



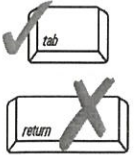
**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

308-669  
 Provided by DEP

**A. General Information**

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



From:

Townsend  
 Conservation Commission

This issuance is for (check one):

- Order of Conditions
- Amended Order of Conditions

To: Applicant:

Squannacook Greenways Inc  
 Name  
 88 South Harbor Road  
 Mailing Address  
 Townsend MA 01469  
 City/Town State Zip Code

Property Owner (if different from applicant):

Massachusetts Bay Transportation Authority  
 (MBTA)  
 Name  
 10 Park Plaza  
 Mailing Address  
 Boston MA 02116  
 City/Town State Zip Code

1. Project Location:

Depot Street Street Address	Townsend City/Town
Map 51, 26, 34, 33, 41 Assessors Map/Plat Number	Please see Project Location in Attachment A Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Middlesex South County	20765 Book	412 Page
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Certificate (if registered land)

3. Dates:

May 1, 2019 Date Notice of Intent Filed	7/10/19 Date Public Hearing Closed	7/24/2019 Date of Issuance
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4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Wetland Resource Area Plan Title	1-12-2018 Date
Mitigation Plan Title	7-4-2019 Date
_____ Title	_____ Date

5. Final Plans and Documents Signed and Stamped by:

Stanley R. Dillis P.E. 7-4-2019  
 Name

6. Total Fee:



# WPA Form 5 – Order of Conditions

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

\$500.00

(from Appendix B: Wetland Fee Transmittal Form)

## B. Findings

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. Check all that apply:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Public Water Supply  | <input type="checkbox"/> Land Containing Shellfish          | <input type="checkbox"/> Prevention of Pollution                   |
| <input checked="" type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries               | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

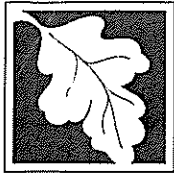
- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following 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:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- 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).

**General Conditions** (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.



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## B. Findings (cont.)

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. 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.
7. 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.
8. 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 this 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.
9. 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, "MA DEP"]  
"File Number 308-669 "
10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.



# WPA Form 5 – Order of Conditions

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

## B. Findings (cont.)

- 15. 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.
- 16. 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.
- 17. 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.

(See Attachments A & B)

### Findings as to municipal bylaw or ordinance

Furthermore, the Townsend Conservation Commission hereby finds (check one that applies):  
Conservation Commission

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

\_\_\_\_\_  
Municipal Ordinance or Bylaw

\_\_\_\_\_  
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.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Townsend Wetlands Bylaw  
Municipal Ordinance or Bylaw

1989 revised 2001  
Citation

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



**WPA Form 5 – Order of Conditions**

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

**B. Findings (cont.)**

Additional conditions relating to municipal ordinance or bylaw:

(See Attachment A & B)

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

July 24, 2022

Date

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 (see Appendix A) and the property owner (if different from applicant).

Signatures:

*[Handwritten signatures of three individuals]*

On 24nd  
Day

Of July 2019  
Month and Year

before me personally appeared

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

My Commission Expires

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on



## WPA Form 5 – Order of Conditions

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

### C. 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 DEP 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 Appendix E: Request of 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.

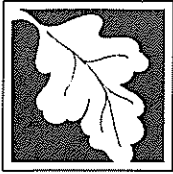
The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 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.

### D. 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 Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Townsend Conservation Commission

Conservation Commission



**D. Recording Information (cont.)**

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

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To:

Townsend Conservation Commission  
 Conservation Commission

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

Project Location \_\_\_\_\_ DEP 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 \_\_\_\_\_



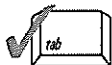
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Appendix E – Request for Departmental Action Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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## A. Request Information

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



1. 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)

Project Location

Mailing Address

City/Town

State

Zip Code

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. DEP File Number:

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## B. Instructions

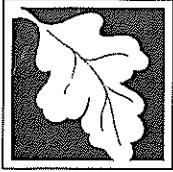
1. When the Departmental action request is for (check one):

- Superseding Order of Conditions
- Superseding Determination of Applicability
- Superseding Order of Resource Area Delineation

Send this form and check or money order for \$50.00, payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Appendix E – Request for Departmental Action Fee Transmittal Form**

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

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**B. Instructions (cont.)**

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 Appendix A).
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.

“ATTACHMENT A”  
under Mass. Wetlands Act. Ch. 131, S. 40  
and the Townsend Wetlands Bylaw.

