



Massachusetts Department of Environmental Protection

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Username: **CCATOBOLTON**

Transaction ID: **1252173**

Document: **WPA Form 5 - OOC**

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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:

MassDEP File #:112-0695

eDEP Transaction #:1252173

City/Town:BOLTON

A. General Information

1. Conservation Commission BOLTON

2. Issuance a. ☒ OOC b. ☐ Amended OOC

3. Applicant Details

a. First Name DAVID b. Last Name SPERTNER
c. Organization THE WOODS AT FARM RD LLC
d. Mailing Address 56 CENTRAL AVE #1
e. City/Town NEWTON f. State MA g. Zip Code

4. Property Owner

a. First Name DAVID b. Last Name SPERTNER
c. Organization THE WOODS AT FARM RD LLC
d. Mailing Address 56 CENTRAL AVE #1
e. City/Town NEWTON f. State MA g. Zip Code

5. Project Location

a. Street Address FARM ROAD
b. City/Town BOLTON c. Zip Code 01740
d. Assessors 3.C e. Parcel/Lot# 72
Map/Plat#
f. Latitude 42.42105N g. Longitude 71.61465W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
WORCESTER		60035	275

7. Dates

a. Date NOI Filed : 12/7/2020 b. Date Public Hearing Closed: 1/21/2021 c. Date Of Issuance: 1/25/2021

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

NOTICE OF
INTENT - THE
WOODS AT FARM
ROAD (7 SHEETS)
DILLIS & ROY CIVIL
DESIGN GROUP,
INC.
FRANCIS MCPARTLAN,
PE
January 21, 2021
1"=30'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the 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.

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 checked="" type="checkbox"/> Private Water Supply	e. <input type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

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2. Commission hereby finds the project, as proposed, is:

Approved subject to:

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

Denied because:

- b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect 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 interests of the Act, 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 310CMR10.02(1)(a). 6.5
a. linear feet

Inland Resource Area Impacts:(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>	<u> </u>	<u> </u>	<u> </u>

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9. <input type="checkbox"/> Riverfront Area	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	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	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y 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			
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

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22.

☐ Restoration/Enhancement (For Approvals Only)

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 & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

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.
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.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
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.
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 then two square feet or more than three square feet in size bearing

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the words,

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "112-0695"

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 Mass DEP.
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.
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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to 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 Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 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

**Massachusetts Department of Environmental
Protection**

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BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(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 Pollutant 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

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- 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:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☐ APPROVES the proposed work, subject to the following additional conditions.

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:

Massachusetts Department of Environmental Protection

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

1/25/2021
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

3
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date 01/25/2021

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.

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G. Recording Information

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.

BOLTON

Conservation Commission

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

To:

BOLTON

Conservation Commission

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

FARM ROAD

Project Location

112-0695

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner DAVID SPERTNER

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

Rev. 4/1/2010



David Spertner, The Woods at Farm Road, LLC

"The Woods at Farm Road"

ORDER OF CONDITIONS

Massachusetts Wetlands Protection Act & Regulations

DEP File #112-0695

Description: The proposed project subject to this Notice of Intent is the construction of four (4) single-family dwellings, private well, septic system and associated infrastructure subject to a Comprehensive Permit under the M.G.L. Chapter 40B along with the removal of the existing farm structures on the site. The portion of the proposed project located within 100-feet of wetland resource areas is the removal of the existing buildings, the construction of two (2) of the dwellings, access driveway, private well, private sewage disposal system and supporting infrastructure. This project also includes the removal and repair of a failed drainage structure within the public Right of Way as approved through the Comprehensive Permit process.

