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

299-0516
MassDEP File Number

Document Transaction Number

Stow
City/Town

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.

1. From: Stow Conservation Commission
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

William
a. First Name

Wrigley, Town Administrator
b. Last Name

Stow Elementary School Building Committee
c. Organization

380 Great Road
d. Mailing Address

Stow
e. City/Town

MA
f. State

01775
g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

403 Great Road
a. Street Address

Stow
b. City/Town

U-9; U-10
c. Assessors Map/Plat Number

44; 9
d. Parcel/Lot Number

Latitude and Longitude, if known:

N 42 26 14
e. Latitude

W 71 30 31
f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex South
a. County

b. Certificate Number (if registered land)

8193; 1074
c. Book

85; 403
d. Page

7. Dates:

February 3, 2010
a. Date Notice of Intent Filed

April 6, 2010
b. Date Public Hearing Closed

April 6, 2010
c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Pompositticut/Center Elementary School
a. Plan Title

Symmes, Maini & McKee Associates
b. Prepared By

Jennifer Howe, PE
c. Signed and Stamped by

see attached
d. Final Revision Date

1"=40'
e. Scale

see attached
f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and Bank or Bordering Vegetated Wetland boundary (if available) _____ a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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

10. ☐ Designated Port Areas — Indicate size under Land Under the Ocean, below

11. ☐ Land Under the Ocean
a. square feet b. square feet
c. c/y dredged d. c/y dredged

12. ☐ Barrier Beaches — Indicate size under Coastal Beaches and/or Coastal Dunes below

13. ☐ Coastal Beaches
a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.

14. ☐ Coastal Dunes
a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.

15. ☐ Coastal Banks
a. linear feet b. linear feet

16. ☐ Rocky Intertidal Shores
a. square feet b. square feet

17. ☐ Salt Marshes
a. square feet b. square feet c. square feet d. square feet

18. ☐ Land Under Salt Ponds
a. square feet b. square feet
c. c/y dredged d. c/y dredged

19. ☐ Land Containing Shellfish
a. square feet b. square feet c. square feet d. square feet

20. ☐ Fish Runs — Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
a. c/y dredged b. c/y dredged

21. ☐ Land Subject to Coastal Storm Flowage
a. square feet b. square feet

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. 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 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.

9. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

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

   "File Number 299-0516"

C. General Conditions Under Massachusetts Wetlands Protection Act

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 MassDEP.

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.

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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

18. **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 the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

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

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

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

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

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

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

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

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

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

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

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

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

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

See attached findings and special conditions

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Stow Conservation Commision (Conservation Commission) hereby finds (check one that applies):
   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

   1. Municipal Ordinance or Bylaw — 2. Citation

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance (cont.)

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

Town of Stow Wetland Protection Bylaw and Regulations
1. Municipal Ordinance or Bylaw

2. Citation

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

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

See Attached

ORDER OF CONDITIONS #299-0516
Pompositticut/Center Elementary School
403 Great Road
Map U-9 Parcel 44

Plans Submitted With Notice of Intent:

- Plans titled "Pompositticut/Center Elementary School, 403 Great Road, Stow, MA, Site Plan Review and Special Permits" Revised April 6, 2010, Prepared by Symmes Maini & McKee (SMMA), Cambridge, MA and Stamped by Jennifer A. Howe, P.E., Planting Plans stamped by Daniel Mark Bollen, Registered Landscape Architect

Drawing No.	Drawing Title
C1.01	Existing Conditions Plan – Revised 4/6/10
C2.01	Site Preparation Plan – Phase 1 – Revised 4/6/10
C2.02	Site Preparation Plan – Phase II – Revised 4/6/10
C2.03	Stormwater Pollution Prevention Plan – dated 4/6/10
C3.01	Layout & Materials Plan – Revised 4/6/10
C3.02	Layout & Materials Plan – Enlargements – Revised 4/6/10
C4.01	Grading & Utilities Plan – Revised 4/6/10
C5.01	Planting Plan – Revised 4/6/10
C5.02	Planting Plan Enlargements – Revised 4/6/10
C6.01	Details I – Revised 4/6/10
C6.02	Details II – Revised 4/6/10
C6.03	Details III – Revised 4/6/10
C6.04	Details IV – Revised 4/6/10
C6.05	Details V – Dated 4/6/10
C6.06	Details VI – Dated 4/6/10
C7.01	Waste Water Dispersal System – Revised 4/6/10
C7.02	Waste Water Dispersal System – Revised 4/6/10
C7.03	Test Pit, Perc Test Logs & Section – Revised 4/6/10

