDITIONS UNDER THE MASSACHUSETTS WETLANDS PROTECTION
ACT AND THE MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE XXI)
PROJECT SITE: 21 Trotter Drive – R.P. Marzilli
DEP # 216-0937
MEDWAY, MASSACHUSETTS
DATE OF ISSUANCE: September 30, 2019

Final Approved Plans and other documents:

- Approved site plan titled, “21 Trotter Drive A Site Plan in Medway, MA” by Engineering Design Consultants, Inc. dated August 28, 2019
- Remediation Plan titled, “Remediation Site Plan 20 Trotter Drive” by EDC Inc. dated July 25, 2019
- Fuel Dispensing Plan titled, “RP Marzilli & Co. Inc. 21 Trotter Drive, Medway, MA” by WEB Engineering Associates, Inc dated August 16, 2019
- Stormwater Report titled, “Stormwater Calculations for 21 Trotter Drive at Site Re-Development” by EDC, Inc. dated August 28, 2019
- Document titled, “Operations and Maintenance Plan” within Stormwater Report titled, “Stormwater Calculations for 21 Trotter Drive at Site Re-Development” by EDC, Inc. dated August 28, 2019
- Document titled, “Long Term Owner Operations and Maintenance (Post-Construction)”, within Stormwater Report titled, “Stormwater Calculations for 21 Trotter Drive at Site Re-Development” by EDC, Inc. dated August 28, 2019

Background/ Site Description

The property of 21 Trotter Drive has been managed as a Landscaping and Masonry commercial business under the ownership of R.P. Marzilli for many years. The business operations is currently within the jurisdiction of the Conservation Commission because of an adjacent Bordering Vegetated Wetland.

Project Description

R.P. Marzilli is proposing to begin expansion of their business through a 7,944 square foot addition to the existing commercial building. This expansion also includes a number of upgrades from the existing site, stormwater management, protected fueling station, materials storage, resotation and protection of the 0-75' No Alteration Zone under the Medway General Bylaw Article XXI and its Regulations related to work within a Zone II.

Findings:

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-0937:

- a) The boundaries of Wetland Resource Areas considered in this Notice of Intent review were defined by a combination of methods:
 - Bordering Vegetated Wetlands were defined during the Notice of Intent Process;
- b) The Commission hereby finds that the work proposed for construction of a 7, 944 square foot addition of the existing commercial building, increased parking, fueling station, material storage areas, stormwater management system and other associated structures, were presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under 310 CMR 10.02 (2)(b) & (3), 310 CMR 10.02(5), 310 CMR 10.05(6)(k-o), and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.01, 3.02, 3.03, 3.04, Section 5, and Section 7.
- c) Applicant requested a waiver under Section 7 of the Rules and Regulations of the Town of Medway Conservation Commission, where the Commission agreed to grant waiver of the 0-75' No Alteration Zone within a Zone II, approximately 1938 square feet of new proposed alteration for stormwater management

structures, under the Medway General Bylaw Article XXI Section 21(b)2. The applicant has met the required performance standards under Section 21.2(b). The new permitted alteration is proposed for locations within previously degraded 0-75' buffer zone and the applicant has proposed to restore approximately 1,364 square feet of the 0-25' buffer zone as mitigation. There is an additional amount proposed restoration on the property of 20 Trotter Drive which shall only be authorized through an agreement with the property owner. The proposal for restoration is for 0-25' buffer zone restoration shall be approximately 3,423 square feet.

- d) 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 protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.
- e) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of this Order. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.
- 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 Medway Wetlands By-Law:
 - 1. Public Water Supply
 - 2. Groundwater Supply
 - 3. Flood Control
 - 4. Storm Damage Prevention
 - 5. Prevention of Pollution
 - 6. Protection of Flora and Fauna and their Habitats
 - 7. Erosion Prevention

- f) 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 Wetlands By-Law:
 - i. 25'- 100' buffer zone of Bordering Vegetated Wetlands
 - ii. 0-25' No Disturb Setback and 0-75' No Alterations within Zone II (requested waiver for portions of project)
 - 2. Additional General Findings:
 - i. This Order protects the interests specified in the Wetlands Protection Act and the Medway Wetlands By-Law. The Wetland resource areas on the lot are identified on the Plan.
 - ii. The Commission accepts the resource areas as depicted on the above-referenced Plan and as described in the Notice of Intent Project Narrative.
 - 3. Wildlife Habitat: The Commission finds that the project area 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.