Final Plan: *"Notice of Intent – The Woods at Farm Road (7sheets) Bolton Massachusetts Assessors Map 3C Parcel 72" prepared by Dillis & Roy Civil Design Group, Inc. signed and stamped by Francis McPartlan, P.E., Dated December 1st 2020 with a scale of 1" = 30'. Final revision date of January 21st 2021.*

Findings

1. The Conservation commission (herein after "the Commission") finds that the Order of Conditions enumerated herein shall be incorporated in totality in Home Owners Association and/or Condominium documentation to be associated with this proposed project in perpetuity. These documents shall explicitly list conditions specific to maintenance, limits of work, and use/prohibition of chemicals in perpetuity. These documents shall be reviewed by the conservation commission and/or its agent to confirm the inclusion of these conditions before being recorded or adopted.
2. The wetland resource area delineation is accurate as approved through the previously issued Order of Resource Area Delineation under DEP#112-0679. Two (2) of the proposed structures, existing buildings, access driveway, private well, sewage disposal system and supporting infrastructure is located within 100' buffer zone associated with the forested/shrub wetland, flood plain, and Riverfront area on site; regulated by the Wetlands Protection Act and 310 CMR 10.00.
3. The proposed private sewage disposal system shall meet the requirements of the State Environmental Code while also incorporating a DEP approved secondary treatment unit. There are no public water supply wells, Zone I, or Zone II/IWPA located within 1,000-feet of the site. Mass GIS shows the site is not located within 1,000-feet of a Zone A, Zone B, or Zone C Surface Water Protection Area.
4. Roof runoff from proposed dwellings shall be captured by dripline recharge trenches surrounding the buildings allowing for recharge to groundwater. An infiltration trench with leaching catch basin will provide additional recharge to the groundwater supply.

Additional stormwater management systems are located outside the 100-foot buffer zone to wetlands and not part of this Notice of Intent. This shall be a condition in perpetuity.

5. The Field area is to be maintained as meadow including over the proposed septic area and shall be seeded with a native wildflower mix or meadow mix noting this is aesthetically pleasing while not encouraging woody vegetation that would otherwise impact the infrastructure. The slopes adjacent to the leaching area and south of Unit 1 and as referenced above shall be seeded with New England Conservation/Wildlife Seed Mix at a rate of 1,750 sf/lb. The area to be seeded adjacent to the leaching area is 4,000 SF and the area south of Unit is 750 SF. The seed mix is intended to provide a low maintenance area with good erosion control and wildlife habitat value. This shall be a condition in perpetuity.
6. The applicant shall install permanent features to memorialize and delineate, through the use of boulders, split rail fence, and/or 4x4 posts, the limit of lawn and the area beyond these features to be maintained as meadow onsite. This delineation and markers shall be placed along the limit of work as established within the final revised plans referenced above. This shall be a condition in perpetuity.
7. Prior to the start of work the applicant shall survey, identify and stake out the property line related to the limit of work and immediate adjacent area. This shall be completed prior to scheduling the pre-construction meeting.
8. Prior to the start of work erosion control barriers shall be installed and maintained down gradient to all proposed work. Due to the project being covered by a NPDES Construction General Permit, a site specific SWPPP will be prepared and submitted to the Conservation Department prior to any land disturbance.
9. The closest point of disturbance to a wetland resource area is the erosion control barrier for the existing structure removal/restoration area being 6.5' from wetlands. The limit of clearing associated with unit 1 is 30' at the closest point. All new structures are offset a minimum of 50' from edge of wetlands. This shall be a condition in perpetuity.
10. The project is located outside of the 200' riverfront area and does not involve any placement of fill within the riparian areas as defined in 310 CMR 10.58
11. The project is located outside of the 100-year flood elevation and does not involve any placement of fill within Bordering Lands Subject to Flooding as defined in 310 CMR 10.57(2)(a).
12. The proposed project does include full mitigation measures as required meet performance standards and protect the eight (8) interest as set forth within the Wetlands Protection Act 310 CMR 10.00.
13. The Bolton Conservation Commission, hereinafter referred to as "the Commission" finds that the applicant has expressed that the work in the buffer zone defined under the



Wetlands Protection Act cannot be avoided if they are to achieve their project purpose. The alternatives that the applicant has considered within the constraints of the lot layout are feasible and will not cause adverse impacts to the resource areas referenced above.

