

March 8, 2024

Ashland Conservation Commission  
c/o Ms. Becca Solomon  
Conservation Agent  
Town of Ashland  
101 Main Street  
Ashland, MA 01721

RE: Nitsch Project #13609  
Amended Order of Conditions  
David Mindess School  
Ashland, MA 01721

Dear Commissioners,

On behalf of the Applicant, the Town of Ashland, and the project Architect, Flansburgh, Nitsch Engineering is requesting an Amendment to the Order of Conditions for the David Mindess Elementary School project located at 90 Concord Street in Ashland, MA. An Order of Conditions (MassDEP File #95-958) was issued by the Ashland Conservation Commission on October 7, 2021, and an Amendment to the Order of Conditions was issued by the Ashland Conservation Commission on August 10, 2022.

Since the initial submission to the Conservation Commission, the School has decided to add two additional pedestrian paths, a new storage shed with associated walkways, and an additional exit point from the main parking lot to the exit driveway. Below is a summary of the proposed changes.

### **Stabilized Stone Dust Path**

A new stabilized stone dust path is proposed around an existing rock outcrop adjacent to Concord Street. The path will connect the sidewalk along Concord Street to the sidewalk along the bus loop. Additional plantings are proposed in this area as shown on the Landscape Architect's planting plan.

The stabilized stone dust path is considered an impervious surface and results in an increase of 3,185 square feet of impervious area over the previously permitted condition. Stormwater runoff from this area will flow overland to the pond to the west. The proposed work is located within the 100-foot buffer to BVW and is outside the 25-foot No Disturb Zone.

The stormwater runoff and required recharge volume calculations have been revised to include this proposed increase in impervious area.

### **Mulched Wood Trail**

The proposed trail is located within the footprint of wooded area that has previously been disturbed for construction access. Instead of restoring the wooded area completely to the existing condition, the project team proposes to construct a new mulched wood trail from Fiske Road to the eastern side of the school site. The area that was previously disturbed and outside the footprint of the proposed path will be restored as shown on the Landscape Architect's planting plans.

Additionally, a sidewalk will be extended along the parent drop-off area to the base of the trail to improve pedestrian access to the site. The trail will include a bridge over the previously approved drainage swale. The proposed changes are located outside of the jurisdictional resource areas.

The additional sidewalk along the parent bus-loop resulted in 1,155 square feet of additional impervious area over the previously permitted condition. The change in surface cover for the proposed path from a wooded condition will also impact the stormwater runoff calculations. The stormwater runoff and required recharge volume calculations have been revised to include these proposed changes.

### **Storage Shed**

A new storage shed is proposed to the west of the school building. Additional pedestrian walkways will provide access to the shed. The shed and adjacent walkways will result in an increase of 624 square feet of impervious area over the previously permitted condition. The proposed changes are located outside of jurisdictional wetland resource areas.

The stormwater runoff and required recharge volume calculations have been revised to include this proposed increase in impervious area.

### **Additional Exit Point from Main Parking Lot**

An additional exit point is proposed at the west side of the main parking lot. This parking lot was originally designed with two exit points, one at the southwest corner and one at the southeast corner. A third exit point is proposed at the west side to connect it to the exit driveway that leads to Concord Street. This third exit point will shorten the time and distance needed to leave the school property by avoiding the need to travel along the perimeter driveway around this main parking lot. This additional exit point will result in an increase of 529 square feet of impervious area over the previously permitted condition. The proposed changes are located outside of jurisdictional wetland resource areas.

The stormwater runoff and required recharge volume calculations have been revised to include this proposed increase in impervious area.

### **Massachusetts DEP Stormwater Standards**

The proposed design will continue to meet the Massachusetts Department of Environmental Protection stormwater standards. Below is a summary for each of the ten standards, describing if there was any change to how the standard is met.

#### **Standard 1: No New Untreated Discharges**

Compliance with this standard was not impacted by the proposed design changes.