In addition to the General Conditions and Findings stated in Parts I, II, and III of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Medway Wetlands By-Law, Article XXI and the Medway Conservation Commission Regulations, the Medway Stormwater Bylaw Article XXVI as well as the Wetlands Protection Act and regulations.

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 applicant in writing.
2. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.
3. 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.
4. No filling of Bordering Vegetated Wetland as defined in 310 CMR 10.55 is authorized by this Order.
5. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
6. 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. This does not pertain to the daily operations of the CM & D Garage.
7. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. Any Order not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.
8. 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.
9. All work shall be conducted in accordance with the approved site plan titled, "Approved site plan titled, "21 Trotter Drive A Site Plan in Medway, MA" by Engineering Design Consultants, Inc. dated August 28, 2019 (hereafter referred to as the Approved Site Plan), Remediation Plan titled, "Remediation Site Plan 20 Trotter Drive" by EDC Inc. dated July 25, 2019 (hereafter referred to as the Remediation Plan), Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as Stormwater Report), document titled, "Operations and Maintenance Plan" within Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as the O&M Plan), and the document titled, "Long Term Owner Operations and Maintenance (Post-Construction)", within Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as LTPPP), the document titled, "Emergency Response Procedures" included within the Peer Review Response Package, by EDC Inc., dated August 28, 2019 (hereby referred

to as the Emergency Spill Response 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.

10. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The Applicant 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 Applicant for violations of this OOC.
11. 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 Medway General Bylaw Article XXI, the applicant shall inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request To Amend this Order of Conditions. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
12. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
13. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
14. Should issuance of additional permits result in a change in the project, the provisions of condition #12 apply, regarding the process for plan amendments.
15. All waste products, refuse, debris, construction materials, etc. shall be contained and then post-construction, deposited at an appropriate off-site facility.
16. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas.
17. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under Massachusetts Wetlands Protection Act:
 - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
 - c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.
 - d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
 - e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.
18. In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.

19. 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.

20. 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 fueling station and 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 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.

II. Prior to Construction

21. Prior to commencement of work the applicant shall complete all remediation work as noted within the plan titled, Remediation Plan titled, "Remediation Site Plan 20 Trotter Drive" by EDC Inc. dated July 25, 2019, this work shall include all previous work required under the Enforcement Order issued by the Commission on April 25, 2008. This includes but is not limited to the removal of fill material adjacent to Wetland Flags # A37 through A48 as approved and reviewed by the Agent and/or the Commission, restoration of the 25' No Alteration Zone as noted on plan referenced within this condition. Once the fill materials are removed and plantings are established, the applicant shall erect permanent fencing as depicted on the plan referenced within this Order. The work shall be completed to the satisfaction of the Agent and/or the Commission prior to construction beginning on the addition.
22. Prior to the commencement of work the applicant shall complete all work as prescribed within the Enforcement Order issued by the Commission on April 25, 2008 and the above conditions #19. The Commission shall review and vote that the applicant has satisfied the requirements of the Enforcement Order prior to an issuance of a Certificate of Compliance.
23. Prior to the commencement of operations related to fueling, the applicant shall submit information to the Agent and/or Commissions showing that the proposed fueling operation meets the requirements for the Appendix Operation and Source Control BMP's Volume 2 in the Massachusetts Stormwater Management Handbook and the submit the final Spill Prevention, Control, and Countermeasure Plan for the fueling station.
24. 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. 216-937.
25. Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
26. 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.
27. 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.
28. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three (3) business days prior to any activity to arrange for the pre-construction meeting.
29. 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).

30. Prior to any work on the site the applicant shall submit to the Commission and/or its Agent a filed NPDES Permit which may be in the form of a NPDES Multisector General Permit for the storage of fuel within a Zone II designating the site as a LUHPPL. Part of this requirement for the Multisector Permit is that the applicant shall submit a Spill, Prevention, Control and Countermeasure (SPCC) Plan. If the United States Environmental Protection Agency (US EPA) determines this application is not required then the applicant shall submit documentation showing this is not required by the US EPA.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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 whenever construction in or within 100 feet of a bordering vegetated wetland is in progress. The Clerk of the Works will provide inspection reports to the Commission every two weeks and after storm events over 0.5", and will respond to required inspected the next day or 24 hours whichever is sooner after storm events of over 0.5", so as to take responsibility for the proper functioning of drainage systems for the project. The applicant shall provide that person's phone number for the Commission. Failure to provide above reports may result in cessation of all work on site until the applicant can meet with the Conservation Commission at a regularly scheduled meeting to explain and rectify their absence.
36. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
 - A set of **photographs** depicting the project site in pre-construction condition.
 - A **project/construction-sequencing plan**
 - A **statement** signed by the applicant, owner of the property and all persons responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act and this Order.