14. The Commission finds that the project area through The Massachusetts Natural Heritage Atlas (Oct. 2017 Edition), demonstrates that the site is not within a Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. A filing with NHESP is not required.
15. The Commission finds that the overall drainage patterns on site will be maintained or improved as proposed. The project does not intend to use, store or generate any potentially toxic or hazardous materials on the site. Proposed uses will utilize typical cleaning supplies which will be stored within the dwellings. The project does not propose any underground or above ground storage for any chemicals or gasoline. This shall be a condition in perpetuity.
16. The Commission finds that use of fertilizers, herbicides, and pesticides are prohibited within Assessor's Map 3.C Parcel 72. This shall be a condition in perpetuity.
17. The Commission finds the mitigation on site as proposed is appropriate and includes seeding the area with a native meadow mix, restoring the areas where the old farm structures are proposed to be removed, and an Invasive Species Management Plan. The limit of clearing on site shall remain and will assist in maintaining the drainage patterns. This shall be a condition in perpetuity.
18. The Invasive Species Management Plan (hereinafter "ISMP") shall be incorporated as part of the HOA/condominium documents to ensure ongoing manual management of the invasive species on site continues. Should any changes occur, a representative from the condominiums shall come before the commission during a regularly scheduled public meeting to seek approval for any amendments proposed in the Invasive Species Management Plan. The Commission must grant approval for any amendments to the ISMP prior to any new activities related to this ISMP.
19. The Commission finds that the removal and repair of a failed drainage structure within the public Right of Way as approved through the Comprehensive Permit process is incorporated as part of this Notice of Intent as depicted in the final revised plans referenced above. The applicant shall carry out this work after written approval from the Town of Bolton DPW Director is received by the Conservation Commission and/or its Agent authorizing said work within the Right of Way.
20. The commission finds the rain garden and the species proposed to be planted in it shall be native species only. To be noted, as proposed two species (purple sage, and Virginia sweet spire) are non-native and shall be replaced with a native species of Massachusetts of similar aesthetic structure. The plans approved by the Town require the raingarden to be planted three (3) Witch Hazel (*hamamelis virginiana*), three (3) Virginia Sweetspire



(*itea virginica*), and three (3) Purple Sage (*salvia leucophylla*). All plantings are to be #3 pots.

- a. While the raingarden is located outside the 100' buffer zone, the applicant is agreeable to the Order substituting the Virginia Sweetspire and Purple Sage with three (3) Redosier Dogwood (*cornus sericea*) and three (3) Joe-pye Weed (*Eupatorium maculatum*), also in #3 pots. This shall be a condition in perpetuity.

21. The Commission has determined that this project will not impact the interests identified in M.G.L. c. 131. §40 and Wetlands Protection Act regulations 310 CMR 10.00. This determination is based on the site characteristics, proposed project details and incorporated conditions. The performance standards of the Massachusetts Wetlands Protection Act shall be adhered to. The following Special Conditions to the Applicant are fully incorporated as part of DEP file #112-0695.

1. General

The Bolton Conservation Commission, hereinafter referred to as "the Commission," has determined that this project shall not impact the resource areas based on the site characteristics and the special conditions enumerated herein. The following Special Conditions to the Applicant are fully incorporated as part of DEP File #112-695.

The performance standards of the Massachusetts Wetlands Protection Act shall be adhered to. The proposed project shall be constructed according to the Notice of Intent and revised plans submitted by the Applicant, as referenced above, and shall conform to the conditions listed herein.

The Order of Conditions and the above referenced plans shall remain on site at all times during construction and shall be incorporated into a weather-tight receptacle located so as to be available to the Commission at all times.

This Order of Conditions does not grant authority to the Applicant/Contractor to perform work on other private property or to perform work that is not or may not be in accordance with Town Bylaws.