#### **Standard 2: Peak Rate Attenuation**

The proposed changes in surface cover have had minor impacts on the peak rates. The peak rates have been adjusted and continue to comply with the Stormwater Standards. Refer to the Stormwater Report for the proposed peak runoff rates.

#### **Standard 3: Groundwater Recharge**

The proposed changes in surface cover have had minor impacts on the required recharge volume. The required recharge volume calculations were adjusted and the provided recharge volume continues to comply with the Stormwater Standards. Refer to the Stormwater Report for the proposed recharge volumes.

#### **Standard 4: Water Quality Treatment**

Compliance with this standard was not impacted by the proposed design changes.

#### **Standard 5: Land Uses with Higher Potential Pollutant Loads**

Compliance with this standard was not impacted by the proposed design changes.

Standard 6: Critical Areas

Compliance with this standard was not impacted by the proposed design changes.

Standard 7: Redevelopments

Compliance with this standard was not impacted by the proposed design changes.

Standard 8: Construction Period Pollution Prevention and Sedimentation Control

Compliance with this standard was not impacted by the proposed design changes.

Standard 9: Operation and Maintenance Plan

Compliance with this standard was not impacted by the proposed design changes.

Standard 10: Prohibition of Illicit Discharges

Compliance with this standard was not impacted by the proposed design changes.

**Amendment to the Order of Condition Submission:**

The enclosed materials are hereby presented to the Commission for review, approval, and inclusion in the official record for the project:

1. Revised civil engineering and landscape architecture drawings showing the changes described above;
2. A revised Stormwater Report with updated calculations reflecting the latest design;
3. A copy of the previously approved plans;
4. A copy of the original Order of Conditions and Amended Order of Conditions; and
5. A certified abutters list, abutter notification, and affidavit of service.

Thank you for the opportunity to present this amendment request for your consideration. We look forward to presenting these project changes at the Conservation Commission meeting on March 25, 2024.

Very truly yours,

**Nitsch Engineering, Inc.**



Jared E. Gentilucci, PE, CPESC, LEED AP BD+C  
Deputy Director of Civil Engineering

BV/jeg



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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

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Document Transaction Number

Ashland  
City/Town

**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

90 Concord Street

a. Street Address

Ashland

b. City/Town

01721

c. Zip Code

Latitude and Longitude:

42.2626

d. Latitude

-71.4594

e. Longitude

f. Assessors Map/Plat Number

14/185

g. Parcel /Lot Number

2. Applicant:

Michael

a. First Name

Herbert

b. Last Name

Town Manager, Town of Ashland

c. Organization

101 Main Street

d. Street Address

Ashland

e. City/Town

MA

f. State

01721

g. Zip Code

508-881-0100

h. Phone Number

i. Fax Number

mherbert@ashlandmass.com

j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Jared

a. First Name

Gentilucci

b. Last Name

Nitsch Engineering

c. Company

370 Main Street, Suite 850

d. Street Address

Worcester

e. City/Town

MA

f. State

01608

g. Zip Code

508-365-1032

h. Phone Number

i. Fax Number

jgentilucci@nitscheng.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

N/A

a. Total Fee Paid

N/A

b. State Fee Paid

N/A

c. City/Town Fee Paid



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## A. General Information (continued)

6. General Project Description:

The project consists of the demolition of an existing school building and associated site elements and the construction of a new elementary school building, driveways, walkways, parking areas, fields, landscaped areas, utilities, and a stormwater management system.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input checked="" type="checkbox"/> Other                          |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

<u>Middlesex</u>	
a. County	b. Certificate # (if registered land)
<u>08063</u>	<u>0449</u>
c. Book	d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.





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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <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	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	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.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

— This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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### C. Other Applicable Standards and Requirements (cont'd)

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1.  Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing.

a. NHESP Tracking # \_\_\_\_\_

b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.

Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and  
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

c.  Is this an aquaculture project?

d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
2.  A portion of the site constitutes redevelopment  
3.  Proprietary BMPs are included in the Stormwater Management System.  
b.  No. Check why the project is exempt:  
1.  Single-family house  
2.  Emergency road repair  
3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection  
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## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4.  List the titles and dates for all plans and other materials submitted with this NOI.
 

<b>90 Concord Street Site Plans</b>	
a. Plan Title	
<b>Nitsch Engineering</b>	<b>Jared Gentilucci</b>
b. Prepared By	c. Signed and Stamped by
June 14, 2021	
Revision 1: June 24, 2022	<b>1"=20'</b>
Revision 2: March 8, 2024	
d. Final Revision Date	e. Scale
	June 14, 2021
<b>Stormwater Report</b>	Revision 1: June 24, 2022
	Revision 2: March 8, 2024
f. Additional Plan or Document Title	g. Date
5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8.  Attach NOI Wetland Fee Transmittal Form
9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name



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Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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**Ashland**  
City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

*[Handwritten Signature]*  
1. Signature of Applicant

3/8/2024  
2. Date

*[Handwritten Signature]*  
3. Signature of Property Owner (if different)

3/8/2024  
4. Date

*[Handwritten Signature]*  
5. Signature of Representative (if any)

          
6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, Jared Gentilucci, hereby certify under the pains and penalties that at least one week prior to the public hearing, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP guide to Abutter Notification dated April 8, 1994, in connection to the following matter:

Submission of a request to amend the Order of Conditions to the Ashland Conservation Commission for work associated with the proposed Mindess Elementary School Project at 90 Concord Street. The project is proposing the following site modifications:

- The addition of a stone dust path east of the pond and north of Concord Street;
- The addition of a shed and walkway on the west side of the new school building;
- The addition of a pedestrian bridge and mulch trail on the east side of the site leading up to Fiske Road; and
- A connection from the west side of the main parking lot to the site roadway.

The form of notification and the list of abutters to whom it was given, is attached to this Affidavit of Service.

  
\_\_\_\_\_  
Jared Gentilucci, PE

3/8/2024  
Date

To The Conservation Commission  
 90 Concord Street  
 Town of Ashland  
 Abutters To Map 14 Parcel 185