1. All work must conform to the “Notice of Intent” dated May 1, 2019 for Squannacook River Rail Trail, and plan entitled “Wetland Resource Area Plan” dated May 1, 2019 and “Mitigation Plan” dated July 4, 2019 stamped by Stanley R. Dillis, P.L.S., all data submitted during the hearing, except as provided in the following conditions, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
2. Any modifications or revisions to the plan(s) referenced, or any new plan(s), must be submitted to the Townsend Conservation Commission for review and a determination as to whether a new Notice of Intent is required. This Order may be amended if this procedure is not followed. The Commission reserves the right to require the applicant to file a new Notice of Intent for any appropriate plan changes or submittals, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
3. Before any work commences on the site it is the applicants/owner’s responsibility to schedule a pre-construction meeting with the Conservation Commission or the Conservation Agent for inspection and approval of the erosion and sedimentation control barrier.
4. The Townsend Conservation Commission shall be notified, in writing, at the time of all transfers of title to this property. At the time of conveyance of land, the new owners shall inform the Conservation Commission that they have read the Order of Conditions for the property, pursuant to the Town of Townsend Wetlands By-Law, and the Rules and Regulations promulgated thereunder.
5. No spoils of construction, construction material, or construction equipment shall be stored, placed, or operated in the wetland areas or within 100' of the wetland except as herein permitted, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
6. There shall be no discharge or spillage of fuel, oil, or other pollutants onto any part of this site. The applicant shall take all reasonable care and precautions to prevent the release of pollutants by ignorance, accident, or vandalism. In the event an accident does occur, the Conservation Commission shall be notified immediately, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
7. No fill shall be stored within 100' of the wetland without adequate erosion control methods, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
8. Any erosion control devices (such as haybales or siltation fences) must be in place prior to any work on the site. Any such devices shall be installed in accordance with the details in the above-referenced plan(s) and shall be maintained in good working order until all adjacent disturbed areas are revegetated, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.

9. There shall be no disturbance beyond the erosion control devices, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
10. The proposed limit of work shall be clearly marked with stakes or flags. Such markers shall be maintained until the issuance of the Certificate of Compliance. Workers shall be informed that no-construction activity shall occur beyond this line at any time. A copy of the Order of Conditions shall be on the site at all times and be made a part of any contractor's agreement, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
11. No additional new construction or disturbance of the wetland not covered by the above-referenced plan(s) shall be permitted on this site until a determination has been made by the Conservation Commission, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
12. No construction site "bury holes" shall be located within 100' of the wetland, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
13. Only clean fill shall be used on this site, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
14. Water shall not be diverted from the wetland, nor shall anything be discharged into the wetland, during construction, pursuant to the Wetlands By-Law, Town of Townsend and the Rules and Regulations promulgated thereunder
15. Any storm drainage system, detention basins, compensatory storage areas, and erosion control devices shall be constructed during the initial phase of the project so that they are functional during construction, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
16. No chemical pesticides, herbicides or insecticides shall be used within 100' of the wetland. No chemical de-icers shall be used on the driveway within 100' of the wetland, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
17. By acceptance of the conditions of this Order of Conditions, the applicant concurs and agrees for itself and all assigns and successors in interest that the conditions of this Order of Conditions shall run with the land herein permitted and be binding upon and enforceable against the applicant and all assigns and successors in interest, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.

**PERMIT STANDARDS AND LIMITS:**

18. This Order of Conditions regulates all activities for the referenced parcel under jurisdiction of the Wetlands Protection Act (M3L Ch. 131 sec. 40). Any activity not expressly proposed in the Notice of Intent or permitted by special condition under this Order of Conditions is prohibited.
19. Members and agents of the Department and/or the Townsend Conservation Commission, have the right to enter and inspect the premises to evaluate compliance

with the conditions stated in this Order of Conditions, and may require the submittal of any data deemed necessary by the Commission for that evaluation.

20. All restrictions imposed by this Order of Conditions shall continue in force until compliance with its conditions is certified by the issuance of valid Certificate and said Certificate of Compliance has been recorded in 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.
21. The general performance standards found at 310 CMR 10.54 (4), 10.55 and 10.56 (4) and the Definitions found at 310 CMR 10.04 are hereby incorporated by reference.
22. All work must conform to the Notice of Intent and all other additional plans and information submitted on behalf of the applicant.
23. At no time shall any solid waste or wood waste be buried within the resource areas or the buffer zone.