The Applicant must obtain all approvals, all applicable permits, and/or easements prior to commencement of the work.

2. Registry of Deeds.

The Order of Conditions shall be recorded at the Worcester County District Registry of Deeds prior to the commencement of construction. No work may take place under this Order until the Commission has received written proof of the registry filing. This proof may be either 1) a copy of the Registrar's receipt which includes date, amount paid, an "instrument" or "document" number, and time registered or 2) a copy of the first page of the Order or Conditions which has



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the date, time, book and page of registration imprinted by the Registry office. Page 7 of 7 of the Order of Conditions may be used.

3. Construction Sequence & Plan.

The Applicant or his representative shall provide a Construction Plan to the Commission at least two (2) weeks prior to commencement of construction. The Construction Plan shall include the following:

1. Sequence of events and proposed schedule, including but not limited to:
 - placement of sedimentation and erosion control measures;
 - site preparation;
 - marking of trees to be removed on the site, otherwise known as the “tree cutting plan”;
 - date(s) of tree cutting and stumping; and
 - key dates and/or milestones for construction;
2. Site Management (as described in Section 5) meeting date(s) and location;
3. Name, address, and telephone number of contractor(s);
4. Name, address, and telephone number of Site Supervisor; and
5. Frequency and type of Progress Reports during project construction.

The Conservation Commission or its agent must approve the Construction Sequence and Plan before any work on the property can be undertaken.

4. Site Supervisor / Consultant.

When required by the Commission, the Site Supervisor shall be a registered professional engineer, wetland scientist, or land surveyor who shall be present throughout construction of the entire project or provide oversight of the project on a weekly basis and shall provide progress reports to the Commission as detailed in Section 3.

5. Site Management and Coordination.

At least seven (7) days prior to commencing construction, the Applicant shall coordinate an on-site inspection pursuant to Section 3 with the Commission for the purpose of reviewing this Order of Conditions, erosion and sedimentation control measures, limits of construction activities, and the construction to take place.

The Applicant as well as the contractor, and the Site Supervisor for the Applicant shall be present at this meeting. The meeting shall take place after the placement of erosion and sedimentation control measures, staking of property line and prior to the commencement of excavation or other ground alteration in the wetland resource areas, river front areas, and/or the buffer zone.

6. Erosion and Sedimentation Control Measures.



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No work may take place under this Order until all erosion and sedimentation control measures are in place and approved by the Commission or its agent. Upon the initial inspection of these control measures, the Commission may require installation of additional erosion and sedimentation control measures and/or other measures deemed necessary by the Commission to protect the resource.

Straw wattles with silt fence or compost filter sock with silt fence will be utilized as the erosion control barrier at the limit of work in place of haybales with silt fence. Additional erosion and sedimentation control devices, as depicted in the final revised plans referenced above, must be installed prior to any land disturbance on the project site.

The controls will be inspected on a regular basis (weekly) and an adequate supply of erosion control materials such as straw wattles, Silt Sak®, or filter fabric will be appropriately stored onsite at all times, to prepare for or in the instance immediate repairs are required. The temporary measures will not be removed until permanent stabilization has occurred onsite. The following is a list of common temporary and permanent structural erosion control devices, which will be applied:

- Straw Bales and Silt Fences will be installed up gradient from areas of bordering vegetated wetlands that may receive runoff from areas disturbed by construction. The straw bales and silt fences will be installed according to the manufacturer's instructions and will be maintained throughout the construction process.
- The sediment control barrier will be installed to prevent the migration of soil materials under, around, or over the fencing. Sediment will be removed from behind the barrier when the accumulated amount has reached approximately half of the original installed height of the barrier. The overall condition of the silt fence will be inspected and maintained by the general contractor to maintain the level of sufficiency.
- A rock construction entry pad will be installed to reduce any off-site tracking. Street sweeping will also be utilized in an effort to reduce pollutants in the stormwater.