PARCEL ID	PARCEL LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY/TOWN	STATE	ZIP
014/009.0-0273-0000.0	10 GOODNOW AVE	CHUMAKOV VLADIMIR	FOMITCHEVA ELENA	10 GOODNOW AVE	ASHLAND	MA	01721
014/009.0-0274-0000.0	0 MYRTLE ST REAR	TOWN OF ASHLAND		101 MAIN ST	ASHLAND	MA	01721
014/014.0-0175-0000.0	11 ALFRED RD	LOPAREV ANNA M	ROTONDO ANTHONY	11 ALFRED RD	ASHLAND	MA	01721
014/014.0-0176-0000.0	9 ALFRED RD	GIOMBETTI JASON R	TRUSTEE GIOMBETTI FAMILY 2020 IRREVOCABLE TRUST	9 ALFRED RD	ASHLAND	MA	01721
014/014.0-0177-0000.0	5 ALFRED RD	FRASER THOMAS D	VARRIEUR TRACY L	5 ALFRED RD	ASHLAND	MA	01721
014/014.0-0178-0100.1	15 RAYMOND MARCHETTI ST	NOEL SEPHORA		15 RAYMOND MARCHETTI ST	ASHLAND	MA	01721
014/014.0-0178-0100.2	17 RAYMOND MARCHETTI ST	KESAVAN ELAMPARUTHI	SETHURAMAN EASWARA PRIYA	17 RAYMOND MARCHETTI ST	ASHLAND	MA	01721
014/014.0-0179-0100.1	11 RAYMOND MARCHETTI ST	MAGRI JOHN J	LESLIE MAGRI	11 RAYMOND MARCHETTI ST	ASHLAND	MA	01721
014/014.0-0179-0100.2	11 RAYMOND MARCHETTI ST	MAGRI STEVEN E	KAREN M MAGRI	11 RAYMOND MARCHETTI ST	ASHLAND	MA	01721
014/014.0-0184-0000.0	84 CONCORD ST	FIELD JULIANA L & RIVAS-FIELD GABRIELLA	TRUSTEES OF THE BURNABY LEGACY TRUST	84 CONCORD ST	ASHLAND	MA	01721
014/014.0-0186-0000.0	126 CONCORD ST	BERGERON GREGORY		126 CONCORD ST	ASHLAND	MA	01721
014/014.0-0187-0000.0	130 CONCORD ST	BURINSKIY NIKOLAY V	BURINSKAYA SVETLANA	130 CONCORD ST	ASHLAND	MA	01721
014/014.0-0188-0100.1	136 CONCORD ST	MORGAN STEPHEN J		136 CONCORD ST	ASHLAND	MA	01721
014/014.0-0188-0100.2	138 CONCORD ST	QUINTANILLA CARLOS		138 CONCORD ST	ASHLAND	MA	01721
014/014.0-0189-0000.0	140 CONCORD ST	NARDI JENNIFER N		77 CAMP ST	MILFORD	MA	01757
014/014.0-0190-0000.0	6 FISKE RD	DEGEORGE DAVID C	REBECCA A DEGEORGE	6 FISKE RD	ASHLAND	MA	01721
014/014.0-0191-0000.0	6 GOODNOW AVE	KRAUSS RANDY D & ANNE G	TRUSTEES KRAUSS REALTY TRUST	6 GOODNOW AVE	ASHLAND	MA	01721
014/014.0-0193-0000.0	7 FISKE RD	RAMSEY JEREMY	JULIE RAMSEY	7 FISKE RD	ASHLAND	MA	01721
014/014.0-0197-0000.0	62 FOUNTAIN ST	PHIPPS-RAM KATHARINE		62 FOUNTAIN ST	ASHLAND	MA	01721
014/014.0-0217-0000.0	51 BELLVIEW HEIGHTS	HAGLUND DAVID B	DANIELLE C HAGLUND	51 BELLVIEW HGTS	ASHLAND	MA	01721
014/014.0-0219-0000.0	46 BELLVIEW HEIGHTS	GONZALEZ FRANCISCO E	BRENDA V GONZALEZ	46 BELLVIEW HGTS	ASHLAND	MA	01721
014/014.0-0240-0000.0	148 CONCORD ST	WHITTY DAVID	CYNTHIA WHITTY	148 CONCORD ST	ASHLAND	MA	01721
014/014.0-0274-0000.0	85 CONCORD ST	CINCOTTA PATRICIA M		85 CONCORD ST	ASHLAND	MA	01721
014/014.0-0275-0000.0	87 CONCORD ST	ABDOU BETSY F		87 CONCORD ST	ASHLAND	MA	01721
014/014.0-0276-0000.1	91 CONCORD ST	LEBARON RENEE E		91 CONCORD ST	ASHLAND	MA	01721
014/014.0-0276-0000.2	93 CONCORD ST	LUNKUSE BERNADETTE B		93 CONCORD ST	ASHLAND	MA	01721
014/014.0-0277-0000.0	99 CONCORD ST	HOGAN ARTHUR L & ROSE M	TRSTS ARTHUR L HOGAN LIVING TR	99 CONCORD ST	ASHLAND	MA	01721
014/014.0-0279-0000.0	117 CONCORD ST	CHOQUET ANDREA B	LATOUF THOMAS	117 CONCORD ST	ASHLAND	MA	01721
014/014.0-0280-0000.0	123 CONCORD ST	LEACU THOMAS A	JOSEPH J MAGNANI	123 CONCORD ST	ASHLAND	MA	01721

The above reflects the latest information available on our records.