III. Erosion Control Inspection and Monitoring

37. It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance. In addition, it shall be the responsibility of the applicant to take whatever measures are necessary to prevent any form of wetland impacts not approved within this Order. Additional requirements related to site monitoring and control are:
 - A. Erosion Control Inspector. The applicant shall designate and identify to the Commission a qualified Erosion Control Inspector. This person shall have appropriate credentials in the field of engineering or environmental science, and erosion and sedimentation control.

- B. Erosion control inspections. At least once every two weeks and within 24 hours of a rain event of > 0.5" inch within any 24 hour period, the designated Erosion Control Inspector shall conduct a thorough inspection of the site. At a minimum, each inspection shall include a visual inspection of all erosion control barriers, visual inspection of all temporary sediment traps and other erosion control measures, 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 applicant shall obtain and maintain in good working order at the site a precipitation gauge. The applicant shall maintain a daily log of precipitation at the site, and make the log available for inspection.
- D. Inspection reports. Within one week of the completion of an inspection, the Erosion Control Inspector shall submit a report of findings to the Medway Conservation Commission. The contents of this report shall include, but are not limited to, the following:
- a. Summary of site status with respect to construction phases and erosion control measures.
 - b. Summary of erosion control measure maintenance and additions conducted during the period since the last inspection.
 - c. A list of any and all recommended measures for maintenance, repair, or improvement of erosion control measures.
 - d. The results in tabular form of turbidity monitoring.
 - e. Each inspection report shall contain the following certification signed by the Erosion Control Inspector:

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

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

IV. Staging Areas

34. 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.
35. An **area for cleanup and or maintenance of construction equipment** shall be designated prior to construction.
- a. Applicant shall designate wash out areas 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 Mass. 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.

36. 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".
37. 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 and the Project Supervisor.
38. **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.

V. Stormwater Management

39. During construction all stormwater management systems shall be inspected after a 0.5" rain fall and bi-monthly during construction. Structures shall be maintain and cleaned as prescribed within the O &M Plan and the LTPPP.
40. 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, Operation and Maintenance Plan, LTPPP, NPDES SWPPP, and the Department of Environmental Protection Stormwater Management Standards.
41. All Stormwater best management practices shall be maintained and inspected as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions.
42. During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.
43. 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.
44. Prior to construction the applicant shall construct temporary stomrwater management basin as prescribed by the Stormwater Pollution Prevention Plan.
45. All Stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.
46. 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.
47. The applicants, 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.
48. The applicant shall install the CDS Water Quality Unit where designed on the approved site plans. The CDS Water Quality Unit shall be the CDS2025-6-C, as per detail sheet titled, "CDS2050-6-C Inline CDS Standard Detail" by Contech Engineered Solutions.
49. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the roadway shall maintain the roadway and drainage system in accordance with the following schedule:
 - a. **Road and Parking Lot sweeping and snow plowing** – Roadway and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt.
 - b. **Catch basins** - Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at least two times per year. Sediments and wastes shall

be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin that becomes damaged shall be repaired or replaced immediately upon discovery.

- c. **Outlet control structure and spillway** – The outlet structures for the detention basin shall be inspected at least twice annually for evidence of clogging, scouring, slumping, erosion or other problems and shall be cleaned and repaired as needed to maintain proper functioning. The outlet shall also be inspected at least annually during a heavy rain storm to detect any problems in function. Any problems shall be corrected.
- d. **Water Quality Unit (CDS or other approved unit)** – Operations and maintenance of the proprietary separator shall be done per the manufacturer's guidelines. Sediments shall be removed when it reached approximately 15% of the unit storage and all units shall be vacuumed for oils, fuel or other hydrocarbons that float on top of the water if there is a spill or other incident that would require the removal of the hydrocarbons. Water Quality units shall be inspected quarterly for sediments and oils, where they shall be removed as necessary. All unit shall be cleaned annually.
- e. **Infiltration System** – until the site is stabilized the system shall be inspected after every significant storm (> 0.5 inches). Once the site is stable inspections may be performed at a minimum twice annually. Infiltration basin shall be inspected and cleaned at least two times annually and inspected quarterly, beginning in the early spring after snow melt. Accumulated sediments, leaves, branches, and other debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Vegetation shall be mowed at least twice a year to prevent the growth of woody species or when grasses and herbaceous vegetation has grown taller than 6", slope vegetation shall be maintained between 3"-6". Sediment shall be removed when 6" or greater. Water level shall be measured and corrective action taken if water does not drain in 72 hours following a storm. Infiltration chambers and feed connectors to be cleaned of debris every 9 years.