Areas that have been completed or that will not be worked-on for more than 14 days shall be stabilized with permanent vegetative cover as soon as possible but not more than 14 days after the last construction activity.

Surfaces that are disturbed by ongoing construction activities or erosion processes shall be stabilized immediately.

Loam will not be placed unless it is to be seeded or otherwise stabilized in an appropriate manner directly thereafter. All disturbed areas will have a minimum of 4" of loam placed before being seeded and mulched. Loamed and seeded slopes will be protected from washout by mulching or other acceptable slope protection until vegetation begins to grow. All landscaping and plantings shall be conducted in accordance with approved plans. All 3:1 slopes shall be seeded with the conservation/wildlife mix referenced above.

Temporary seeding or mulching will be performed on areas that are left bare for more than 14 days but will be under construction sometime in the future.



Soil stockpiles stored for twenty-four (24) hours or longer will be provided with any necessary erosion control to prevent erosion and sedimentation, including installation of perimeter straw wattle/silt fence, silt fabric liner and plastic sheeting.

Upon completion of construction, all disturbed areas shall be stabilized. The erosion and sedimentation controls shall be removed only upon final stabilization of the site and after the issuance of a Certificate of Compliance for the project.

All erosion and sedimentation control measures, as defined on the above referenced plan and narrative submitted by the Applicant, shall be in accordance with the following provisions:

Shall be in effect for the duration of the project;

Shall be in place prior to the use of any wheeled or tracked vehicles within the wetland resource area, river front area, and the Buffer Zone;

Shall be installed in accordance with the above referenced plan;

Shall be installed by hand and anchored to the ground in such a manner as to preclude sediment from migrating through or undermining erosion and sedimentation control measures; and

Shall be inspected daily, and accumulated sediments removed by hand immediately if sediment accumulation compromises proper erosion and sedimentation control.

When required by the above referenced plan, 'Limits of Construction Activity' shall be clearly marked with 2" x 2" x 4' wood stakes at 20-foot intervals, and marked with highly visible paint or flagging.

The construction area shall be left each day and particularly each weekend in a condition that will prevent erosion of the construction materials, debris and subsequent sedimentation of resource areas. Erosion of materials shall be prevented during and after construction until vegetation has visibly established itself on all excavated or disturbed areas. If at any time during the course of construction, excavated materials shift to cover the wattles or disperse beyond the silt fencing, construction will cease and desist until the removal of the material has been completed and therefore shall take place within the same day. Should construction fail to cease and desist during an unlikely event as described above, the conservation commission or its agent shall issue an enforcement order and may introduce fines of \$300.00 per day per violation.

The project will be constructed in such a manner so as to preclude the channeling of water from non-wetland areas to wetland areas during and after construction is completed.

7. Debris, Stockpiles, and Excavated Materials.

Debris, which includes but is not limited to construction waste, brush, and excess soils, may not be stockpiled, stored or disposed of within wetland resource or wetland resource buffer areas, including the 100-year flood plain and river front areas.



No brush disposal, including but not limited to, chipping, windrowing, burning and burying, shall take place within wetland resource areas, including 75-year flood plain and river front areas or areas beyond the limit of work. This shall be incorporated into the condominium documents. This shall be a condition in perpetuity.

Activities associated with stockpiling or the removal of stockpiled material shall not result in the destruction of underlying vegetation.

Residual soil and material from stockpile removal procedures shall be removed by hand upon request of the Commission.

8. Vehicles

Vehicles shall neither enter nor disturb in any way the wetland resource areas, buffer zone, river front areas, or flood plain beyond the designated work area.

Preventative measures shall be installed at site entrance to prevent track out from construction vehicles. These preventative measures shall be in accordance with the revised plans referenced above, to reduce tracking debris and soils into the roadway.

9. Monitoring and Maintenance.

No herbicides, pesticides, fertilizers, hazardous materials, oil, sand, or salt will be used within wetland resource areas including, Riverfront Areas and the 100-year floodplain. This shall be a condition in perpetuity.