  
 Richard E. Ball, M.A.A.  
 Director of Assessing

  
 Date

**NOTIFICATION TO ABUTTERS  
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the Applicant is the Town of Ashland.
- B. The Applicant has filed a request to amend the Order of Conditions with the Ashland Conservation Commission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40), the Wetlands Protection Act Regulations (310 C.M.R. 10.05(4)(a)), the Wetlands Protection Bylaw (Chapter 280, Section 9), and the Stormwater Management Regulations (Chapter 343).

The project is proposing the following site modifications:

- The addition of a stone dust path east of the pond and north of Concord Street;
- The addition of a shed and walkway on the west side of the new school building;
- The addition of a pedestrian bridge and mulch trail on the east side of the site leading up to Fiske Road; and
- A connection from the west side of the main parking lot to the site roadway.

- C. The location of the proposed activity is 90 Concord Street in Ashland, Massachusetts.
- D. The filing may be examined by electronic means only. For more information, or to request a PDF filing submittal, please call 508-532-7924 and ask for the Conservation Agent.
- E. The public hearing is scheduled for Monday, March 25, 2024, at 7:05 pm. Note that all hearings are posted for 7:05 pm unless otherwise specified on the agenda. Hearings are taken in order of the posted agenda. The hearing will be held using Zoom meetings, and the link for the meeting can be found on the posted agenda 48 hours before the hearing is scheduled to meet. Otherwise, further information of the public hearing can be obtained from the Ashland Conservation Commission by calling 508-532-7924.

Middlesex South Registry of Deeds  
Electronically Recorded Document

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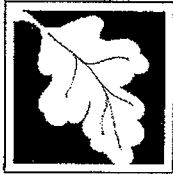
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Recording Information

Document Number	: 236044
Document Type	: ORD
Recorded Date	: October 28, 2021
Recorded Time	: 09:39:32 AM
Recorded Book and Page	: 79013 / 88
Number of Pages(including cover sheet)	: 27
Receipt Number	: 2738475
Recording Fee	: \$105.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)





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:  
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### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Middlesex South  
a. County 08063 b. Certificate Number (if registered land) 0449  
c. Book 08063 d. Page 0449
7. Dates: June 14, 2021 9/27/2021 10/7/2021  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
David Mindess School, Notice of Intent & AStormwater Permit Application  
a. Plan Title  
Flansburgh Mark Violette, Surveyor  
b. Prepared By c. Signed and Stamped by  
9/23/2021 Varies, see plans  
d. Final Revision Date e. Scale  
NOI with attachments 10/7/2021  
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.



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**B. Findings (cont.)**

**Denied** because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> 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		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>10,500</u> a. square feet	<u>10,500</u> b. square feet	<u>10,500</u> c. square feet	<u>10,500</u> d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> 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. <input checked="" type="checkbox"/> Riverfront Area	<u>3,860</u> a. total sq. feet	<u>3,860</u> 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	<u>3,860</u> a. square feet	<u>3,860</u> h. square feet	<u>3,860</u> i. square feet	<u>3,860</u> j. square feet



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**B. Findings (cont.)**

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

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



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## B. Findings (cont.)

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

23.  Restoration/Enhancement \*:

\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of salt marsh

24.  Stream Crossing(s):

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on October 7, 2024, unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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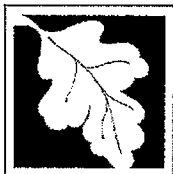
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            95-958 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

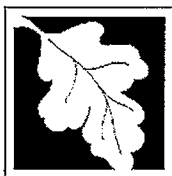
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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

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

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

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



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**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 pages 9A through 9J.**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**Ashland Special Conditions**  
**Findings of Fact**  
**90 Concord Street**

**Background Information:**

A Notice of Intent and Stormwater Management Permit was filed to the Conservation Commission on June 14, 2021. Note that an Order of Resource Area Delineation was issued on January 14, 2021. The Order of Resource Area of Delineation had determined that the wetland system with wetland flag numbers as B1 through B10, was an isolated vegetated wetland. However, during the hearing process for the Notice of Intent on August 24, 2021, the Commission stated that this system is a Bordering Vegetated Wetland due to the presence of a channel that was observed during a site visit.