**ADMINISTRATION:**

24. A full copy of this Order of Conditions shall be on the site at all times while activities regulated by his Order are being performed.
25. During the construction phase of this project the on-site foreman, directing engineer, and designated construction manager, shall have copies of this permit at the site, familiarize themselves with the conditions of this permit, and adhere to its conditions.
26. This Order of Conditions shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans.
27. To dispose of wood waste (stumps, logs, brush, etc.) on-site, the applicant must obtain a site assignment pursuant to M.G.L. Chapter 111, Section 150A, from the Townsend Board of Health with approval from the Department of Environmental Protection. Otherwise all waste products, grubbed stumps, slash, construction materials etc. shall be disposed at an approved landfill and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch.
28. Prior to the issuance of a certificate of compliance, the owner of the property covered by this Order of Conditions or their successors in title shall each be solely responsible for the maintenance of all erosion controls; siltation controls; drainage systems and all flood control facilities regulated by this Order of Conditions.

**PRE-CONSTRUCTION ACTIVITIES**

29. The contractor employed to execute filling and or grading activities within resource areas or the Buffer Zone must be provided a copy of this Order of Conditions and thereafter said contractor may be held jointly responsible for any violation and the penalties under law for such violation.

**PLAN CHANGES**

30. This Order of conditions regulates activities proposed in the Notice of Intent within the Buffer zone. Any changes or additions made to the plans unless specified otherwise in this order, which will or may, cause an area subject to protection under the Wetlands

Protection Act, to be altered, or any changes in the activities permitted subject to regulation under M.G.L. Chapter 131, Section 40, shall require the applicant to inquire of the Commission, in writing, whether the changes are significant enough to require the filing of a new Notice of Intent. Only those changes which have no potential adverse impact to the interests of the Act and those which reduce direct alteration to resource areas will be considered. No change shall be undertaken until approval is given, by the Commission, in writing.

**EROSION/SILTATION CONTROL:**

31. Erosion and sediment controls shown on the approved plans must be in place prior to earth moving activities. These siltation controls shall be maintained in a state of good repair until all disturbed areas have been stabilized, or until a determination by the Commission stating that control measures are no longer necessary.
32. The siltation control structures shall be entrenched and/or have earth mounded against the up gradient face so as to prevent short circuiting of runoff around these controls.
33. Disturbed or exposed soil surfaces not actively being worked shall be temporarily stabilized with hay, straw, mulch or any other protective covering and/or method approved by the U.S. Department of Agriculture Soil Conservation Service.
34. All disturbed or exposed soil surfaces which have not been actively worked for 60 days shall be permanently stabilized.
35. All soil, debris, fill and excavated material shall be stockpiled outside the buffer zone at least 100 feet from all wetlands, at a location to prevent sediment from surface runoff entering the wetlands and be stabilized.
36. All final earth contours shall be permanently stabilized by the application of loam and seed or sod.
37. The Commission reserves the right to impose additional conditions to protect resource areas and interests as defined in MGL Chapter 131, Section 40 (310 CMR 10.00 and the Wetlands By-Law, Town of Townsend, and the Rules and Regulations Promulgated thereto, if activity in conjunction with this project results in an un-permitted alteration of wetlands resource areas or any noticeable degradation of surface water quality discharging from the site.
38. The Commission reserves the right to require additional erosion controls or siltation prevention controls if deemed necessary.
39. Erosion control devices may be modified based on experience at the site. All such devices shall be inspected, cleaned, and/or replaced during construction and shall remain in place until such time stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure maximum control has been provided after any rainfall.
40. Construction materials and equipment shall be stored in a manner and location that will minimize the compaction of soils and the concentration of runoff.
41. All siltation control structures will be inspected and maintained as necessary and after every rainfall event equal to or greater than one-inch per hour.

42. The applicant shall make all diligent effort to minimize the area/extent of open, disturbed or exposed soil surfaces.

**PROTECTION OF RESOURCE AREAS:**

43. The haybale barrier or silt fence shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on resource area side of the haybale barrier.

**POST CONSTRUCTION ACTIVITIES**

44. Upon completion of the project all disturbed areas shall be permanent stabilized with rapidly growing cover with sufficient topsoil to assure long term stabilization of disturbed areas.
45. Brush may not be stockpiled within 25 feet of any wetland. [Note: brush should not be stockpiled in violation of Townsend Fire Department regulations].