- Drainage Calculations Revised April 6, 2010, prepared by SMMA

- Planning Board & Peer Review Responses prepared by SMMA (See Below)
  - SMMA Response to Engineer Peer Review Comments dated 3/9/10
  - Site Plan Peer Review prepared by Susan C. Sullivan dated 2/23/10
  - SMMA Response to Planning Board Comments dated 3/10/10
  - SMMA Responses to Planning Board & Peer Review Comments #2 dated 3/22/10
  - Site Plan Peer Review prepared by Susan C. Sullivan dated 3/18/10
  - Email Response to Planning Board re Planting Plan dated 3/23/10

- Environmental Notification Form dated March 2010 prepared by SMMA

Findings:

The applicant has filed a Notice of Intent application under the Wetlands Protection Act and the Town of Stow Wetlands Protection Bylaw to construct a new elementary school and associated access, parking, and recreational facilities. Wetland on the site include Bordering Vegetated Wetland (BVW) and Bank associated with a wetland system that extends from the easterly edge of the existing tennis courts toward a small pond located along the westerly property line and then combines with another stream and flows southerly toward Great Road. The Stow Wetlands

Bylaw includes a 200 foot Resource Area that extends from the Pond. Work proposed with the 200 foot Resource Area is subject to review and conditioning by the Commission. In addition, portions of the proposed school, access, and recreational facilities will be located within the 100-foot buffer zone to the BVW and Bank. (The 200-foot resource area does not have an additional buffer zone or no-disturb zone.) The wetland locations were reviewed and approved as part of an Order of Resource Area Delineation issued on November 3, 2009.

This Order of Conditions is issued for work within the 100-foot buffer zone to state and local wetland resource areas, as presented in the Notice of Intent and supporting documentation.

The Stow Wetlands Bylaw Regulations requires a 35 foot undisturbed buffer to resource areas identified in the Stow Wetland Protection Bylaw. The proposed activities will result in direct alteration to the 35-foot buffer in six locations:

- for construction of an emergency fire lane in two locations;
- grading and pavement to support service access to the school;
- construction of a stormwater management swale from east to west by the parking lot;
- construction of a pond overflow spillway;
- maintenance of the ball field;
- installation of a four-foot high chain link fence.

The proposed fire lane will alter the no-disturb zone in two locations. North of the school approximately 115 linear feet of the no-disturb zone will be altered for a width of approximately 25 feet for a total of approximately 2,875 square feet of disturbance. West of the proposed school, approximately 400 square feet will be altered. After conducting an alternatives analysis for the site layout and school building placement, it was determined that the placement of the school in the location shown on the Plans was the most feasible and practicable and therefore, locating the fire lane along the northern perimeter of the school within the 35 foot no-disturb zone was unavoidable. Portions of the no-disturb zone in this location had been disturbed in the past as a result of earth movement and mounding, some of which are still visible. The access road is proposed to be constructed and maintained as porous pavement, allowing for infiltration of stormwater and maintenance of base flows toward the wetland.

Approximately 150 square feet of the no-disturb zone will be altered to support the proposed service area for the school.

The playground was proposed to be located within the footprint of the existing impervious tennis courts, however has been pulled outside of the 35 foot No Disturb Zone and further away from the wetlands than the existing impervious cover in the no-disturb zone. Therefore, there will be an improvement to the no-disturb zone in this location.

The construction of a stormwater management swale collecting drainage from the Hartley Road area and the proposed parking lot east of the school will alter approximately 10 to 15 square feet of the no-disturb zone. The location of the swale is largely dictated by the location of the proposed fire lane.

The existing ball field will not be expanded, however, will be regraded and reseeded within the 35-foot No Disturb Zone.

In preparing the school layout plan, the School Committee prepared and evaluated several alternatives in an effort to balance the building program (including future growth), access, and parking within the limitations imposed on the site by the wetlands, the on-site well, and the goal to preserve mature trees along the Great Road frontage. The alternatives were presented in the Notice of Intent and were discussed during the public hearing.

A significant portion of the no-disturb zone will be preserved. The project purpose is a public elementary school, which provides a public benefit to the Town of Stow.

Special Conditions:

19. A Stow Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the **right to enter and inspect the property at all reasonable times**, until a Certificate of Compliance is issued, to evaluate compliance with these conditions and to require submittal of any data deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commissioner, agent, or DEP determines that any of the work is not in compliance with this Order. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.

20. All work shall be performed as described in the Notice of Intent, the supporting plans and documentation, or as specified in this Order of Conditions. Where there is conflicting direction, this Order of Conditions shall direct the work. Any variation from these plans shall require prior approval from the Stow Conservation Commission. This may require resubmission or modification of the Notice of Intent.

21. The term wetland resource area shall include local wetlands, as defined in the Town of Stow Wetland Bylaw and its regulations and the Massachusetts Wetlands Protection Act and its regulations.