The site currently contains the Mindess School, athletic fields, a parking lot, driveway, a drainage system, and an underground drainage system. Test pits were performed on the underground drainage system on August 9, 2021, and plans were submitted to the Commission showing the location of the underground drainage system. The proposed project will consist of a phased approach to build a new school, drainage system, parking lots, geothermal wells, and athletic fields.

Work will take place in the Riverfront Area, Buffer Zone, 25-foot No Disturb Zone, and the 100-foot Buffer Zone. The Applicant received a waiver for work within the 25-foot No Disturb Zone. From the waiver request, the mitigation work will consist of the following:

- Reduce impervious surfaces within a portion of the previously disturbed No Disturb Zone
- Improve water quality within the No Disturb Zone by treating stormwater discharges with structural best management practices before it discharges into the wetland resource areas,
- Impervious surfaces within the No Disturb Zone will not result in overall net increase on the project site,
- Educational signs will be posted as stated within Condition Number 34.

The wetland area to the rear of the proposed school building designated by flagging WF I-B1 to WF I-B10 is hereby determined by the Ashland Conservation Commission to be regulated as a Bordering Vegetated Wetland due to the observation of an intermittent flowing stream channel within the wetland.

**General Conditions:**

All state conditions shall apply to this Order of Conditions. The following conditions for the Ashland Wetlands Protection Bylaw is stated between numbers from 21 to 55. The "Conservation Commission" herein refers to the Ashland Conservation Commission.

**21. Administrative Conditions**

- a) The project proponent shall be responsible for the compliance with all conditions of this Order. If the property is transferred, 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 referenced plans. The project proponent shall provide written verification of the transfer of this Order and understanding of the conditions by the new owner within 60 days of property transfer.
- b) All work must conform to the referenced plan set for the project site. Any changes to the proposed project, relating to the location of proposed contours, limits of work, location of erosion control measures, or permanent or temporary alterations of regulated wetland resource areas shall be submitted to the Ashland Conservation Commission prior to the start of construction. The Ashland Conservation Commission shall determine if the proposed change warrants submission of a new Notice of Intent.
- c) All other necessary local, state and federal permits shall be obtained prior to construction.
- d) Pursuant to the 2000 Massachusetts Second Annual Session, Chapter 144, the Ashland Conservation Commission reserves the right to hire, at the applicant's expense, outside consultants to perform inspections and or project review to ensure compliance with appropriate federal, state and local laws and regulations, at any point between the filing of an application to the issuance of a Certificate of Compliance.
- e) In the event of a discrepancy between the project plan and this Order of Conditions, the Order of Conditions shall prevail.
- f) The Ashland Conservation Commission's failure to discover or take action with respect to the proponent's compliance with any part of any condition does not constitute a waiver of rights to enforce this Order of Conditions.
- g) Final construction plans, stamped by an engineer shall be submitted to the Conservation Commission or Agent of the Commission for review and approval.

**22. Deed Recording**

- a) All restrictions imposed by this Order of Conditions shall continue in force until compliance with the conditions is certified by the issuance of a Certificate of Compliance and said Certificate has been recorded with 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.
- b) No work activities of any kind within regulated resource areas or the 100-foot buffer zone shall commence until such time that all statutory appeal periods have elapsed, and this Order of Conditions has been recorded with the Registry of Deeds.