**SPECIAL CONDITIONS**

See Attachment B

## Attachment B

**ORDER OF CONDITIONS- State Wetlands Protection Act & Townsend Wetlands Administration  
Bylaw  
DEP FILE # 308-669  
Depot Road, Townsend, MA.  
Squannacook Greenways, Inc.**

The Townsend Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the Wetlands Protection Act, its corresponding regulations ("Regulations"), and the Townsend Wetlands Administration Bylaw to the protect those interests checked above. To aid in implementation, compliance, and enforcement the specific conditions are divided into several broad categories for reference.

The Townsend Conservation Commission orders that all work shall be performed in accordance with said conditions, with the Notice of Intent and plans referenced. 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. This Special Order of Conditions is in conjunction with the normal provisions stated in the Standard Order of Conditions.

### **SPECIAL CONDITIONS:**

**Findings:** This project involves the construction of approximately 3.7 mile stone dust trail on an abandoned railroad right-of-way owned by the Massachusetts Bay Transportation Authority (MBTA). The area length in Townsend, MA. is approximately 2.8 miles. It begins at Depot Road in Townsend, MA., and ends at Bertozzi Wildlife Management Area in Groton, MA. The rail trail will be constructed on the former Peterborough and Shirley Railroad right-of-way. The rails and ties will be removed and a graded surface consisting of 3/8- inch minus compacted aggregate will be laid upon the old track ballast. Most of the 80 foot wide right-of-way will remain undisturbed. The aggregate surface will be 10 feet wide.

**Plans:** The work shall conform to the following plans and documents, unless otherwise specified in this order.

- a) Notice of Intent filed by Squannacook Greenways, Inc.
- b) Parking Lot and Riverbank Erosion Plan
- c) Bank Stabilization, Slope Stabilization Design
- d) ENF Certification August 10, 2018 EEA Number 15876
- e) "No Take" letter from NHESP June 1 2018 #03-13131
- f) Department of Environmental Protection, Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails
- g) Mitigation Plan dated July 4, 2019

The Commission must review site-wide drainage when it discharges directly to protected wetland or upland resource area. Water quality of public and private wells, water supply, and water quality of groundwater are protected values and functions of wetlands and within the scope of review of the Commission when there is discharge directly to a jurisdictional resource area.

Therefore, the Conservation Commission finds that the wetland and upland values and functions on the Project Site are protected. Based on the NOI and accompanying narrative, the plans submitted, and the information presented at the public hearing, the Commission approves this Project subject to strict adherence to the following conditions:

## **I. CONDITIONS IN PERPETUITY:**

The following conditions shall be recorded at the Registry of Deeds as part of this Order of Conditions and shall continue in perpetuity and be included on the Certificate of Compliance. The recording of this Order shall be provide notice to subsequent owners of the Project Site of restrictions in perpetuity on the activities allowed in connection with the Project on the Project Site. If good cause exists to support an amendment to the conditions in perpetuity, the owner of the Project or Project Site shall have the right to make a request for an amendment to the issuing authority. If, in the judgment of the issuing authority, the proposed activities will not detrimentally impact the wetland resource area functions, this Order, or the Certificate of Compliance shall be amended.

- a. Wetland areas are located on this Project Site that are subject of the Massachusetts Protection Act (Chapter 131, section 40) and the Townsend Wetlands Administration Bylaw. Any work within a wetland resource area or within 100' of a wetland resource area requires review and approval by the Townsend Conservation Commission prior to the commencement of such work. Long-term monitoring requirements should be outlined in the Operation & Maintenance (O & M) Plan which shall become part of this Order.
- b. If any easements are considered they shall be submitted to the Commission prior to the request for a Certificate of Compliance.

## **II. GENERAL PROJECT CONDITIONS: PART I**

These conditions apply to all projects permitted by the Townsend Conservation Commission. They shall remain in force until issuance of a Certificate of Compliance by the Commission. A violation of any of these conditions shall constitute reason for enforcement action by the issuing authority:

- a. 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.
- b. This 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.
- c. 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, by-laws, or regulations.
- d. The work authorized hereunder, except for that work which has specific timeframes indicated, shall be completed within three years from the date of issuance of this Order.
- e. This Order may be extended for up to one year by the issuing authority upon application to the issuing authority at least thirty days prior to the expiration date of this Order. In determining whether or not to grant an Extension Permit, the Townsend Conservation Commission shall review and apply the criteria for extensions of time as set forth in the Regulations.
- f. Any fill used in connection with this Project shall be clean fill, containing 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.
- g. No work shall be undertaken until all administrative appeal periods from the date of issuance of this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department of Environmental Protection have been completed in accordance with the Regulations.



h. No work shall be undertaken until the Order 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 or as otherwise may be permitted in accordance with the Regulations. In the case of recorded land, the 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 registered land, the Order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done.