All maintenance of stormwater management units shall be conducted as prescribed under O&M Plan and Long Term Pollution Prevention Plan. The Conservation Commission members and the Commission Agent shall have the right to enter the roadway parcel and drainage easement area to inspect for compliance with all sub conditions of this condition.

- 50. 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.
- 51. All stormwater BMP's maintenance logs as prescribed under the Appendix F- Operations and Maintenance Plan shall be kept on site and shall be provided to the Conservation Commission upon request and annually or Planning Board upon request, this includes but is not limited to street sweeping logs and receipts.
- 52. All Stormwater best management practices shall be maintained as specified in the O & M Plan and the LTPPP 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 O & M Plan. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
- 53. Deep Sump Catch Basins shall be inspected after a 0.5" storm event and on a weekly basis during construction. Post- Construction: the catch basins shall be inspected and cleaned on a quarterly basis. Post-construction all inspection and cleaning dates shall be provided to the Commission written confirmation that the inspections and cleanings were conducted, this shall be provided annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
- 54. Infiltration Basin after 0.5" storm event and on a weekly basis during construction. Post-Construction then twice annually in the spring and fall. The amount of hours it takes for water to infiltrate after a storm should be monitored and recorded. Any water remaining over 72 hours suggests there is a clog in the system. Sediment shall be removed as needed. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

55. Water Quality Units shall be inspected after 0.5" storm event and on a weekly basis during construction. Post -Construction shall be inspected once per year, cleaned as needed and reported in writing annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
56. During construction, all drainage structures shall be inspected regularly and cleaned as necessary as prescribed under the O & M and the LTPPP.
57. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
58. 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.
59. The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system as prescribed under the Operations and Maintenance Plan and the Long Term Pollution Prevention Plan. These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management (removal or mowing of swales, infiltration basins or other structures requiring mowing), and inspection and cleaning of proprietary separator.

VI. During Construction

63. The applicant shall not place stockpiles closer than 25' to any wetland resource and all stockpiles shall be within the limit of work approve by the Commission.
64. The applicant shall not construct the proposed addition or the fueling station (or other structures) with any untreated metal roofing. All existing metal roofs shall be pretreated and the existing roof shall be painted with the protective coating to ensure there is no metal roof exposure to storm run-off within a Zone II. The applicant shall comply with the MA Stormwater Management Standards for metal roofing within a Zone II. Applicant shall provide evidence or information to the Commission at the time of construction or prior to the issuance a Certificate of Compliance that all roofs were treated and/or roof were constructed with treated metal.
65. The applicant shall install the proposed fueling station as designed on the plans titled, "R.P. Marzilli & Co.Inc. 21 Trotter Drive, Medway, MA" by Web Engineering Associates, Inc. dated August 16, 2019 and shall meet the requirements of design as specified within the letter from Web Engineering Associate's, Inc, titled, "Conservation Commission Letter Vehicle Refueling Facility" dated September 12, 2019. If applicant amends this proposed plan in any way, the Commission and the Agent shall be notified prior to implementing the changes.
66. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.
67. All equipment shall be operated, parked, and maintained so as to limit impacts to resource area 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.
68. During construction, Town personnel shall exercise extreme care when onsite fueling is underway during construction or storms. Spill kits as required herein shall be maintained at the fueling system during all stages of construction. Any spill of fuel shall be immediately reported to the Medway Fire Department, Police Department and Conservation Commission.
69. 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 Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.

70. 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.
71. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.
72. 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.

Erosion Control:

73. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using removal procedures that the Commission finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water.
74. Placement of erosion controls shall be directed at the site by the Erosion Control Inspector in order to ensure that no sedimentation will reach wetland resource areas and the erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Orders of Conditions. Choice of suitable silt fence materials should be based on the design specifications listed by various manufacturers, and in accordance with the approved Site Plans and Details.
75. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. With the exception of dewatering effluent discharged into a detention basin, no discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.
76. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
77. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.
78. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-

approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.

