

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 #:300-1084
 eDEP Transaction #:1246685
 City/Town:STURBRIDGE

A. General Information

1. Conservation Commission STURBRIDGE

2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name _____ b. Last Name _____

c. Organization TOWN OF STURBRIDGE

d. Mailing Address 308 MAIN STREET

e. City/Town STURBRIDGE f. State MA g. Zip Code 01566

4. Property Owner

a. First Name _____ b. Last Name _____

c. Organization TOWN OF STURBRIDGE

d. Mailing Address 308 MAIN STREET

e. City/Town STURBRIDGE f. State MA g. Zip Code 01566

5. Project Location

a. Street Address 501 MAIN STREET

b. City/Town STURBRIDGE c. Zip Code 01566

d. Assessors 24 e. Parcel/Lot# 501

Map/Plat# _____

f. Latitude 42.11479N g. Longitude 72.10829W

6. Property recorded at the Registry of Deed for:

| a. County | b. Certificate | c. Book | d. Page |
|-----------|----------------|---------|---------|
| WORCESTER | | 62224 | 137 |

7. Dates

a. Date NOI Filed : 11/2/2020 b. Date Public Hearing Closed: 12/15/2020 c. Date Of Issuance: 1/5/2020

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: |
|--|----------------------|------------------------------------|------------------------|------------------|
| SITE PLAN DEVELOPMENT FOR TOWN OF STURBRIDGE, 501 MAIN STREET, STURBRIDGE, MA (SHEETS 1-5) | CHA CONSULTING | WILLIAM J.DORGAN & PETER M. PARENT | 12-10-2020 | 1 INCH = 15 FEET |

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:

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| | | |
|--|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

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). 25
 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 |

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| | | | | |
|---|--|--|---|---|
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | <u> </u> a. square feet | <u> </u> b. square feet | | |
| Cubic Feet Flood Storage | <u> </u> c. cubic feet | <u> </u> d. cubic feet | <u> </u> e. cubic feet | <u> </u> f. cubic feet |
| 9. <input type="checkbox"/> Riverfront Area | <u> </u> a. total sq. feet | <u> </u> b. total sq. feet | | |
| Sq ft within 100 ft | <u> </u> c. square feet | <u> </u> d. square feet | <u> </u> e. square feet | <u> </u> f. square feet |
| Sq ft between 100-200 ft | <u> </u> g. square feet | <u> </u> h. square feet | <u> </u> i. square feet | <u> </u> j. square feet |

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 | <u> </u> a. square feet | <u> </u> b. square feet | | |
| | <u> </u> c. c/y dredged | <u> </u> d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. c/y nourishment | <u> </u> d. c/y nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. c/y nourishment | <u> </u> d. c/y nourishment |
| 15. <input type="checkbox"/> Coastal Banks | <u> </u> a. linear feet | <u> </u> b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | <u> </u> a. square feet | <u> </u> b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. square feet | <u> </u> d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | <u> </u> a. square feet | <u> </u> b. square feet | | |
| | <u> </u> c. c/y dredged | <u> </u> d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. square feet | <u> </u> d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | <u> </u> c. c/y dredged | <u> </u> d. c/y dredged | | |

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21. Land Subject to Coastal Storm Flowage

_____ a. square feet b. square feet

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

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

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

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "300-1084"

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

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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 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

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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:

SEE PAGES 7A THROUGH 7F FOR SPECIAL CONDITIONS.

**Special Conditions Issued by the Sturbridge Conservation Commission
under the Wetlands Protection Act, MGL Ch. 131, sec 40,
and the Sturbridge Wetland Bylaw**

**DEP File #300-1084
501 Main Street
Town of Sturbridge**

Materials Reviewed:

1. Notice of Intent Application and supporting documents
2. Drainage Report: Municipal Parking Lot, 501 Main Street, Sturbridge, MA, including the Stormwater Checklist for Stormwater Report, dated October 29, 2020, last revised December 10, 2020.
3. A plan set entitled "Site Development Plan Prepared for Town of Sturbridge, 501 Main Street, Sturbridge, MA". Plan date October 29, 2020, last sheet revision date December 10, 2020. Plan prepared by CHA (Sheets 1 – 5).
4. A letter from Pete Parent, CHA, dated December 10, 2020.

Findings:

The proposed project site was a developed commercial property which included impervious parking areas and structures. The site is located within the buffer zone to a Bordering Vegetated Wetlands. The project includes the construction of a municipal impervious parking lot and associated appurtenances. The project will result in a decrease in impervious surfaces over the previous conditions and will include stormwater improvements including grass swales, deep sump catch basins and a rain garden. The SCC finds that the project meets the MA Wetlands Protection Act, MGL Ch. 131, Section 40 (WPA), and the Sturbridge Wetland Bylaw (Section 3.50) (SWB) performance standards and can be permitted pursuant to the WPA and the SWB.