Maintenance of the yard, lawn, and property by homeowner shall not include dumping or piling of leaves, branches, grass clippings, or other natural materials within the wetland resource area or associated buffers. This shall be a condition in perpetuity and shall be incorporated into the condominium documents.

The slopes adjacent to the leaching area and south of Unit 1 will be seeded with New England Conservation/Wildlife Seed Mix at a rate of 1,750 sf/lb.

If a sump pit, pump, or other basement drainage is required, water exiting the home must be piped into the septic system and not onto the ground surface of the property.

The property owner may not install a pool or hot tub (temporary or permanent) within the wetland resource area or associated buffer. This shall be a condition in perpetuity.

Areas that have been approved Buffer Zone Seeding and mulching shall be carried out as follows:

All disturbed areas shall be covered with a minimum of four (4) inches of topsoil. Topsoil shall be corrected for fertility and seeded with a conservation/wildlife mixture as approved by the Conservation Commission.

If it is necessary to postpone seeding of the disturbed areas after final grading, this shall be communicated to the conservation commission or its agent to. All disturbed areas shall be



mulched in a manner acceptable to the Commission until seeding takes place. The mulch itself shall not constitute final stabilization.

There must be evidence of substantial vegetation growing in all disturbed areas covered by this Order of Conditions before compliance with these conditions can be considered. Substantial vegetation shall be approved by the Conservation Commission or its agent upon receipt of a written statement from the project supervisor or associated contracted professional as listed above.

10. Administration and Compliance.

This Order of Conditions does not grant authority to the Applicant to perform work on other private property or to perform work that is not or may not be in accordance with Town Bylaws.

The Applicant prior to commencement of the work must obtain all approvals, all applicable permits, and/or easements.

The Commission and its agents may enter and inspect the premises upon written or telephone notice to evaluate the premises, those portions thereof which are subject to these conditions.

The Commission and its agents may require any and all additional data necessary to evaluate compliance.

The Commission may request periodic progress reports from the Applicant, Replication Consultant and/or Site Supervisor.

A wetland specialist and/or wetland scientist shall be present during the portion of the project where the existing structures are removed, and shall be present during the restoration work depicted on the revised plans referenced above.

11. Subsequent Owners and Other Successors in Interest.

This Order of Conditions shall apply to any subsequent owner or successor in interest to the property or portion thereof which is subject to this Order.

Any person who during or after construction, purchases, inherits or otherwise acquires interest in real property upon which work has been completed in compliance of the Order shall undertake any and all measures necessary to protect and eliminate adverse impact to any and all wetlands.

Any person who during or after construction, purchases, inherits or otherwise acquires interest in real property upon which work has been completed in violation of this Order, shall immediately comply with this Order and restore the real property to a condition that complies with this Order.

While this Order of Conditions is in effect, the Bolton Conservation Commission shall be notified in writing of any change of ownership of the property. This notification shall include certification by the new owners that they have read and understand this Order.

Any change or plan modification, whether actual or intended shall be submitted to the Commission for review. The Commission shall determine whether the change is substantial and may at its discretion require a new filing, amend the Order, or require no action.



12 Certificate of Compliance

If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for the Certificate of Compliance.

After the project is constructed, a certified 'as-built' plan shall be provided to the Commission. The 'as-built' plan shall include but not be limited to: location of all buffer zone work, final grades, crossing locations, culvert inlet and outlet elevations, utility placement, replication areas, and any additional information necessary to aid the Commission's evaluation of the project before issuance of a Certificate of Compliance for the work under this Order.

The Commission may at that time also impose conditions in perpetuity or ongoing conditions as part of the issuance of a Certificate of Compliance.

As built plans shall be submitted both in physical to scale form and a digital format such as a dbf, tif or autocad drawings in the Mass GIS state plane coordinate system for a certificate of compliance to be considered.