79. 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.
80. All existing and proposed catch basins and oil traps on the site that receive 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.
81. 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.
82. All stockpiles of soils existing for more than seven day shall be surrounded by a row of staked straw bales or 8"-12" compost socks, or entrenched silt fence, and shall be covered when requested by Agent and/or the Commission or if current conditions for precipitation warrant which may be determined by the Project Supervisor or Clerk of the Works.
83. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

Grading/Landscaping/Slope:

84. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

Placement of Riprap and Stone:

85. Riprap material shall be clean and free of trash, tree stumps, roots, and other deleterious material.

VII. Wetland Resource and Buffer Zone Restoration

86. The applicant shall complete all proposed buffer zone restoration as depicted on the plans titled, "Remediation Site Plan 20 Trotter Drive" by EDC Inc. dated July 25, 2019. The applicant shall only do so under the written permission of Merrimack Building Supply, as noted within the License Agreement dated September 12, 2019 between Mr. Marzilli and Mr. Donegan. The applicant shall not place materials within the 0-25' No Alteration Zone without written authorization of the Conservation Commission. This condition shall remain in perpetuity.
87. Fill shall be removed from the wetlands resource at the locations of WF #37 through WF #47. The applicants Wetland Scientist shall be present during fill removal to determine the extent of the fill, to ensure further damage, and manage restoration of these areas as prescribed in this Order and the plan titled, "Remediation Site Plan 20 Trotter Drive" by EDC Inc. dated July 25, 2019.
88. Wetlands Resource where fill was removed shall be seeded with a native wet mix or equivalent to be approved by the Agent and/or the Commission prior to application.
89. The wetland resource and associated buffer zone are only approved for temporary disturbance in order to remove fill. Vegetation shall be planted by hand for the proposed mitigation area.
90. All materials and fill removed from jurisdictional areas will be removed from the site and disposed of at proper disposal sites or stored outside the Commission's jurisdiction.
91. Restoration of portions of the 0- 25' buffer zone shall be completed with the planting of native species not cultivar type species. All plantings shall be native and prior to planting a list shall be submitted to the Commission and/or the Agent for approval.

92. The native trees shall be planted 10'-13' on center and shrubs shall be planted 6' – 10' on center and shall be planted as depicted on the approved site plan.
93. A **weeding program** must be implemented to maintain the restoration 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 restoration installation and continue at a minimum of twice per growing season until a Certificate of Compliance is issued for the project.

VIII. After Construction / In Perpetuity

94. Immediately following the completion and prior to the use of the new fueling station, the applicant shall provide to the Commission and/or the Agent proof of insurance, specifically the insurance certificate which shall provide the appropriate coverage for spills resulting from the storage and use of fuel on the site of 21 Trotter Drive. This documentation shall be supplied annually to the Commission no later than December 1st of every year. ***This condition shall remain in perpetuity.***
95. The applicant and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in Long Term Pollution Prevention Plan, the status of any fuel or other documented spills, existing hazardous materials on site to date, oil and grease separators, water quality unit, and training on the fueling station which will include a list of trained staff responsible for fueling procedures, and status of the 0-25' buffer zone restoration areas to the Conservation Commission. These report shall also consist of pictures documenting the continued protection of the buffer zone, wetland and fueling station. Annual report shall be submitted to the Commission no later than December 1st of every year. In addition, to the reporting the applicant shall allow the Agent and/or the Commission semi-annually to perform an inspection of the property to ensure the Commission with perpetual conditions. The inspection shall be performed within 3 days' notice to the property owner and confirmation from the owner that the notification was received. ***This condition shall remain in perpetuity.***
96. The applicant and its successors shall supply a list of all personnel trained, to use fueling station, deploy spill prevention measures, including the shutdown of the stormwater system to contain any spills. This list shall be supplied to the Commission annually, no later than December 1st of every year. ***This condition shall remain in perpetuity.***
97. If the property is sold to a successor, the successor shall be provided with all information regarding conditions in perpetuity and shall contact the Conservation Commission within 30 days of the sale to discuss the operations with regards to fueling and wetland resource protection. ***This condition shall remain in perpetuity.***
98. 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. ***This condition shall apply in perpetuity.***
99. The fuel station shall be equipped with signage noting, "No topping off". ***This condition shall apply in perpetuity.***
100. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A)
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
 - (3) An "As-Built" plan or plans signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:

- (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plans approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) A line delineating the actual limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation, whether or not approved under this Order;
 - (e) The limit of work approved under this Order.
- (4) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
- 101.If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review, and if approved by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
- 102.No herbicides, pesticides or fertilizers shall be used on this site. Only organic slow release granular, low phosphate fertilizers shall be used on lawns within the buffer zone and all lawns within the entire site. ***This condition shall remain in perpetuity.***
- 103.An annual training program for use of the catch basin grate inlet protection devices, drainage system drain plug, fueling station operations and spill kit will be implemented by the property owner. ***This condition shall remain in perpetuity.***
- 104.Concrete blocks "deadmen" for the storage bins shall be set 6" below grade. The height of the blocks around the storage bins will be a minimum of 5'6" above grade and a maximum of 11'6" above grade. ***This condition shall remain in perpetuity.***
- 105.Any bulk material storage bins shall be kept in a neat and orderly manner and material shall not be mounded too high and create spillage over the back. Any disturbance occurring behind the storage bin shall be cleaned and removed promptly and the Commission shall be so notified. Any area disturbed shall be restabilized and reseeded. ***This condition shall remain in perpetuity.***
- 106.There shall be no snow storage or dumping of excess snow within 100' of Bordering vegetated Wetlands unless within parking or storage areas. Snow shall not be pushed into forested buffer zones. ***This condition shall remain in perpetuity.***

Perpetual Conditions:

- 107.Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into the 100' Buffer Zone, Bordering Vegetated Wetland, or any component of the Stormwater Management System.
- 108.Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
- 109.Fueling of vehicles shall only take place within designated fueling locations on site, as noted within the Fuel Dispensing Plan titled, "R.P. Marzilli & Co. Inc. 21 Trotter Drive, Medway, MA" by Web Engineering Associates, Inc dated August 16, 2019. In the event that there is a spill, trained personnel shall deploy 18" drain plug at the headwall for the infiltration basin. The water quality unit shall then be shall be pumped free of all hydrocarbons or other contaminates with 24 hours of spill.
- 110.The maintenance or repair of infiltration basins, supporting drainage systems, stormwater management best management practices, other than those in the public way shall be the responsibility of the applicant/property owner and its successors. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained.

111. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether "bio-engineered" or mechanically-stabilized slopes.
112. The Applicant shall have the O & M Plan and the LTPPP, and Conditions in Perpetuity after this Order has received a Certificate of Compliance, made part of the all contracts for maintenance work that effects jurisdictional areas.
113. Snow storage shall be done according to the LTPPP (in perpetuity) and the SWPPP (during construction). Snow storage areas shall be clearly marked on site and all snow removal operator shall be made aware of approved locations on site for storage.
114. All deicing chemical must be stored in a cover location, outside the 100' buffer zone, the wetland resource area and all areas where stormwater BMP's are located.

STORMWATER BYLAW PERMIT - PART III
FINDINGS AND CONDITIONS UNDER THE MEDWAY STORMWATER PROTECTION
BYLAW (ARTICLE XXVI)
DATE OF ISSUANCE:

The Medway Conservation Commission makes the following findings relative to the Land Disturbance Permit Application LD-20-01:

- a) The Commission hereby finds that the work proposed for construction of an addition approximately 7,944 square feet with associated parkings, fueling station, materials storage and stormwater was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI.
 - 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, "Approved site plan titled, "21 Trotter Drive A Site Plan in Medway, MA" by Engineering Design Consultants, Inc. dated August 28, 2019 (hereafter referred to as the Approved Site Plan), Remediation Plan titled, "Remediation Site Plan 20 Trotter Drive" by EDC Inc. dated July 25, 2019 (hereafter referred to as the Remediation Plan), Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as Stormwater Report), document titled, "Operations and Maintenance Plan" within Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as the O&M Plan), and the document titled, "Long Term Owner Operations and Maintenance (Post-Construction)", within Stormwater Report titled, "Stormwater Calculations for 21 Trotter Drive at Site Re-Development" by EDC, Inc. dated August 28, 2019 (hereafter referred to as LTPPP), 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. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The Applicant 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 Applicant for violations of this OOC.

6. 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.