The recording information shall be submitted to the Commission on the form at the end of the Order, or other form acceptable to the Commission, within thirty days of the issuance of this Order or prior to the start of construction, whichever is sooner.

i. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Townsend Conservation Commission shall be party to all agency proceedings and hearings before the Department.

j. Upon completion of the Project, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed and clearly documenting any deviations or deficiencies from the approved plans.

## **PART II**

a. All work must conform to the plans referenced, the Notice of Intent and accompanying narratives, and this Order of Conditions and its special conditions. In case of conflict, the requirements in the totality of this Order shall prevail.

b. Copies of final construction plans of the Project shall be provided to the Commission for its records and shall include all updates and minor clarifications.

c. No spoils of construction, construction material, or equipment shall be stored, placed or operated in the wetland resource areas or the wetland buffer zone, except as reflected in the NOI as permitted by this Order.

d. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.

e. The applicant is held responsible for compliance with this Order of Conditions. The name and contact information for the person in charge of compliance with these conditions shall be submitted to the Commission prior to any alteration on site. The Townsend Conservation Commission shall be notified, in writing, within forty-eight hours of any transfers of title on this property or changes to personnel responsible for compliance with this Order.

f. This Order of Conditions shall apply to any successor in control, or successor in interest, of the Project Site as described in the NOI and accompanying plans.

g. Members and agents of the Townsend Conservation Commission shall have the right to enter and inspect the Project Site during normal business hours after checking in with the applicant's general contractor's on-site personnel to evaluate compliance with the conditions stated in this Order.

h. There shall be no disturbance within the Project Site beyond the limits of activities permitted as part of this Order. No work or activity may occur within jurisdictional areas except as permitted in this Order.

## **Pre-Construction Conditions**

- i. The construction drawings for the site work shall be submitted to the Commission prior to start of work for review for consistency with the approved plan. Said plans are to be submitted with a summary describing any changes that alter the design and/or the design intent.
- j. Prior to the start of construction of work covered by this Order, the applicant shall submit a revised plan showing the complete erosion control and stormwater managements revisions, if any.
- k. The final SWPPP shall be submitted for review and approval showing that it does not conflict with this Order prior to the start of work. The Applicant or Contractor shall provide the Conservation Commission with a copy of any SWPPP amendments.
- l. The Commission requires an Environmental Monitor ("EM"), hired by and reporting to the Commission but paid for by the applicant be on-site regularly to monitor stormwater activities, erosion control, SWPPP requirements and conditions of this Order and the requirements in Townsend Planning Board's Stormwater Management Permit for the Project. The EM will visit the Project Site during active work on the property, not necessarily including when the Project Site experiences frozen conditions, and shall provide monitoring reports seasonally, or more often if necessary, to the Commission, the Planning Board and the applicant on the status of the erosion and sedimentation control, stormwater system installation and upgrades, SWPPP compliance, and overall compliance with this Order. The applicant and site supervisor shall work with the EM, the Conservation Commission, and the Townsend Planning Board to develop an efficient system for all monitoring reports. This system shall be in place prior to the start of work. This EM may be the same EM as required by the Commission in the Orders pertaining to other phases of redevelopment on this site.

At a minimum, the following items shall be included in the scope of work for the EM contract:

- 1) Inspect the site throughout the construction of the project. Major items which will be inspected are installation of th erosion control (and maintenance throughout construction when visiting for other inspections), drainage system, site grading, driveway installation and loam and seeding operations. Assume six (6) inspections throughout the construction process. If the EM determines that additional inspections are required, it will alert the Applicant, Commission and Planning Board and, if mutually agreed upon, the Scope of Services will be amended accordingly. An annual report will be provided to the Commission for review and comment for a minimum of two years.
- 2) Review one (1) as-built plan as provided by the applicant/contractor and compare to the approved plan set.
- 3) Attend one (1) pre-construction meeting.

The detailed scope of work for the EM shall be made part of the EM contract requirements.