22. **The Stow Conservation Commission shall be notified of the commencement of construction a minimum of 72 hours prior to the start of construction. A pre-construction meeting shall be held at the site. At this meeting the method of construction in the wetland resource areas shall be reviewed and sedimentation controls shall be evaluated to insure integrity throughout the project and the Commission shall be given an opportunity to inspect all erosion controls prior to commencement of any construction on the site.** The pre-construction meeting shall include the site engineer, a wetland scientist responsible for overseeing construction in wetland resource areas, an erosion control monitor, the applicant, and a member or agent of the Conservation Commission to ensure that the requirements of this Order are understood by all parties.

23. The applicant shall advise the Commission of the name(s) and telephone numbers(s) of the person(s) responsible on site for compliance with this Order. A copy of this Order including plans shall be included in contractor documents, and shall be kept on the site during any site work for contractors to view and adhere to.

24. During construction, attention shall be paid to managing invasive species. When removing invasive species in work areas, the entire root stock and stem shall be removed and placed in a sealable bag for site removal.

25. No debris, fill and excavated material shall be stockpiled within 100 feet of the wetlands, except as authorized in this Order of Conditions.

26. There shall be no storage of chemicals, oil, fuel, fertilizer, or other potentially hazardous materials within 100 feet of the wetlands.

27. No maintenance or refueling of vehicles or construction equipment shall be performed within 100 feet of the wetlands.

28. Upon completion of construction, all stormwater management features shall be cleaned and inspected to ensure that sediment or debris collected during construction are removed and that the stormwater management system is able to function as designed.

29. The manufacturer of the stormceptor TM or similar water quality unit shall be on-site during installation and/or shall certify to their proper installation.

30. Upon completion of this project, the applicant shall submit the following to the Stow Conservation Commission to receive a Certificate of Compliance.

    a. A letter from the applicant requesting a Certificate of Compliance.

    b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and as conditioned by the Commission.

    c. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.

EROSION CONTROL ORDERS

36. The Notice of Intent includes a proposed Storm Water Pollution Prevention Plan for Construction Activities (SWPPP) prepared by Symmes, Maine & McKee Associates, Inc, dated March 2010. That document is included by reference to this Order of Conditions and must be complied with.

37. Any changes made to the SWPPP during construction as phasing and construction activities progress must be provided to the Conservation Commission to ensure the Commission is aware of construction activities and methods to avoid erosion and sedimentation into local and state wetland resource areas. The Commission may require additional measures as described in Condition 38.

38. Erosion control devices shall be installed prior to the beginning of any phases of construction, and shall be maintained during construction. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; the Commission may require additional measures. These will be maintained until the disturbed areas are re-vegetated and stabilized to the satisfaction of the Stow Conservation Commission. The Stow Conservation Commission must be contacted prior to removal of erosion controls.

39. The applicant shall designate an erosion control monitor to oversee any emergency placement of controls and regular inspection or replacement of erosion and sedimentation control devices. The name and phone number of the monitor must be provided to the Commission in the event that this person has to be contacted, due to an emergency at the site, during any 24-hour period, including weekend. This person shall be given authority to stop construction for erosion control purposes. The erosion control monitor will be required to inspect all such devices and oversee cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt.

40. Placement of erosion controls shall be directed at the site by the Design engineer in order to ensure that no sedimentation will reach wetland resource areas and the erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Orders of Conditions. Choice of suitable erosion control materials should be based on the design specifications listed by various manufacturers.

41. All catch basins shall be provided with appropriate erosion controls around the inlet to prevent sediment from entering the drainage system.

42. If dewatering is necessary, water shall be filtered prior to discharge into a wetland resource area or the buffer zone. Pumped water shall be filtered through filter fabric, haybales, vegetative filter strip, vegetated channel, silt sacks, or similar, to effectively trap sediment. The Commission shall be informed of the preferred method(s) chosen. All dewatering methods shall be maintained to continue functioning as designed.

43. Subsequent to seeding, if necessary, disturbed areas will be covered with hay mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.

44. If disturbed areas are not permanently stabilized by the end of the growing season, the contractor must monitor the area and repair or replace the erosion controls to protect the resource area.

45. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.

46. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and may include materials required to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

47. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. In this instance, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

48. Erosion control devices may be modified if experience at the site indicates that the proposed erosion controls are not working effectively. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all area that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall.

49. No waste products, grubbed stumps, slash, construction materials, etc. shall be placed in local or state wetland resource areas or the buffer zone thereto and shall be removed in accordance with all local, state and federal law and regulation.

50. Once begun, construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands.

51. All disturbed areas and slopes shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.

52. Loaming and seeding will occur as soon as possible after final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90

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 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.

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.

Section G, Recording Information, is available on the following page.

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.

Stow
Conservation Commission

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

To:

Stow
Conservation Commission

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

403 Great Road, Stow, MA
Project Location

299-0516
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South
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:

April 6, 2010
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