Special Conditions

1. 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 MA DEP have been completed.
2. General Conditions # 8, 9, and 10 have been met (see pages 4 and 5).
3. This Order shall apply to any successors and assigns in interest or control and any other person engaging in activity on the property identified in the Notice of Intent.
4. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Sturbridge Conservation Commission (herein "the Commission" or "SCC") shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
5. This permit expires three (3) years from the original date of issuance. This permit will expire on January 5, 2024. An extension may be granted. A request for an extension must be submitted at least one (1) month prior to the expiration date. Working without a valid permit can result in enforcement action taken by the SCC or MA DEP.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to procure all required permits or approvals. This permit 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. These reviews, permits and approvals may include but are not limited to the following:

7. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 and the Sturbridge Wetland Bylaw and supporting Regulations.
8. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
9. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent at (508) 347-2506.
10. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order. The Conservation Commission and the Conservation Agent have full powers to act in administering and enforcing this Order.
11. Work shall be halted on the site if a member of the Sturbridge Conservation Commission (SCC), an Agent of the SCC, or DEP determines that any of the work is not in compliance with this Order of Conditions.
12. Violation of any condition may result in Enforcement Action.
13. The SCC 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.
14. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 (and the Town Wetland Bylaw and Wetland Bylaw Regulations), the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
15. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission.

Prior to Construction

16. Prior to the commencement of any activity on this site other than the placement of all erosion controls, the applicant shall arrange with the Commission or its agent to conduct a Pre-Activity Meeting between the applicant or the applicant's representative, the persons or supervisor responsible for the work, and a member of the Conservation Commission or its agent.
17. Prior to commencing any activity on the site, the applicant shall submit the Certificate of Understanding signed by the contractor that such individual(s) understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, Sturbridge Wetland Bylaw and this Order.

18. Prior to the Pre-Activity Meeting and any work commencing on the site, the applicant shall display the DEP file number for this Order on a sign with minimum dimensions of two feet by two feet at a location clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
19. Prior to the Pre-Activity Meeting, all erosion controls shall be installed, by survey, along the line approved by the Commission. The surveyor/engineer shall provide a letter to the Conservation Department verifying that this has been completed. The location and installation of erosion controls shall be inspected by the Commission or its agent during the Pre-Activity Meeting. At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order. The installation of the erosion control measures can be phased to coincide with the phased work.
20. Haybales shall not be used. Biodegradable controls are preferred such as rolled erosion control products (i.e. mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles etc.) which must be 100% natural biodegradable material. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable.
21. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion control marker stakes where required.
22. Prior to the start of work, the limits of wetland resource areas closest to construction activities shall be flagged with surveyor's tape and the flags shall remain in place during construction.
23. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
24. Prior to any activity on the site, the Permit Holder shall designate an Erosion Control Monitor who shall be responsible for the inspection and maintenance of all stormwater BMPs (i.e. erosion controls, silt sacks, etc.) The Erosion Control Monitor shall inspect and direct the maintenance of all erosion and sedimentation control measures on site and shall keep an inspection log.
25. Prior to the Pre-Activity Meeting, the applicant shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
26. A plan shall be developed to manage stormwater during construction. The plan shall be submitted to the SCC for review and approval prior to the start of work.
27. Stabilized construction entrances/tracking pads shall be installed as needed during project phasing. These areas shall be properly maintained throughout the duration of work. The construction entrance can be installed prior to the Pre-Construction Meeting.

During Construction

28. A copy of this Order of Conditions, construction plans, the Stormwater Management Report, and the Operation and Maintenance Plan, shall be on the site upon commencement and during any site work for contractors to view and adhere to.
29. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond the limit of work (erosion control barrier) at any time.
30. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission unless indicated otherwise on the approved plan. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.

31. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent.
32. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
33. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Cement washout areas/systems shall be designated on site.
34. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, strawbales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
35. The area 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.
36. Erosion control devices may be modified based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
37. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
38. If soils are to be disturbed for longer than 14 days, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
39. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
40. Subsequent to seeding, disturbed areas will be covered with a salt 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.
41. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
42. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of strawbales to prevent contact with rain water.
43. All waste products, grubbed stumps, slash, construction materials, etc. shall be removed from the project site, unless specified in this Order. All construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, the Department of Environmental Protection Stormwater Management Policy, SWPPP and as approved by the SCC in this Order of Conditions.
44. Immediately upon the construction of new catch basins, silt sacks shall be installed within the inlets to prevent sediment from entering the drainage system.

45. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
46. Additional stormwater BMPs may be required during construction to protect the rain garden.
47. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
48. In the event that groundwater is encountered during the installation of the infiltration structures, the applicant shall contact the engineer of record and the SCC to immediately to discuss alternative designs/solutions.
49. A Certificate of Compliance shall not be issued until after 2 growing seasons to ensure that the rain garden plantings have survived. The SCC reserves the right to require additional plantings to ensure achievement of 75% cover of plant species within two growing seasons.

Completion of Work

50. Upon completion of construction and all required monitoring, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - a. A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - b. A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in “substantial compliance” with no detailing of the deviations shall not be accepted.
 - c. An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions may be required. This plan shall include at a minimum:
 - i. All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - ii. Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - iii. Distances from any structures constructed under this Order to wetland resource areas - “structures” include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - iv. A line delineating the limit of work - “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - v. Wetland resource replication areas constructed under this Order.
 - vi. Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

Perpetual Conditions

51. The property owner of record or designee, is responsible for the implementation of the Operation and Maintenance Plan. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
 - a. The applicants, owners, and their successors and assignees shall maintain all components of the stormwater management system including, but not limited to, all collection basins, deep sump catch basins, grass swales, the rain garden, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.
 - b. The Stormwater operations and maintenance plan and site records shall be stored with the Department of Public Works or on site to ensure employees are familiar with the demands of the plan.

- c. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on an annual basis. An annual maintenance report shall be available to the Conservation Commission by June 1st of each year reporting on the maintenance and operation procedures which have been met for that year. This reporting requirement will follow the issuance of a Certificate of Compliance.
 - d. The Conservation Commission shall be notified in writing when any maintenance functions are required to be performed which may impact the wetlands, such as, but not limited to, placing backfill and repairing drains and terraces, removing accumulated sediments at the outfall pipe, prior to the work being conducted.
 - e. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether “bioengineered” or mechanically-stabilized slopes. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
 - f. Rain garden maintenance: The property owner shall be responsible for the upkeep of the rain garden including the replacement of deceased plantings and as noted on the Stormwater O & M Plan. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance. Plantings shall be reviewed annually by the owner/applicant and any plant materials requiring replacement shall occur.
52. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within the jurisdictional buffer zone of the wetlands resource areas. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
53. Snow storage. Snow shall not be pushed into, or piled, in any wetland or drainage structure including the grass channels. All snow shall be stored within paved areas of the project site. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
54. Exemption for use of de-icing chemicals (e.g. sodium, potassium and calcium chloride). These chemicals are prohibited on driveways and parking areas located in wetland resource area buffer zones. An exemption has been granted for public safety for this site. All efforts shall be made to limit/minimize the use of these de-icing chemicals. Alternative options should be explored including the use of sand to minimize the need for salt. The parking lot’s stormwater system includes deep sump catch basins able to collect sand. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
55. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
56. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

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 STURBRIDGE WETLAND BYLAW 2. Citation SECTION 3.50

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:
SEE PAGES 7A THROUGH 7F FOR SPECIAL CONDITIONS.

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 #:300-1084
eDEP Transaction #:1246685
City/Town:STURBRIDGE

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. 1/5/2020
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. Pursuant to the vote taken by the Sturbridge Conservation Commission on May 5, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's electronic signature authorization vote recorded on May 11, 2020 with the Worcester Registry of Deeds, in Book 62374, Page 203. */s/ Steve Halterman*

Signatures: */s/ Ed Goodwin*
/s/ Steven Chidester

/s/ David Barnicle
/s/ Erik Gaspar

by hand delivery on _____
Date **1-6-2020**

by certified mail, return receipt requested, on _____
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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

Provided by MassDEP:
MassDEP File #:300-1084
eDEP Transaction #:1246685
City/Town:STURBRIDGE

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.

STURBRIDGE
Conservation Commission

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

To: STURBRIDGE
Conservation Commission

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

501 MAIN STREET
Project Location

300-1084
MassDEP File Number

Has been recorded at the Registry of Deeds of:

| <u>County</u> | <u>Book</u> | <u>Page</u> |
|---------------|-------------|-------------|
|---------------|-------------|-------------|

for: Property Owner

and has been noted in the chain of title of the affected property in:

| <u>Book</u> | <u>Page</u> |
|-------------|-------------|
|-------------|-------------|

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