- m. The EM shall be paid by the applicant upon receipt of an invoice detailing the time spent on site and the work performed. Failure to pay the invoice in a timely manner may, after notice, a hearing and a reasonable opportunity to cure, be deemed a violation of this Order.
- n. Prior to the start of any activity on the Project Site related to this Order a detailed time table for activities subject to this Order shall be submitted by the applicant to the Commission, and the EM. Updates to this timetable shall be provided by the applicant and EM as needed.

- o. Revised plans shall be submitted to the Commission for review and approval.

### **III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS**

- a. The NOI includes a detailed Erosion and Sediment Control Plan. This narrative is incorporated by reference into this Order. Any deviations from this Plan shall be submitted to the Commission, and the EM in writing.
- b. During construction of the Project, all amendments to the SWPPP shall be provided to the Commission, and EM for review and comment for conformance with this Order prior to implementation.
  - 1. It is the applicant's responsibility to take additional appropriate measures to control sedimentation into the wetland resource areas.

### **IV. PLAN MODIFICATIONS:**

- a. Any modifications or revisions to the plans referenced, or any new plans for the Project, must be submitted to the Commission for review and a determination as to whether a new Notice of Intent is required. If the Commission determines that a new NOI is not necessary, the Commission may amend this Order. No additional work not specifically allowed by this Order shall be accomplished within jurisdictional areas on the Project Site without the approval of the Townsend Conservation Commission and the approval of appropriate new filings or amendment requests. Amendment procedures as described in the Wetlands Protection Act, the Regulations, and the Department of Environmental Protection's Wetlands Program Policies shall be followed.
- b. The Commission reserves the right to require the filing of a new NOI for any plan changes or submittals for activities on the Project Site that fall under the jurisdiction of the Wetlands Protection Act.
- c. No additional new construction or disturbance of a wetland resource area, as defined in the Wetlands Protection Act and its regulations, or within the 100' wetland resource area buffer zone, or 200' of the riverfront area, not covered by this Order of Conditions, shall be permitted on this Project Site until a determination has been made by the Commission as to whether a new NOI is required, and the new work or disturbance is incorporated into a new or amended Order of Conditions.
- d. Should the Townsend Conservation Commission become aware of work on Project Site being accomplished that was not approved as part of the Order of Conditions or subsequent amendments, the Commission reserves the right to require a new NOI. The plan filed with the new NOI must be based on an interim as-built plan prepared by a registered engineer that takes into account any pending applications related to the redevelopment of the overall Property. The new NOI must provide a detailed description of the discrepancies between the approved plan and the site conditions to date. The Commission reserves the right to require as part of the interim as-built plan, but not be limited to requiring, new topography survey, new drainage calculations, building footprints, and details of all disturbance within the wetland resources and the 100' wetland buffer zone as may be applicable to the Project Site.

### **V. Additional Special Orders of Conditions**

Any and all new plantings should be monitored for two growing seasons. Reports should be made at the end of the first and second growing season with a census defining integrity of growth. Replacement plantings that are not productive in one season should be replaced in the following season.

- a. All equipment must be refueled, maintained and cleaned on the gravel access road

prior to advancing to staging area.

- b. Advise in advance use and location of portable toilet systems.
- c. If a ready mix or like materials are required to be used on the site, there shall be no washing of vehicles or washing of unused material in the staging area.
- d. Waste dumpster usage used on and stored on site shall have an impervious barrier under the unit. It shall have a perimeter berm constructed in order to contain materials. The unit should be covered to protect it from precipitation from entering and/or producing runoff from the stored material. The materials used for containment should be temporary devices with manmade products, ie, HDPE or plastic sheeting.
- e. Vehicles on site using hydraulic fluid for power, shall use environmentally approved water based fluid only. Spill control mitigation units should be available at all times.
- f. Land disturbance and grading, if any, should be phased and selective in a manner to minimize soil mobilization, and the amount of soil exposure at any on time to reduce construction runoff.
- g. Top soil is preserved to provide and maintain vegetative cover.
- h. Prior to the start of work, the planting plan will be provided to the Commission for review, and comment.
- i. Herbicide and Deicing compounds are prohibited.

## **VI. CERTIFICATE OF COMPLIANCE REQUIREMENTS:**

- a. Following completion of work and stabilization of the Project Site, an as-built plan showing final grading and new structures, and all stormwater components of the site, as well as a report detailing any deviations from the approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance.
- b. Certificate of Compliance shall not be issued by the Townsend Conservation Commission until it has been determined that the illicit discharge compliance statement has been submitted for the project, and that it has been verified that there are no illicit discharges occurring on this site.