- c) At least five (5) days before any activity commences on the project site, the applicant shall provide the Ashland Conservation Commission or its Agent and the Ashland Building Department (or Building Inspector) with written documentation that this Order of Conditions has been recorded with the Registry of Deeds. Recording information shall be submitted using the form in Part G (page 12) of this Order of Conditions. This form shall be stamped by the Registry of Deeds and signed by the applicant.
- d) Record the following statement on the deed: "Fertilizer used for landscaping shall be low in nitrogen and phosphorous and used sparingly. No pesticides or herbicides shall be used on the property within 100 feet of regulated wetland resource areas. Only non-sodium de-icing agents shall be used on roads, driveways or walks within 100 feet of wetland resource areas." This language must be on the deed or on a restrictive document acceptable to the Town and recorded with the Registry of Deeds. Proof of recording must be provided to the Ashland Conservation Commission prior to issuance of a Certificate of Compliance.
- e) Record the following statement on the deed: "Wetland resource areas, the 25-foot No Disturb Zone and/or 100-foot buffer zone are present on the property and no work shall be done within any of these areas without receiving prior approval from the Ashland Conservation Commission." A copy of the recorded deed language must be provided to the Ashland Conservation Commission prior to issuance of a Certificate of Compliance.

**23. Notification of Activity** - The applicant shall provide the Ashland Conservation Commission with written notification at least five (5) days, but not more than ten (10) days, before any activity commences on the project site. This applies to all project activities, including but not limited to, installation of erosion and sedimentation control measures.

**24. Right to Enter** — Members and agents of the Ashland Conservation Commission shall 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. The Ashland Conservation Commission also reserves the right to require additional measures if determined necessary to protect resource areas and the interests of the Wetlands Protection Act as defined in M.G.L. Ch. 131 § 40 (310 CMR 10.00).

**25. Read and Post Order** — The developer or contractor responsible for the project's completion shall be notified of, and made responsible for reading and complying with, the requirements and conditions of this Order of Conditions. A copy of this Order and referenced plans shall be available at the site while activities regulated by this Order are being performed.

**26. Construction Sequence** - A construction sequence is to be submitted to the Commission for review and approval prior to construction activities.

- 27. Test Pit Plans and Infiltration Basins**— The Applicant or his representative shall perform test pits within the footprint of the proposed underground and surface infiltration basins prior to construction to verify seasonal high groundwater will be a minimum of 2 feet below the bottom of the infiltration basin design. The test pits shall be witnessed by a Massachusetts Licensed Soil Evaluator. The documentation of the observations of the test pits, including photographs of the test pit side, shall be submitted to the Conservation Commission or its Agent for approval.
- 28. Preconstruction Meeting**—Prior to any work on the project site, the applicant shall request a pre-construction meeting between the developer, contractor, Erosion Control Monitor (assigned to the project in accordance with Conditions 30), the building inspector and members of the Conservation Commission or its agent. Meeting participants shall review in detail this Order of Conditions, the appropriate site plans, the Notice of Intent and other appropriate environmental protection documents and issues. The Conservation Agent or Conservation Commission shall be provided the name, telephone number and email address of the person who will be immediately responsible for supervision of all work on the project site and compliance with this Order of Conditions. The Conservation Agent or Conservation Commission shall be notified in the event that the site supervisor or contractor is changed.
- 29. Erosion Controls**
- a) Prior to commencing **ANY** alteration activities, erosion and siltation control barriers shall be placed along the line depicted in the referenced plans. Prior to installation, the location of erosion and siltation control barriers shall be established by survey methods and staked. **The use of construction hay is prohibited by this Order of Conditions.**
  - b) Should the Ashland Conservation Commission determine additional erosion controls are needed, the developer or contractor shall immediately comply with the request from the Ashland Conservation Commission or its Agent.
  - c) The limit of work for the project shall be the erosion control barrier as illustrated on the referenced plans. No temporary or permanent construction work, storage of materials, discarding of materials, or access by construction personnel or equipment shall occur beyond the limit of work as delineated by the erosion control barrier. Sediment runoff is not permitted to leave the site. Perimeter erosion controls include but are not limited to silt fencing, compost filter socks, and straw bales provided they are installed per state and manufacturer standards. All erosion controls shall be free of invasive species. Untreated stormwater discharge into public roadways or stormwater systems will result in fines from the Department of Public Works.
  - d) All erosion control barriers shall be properly installed before any site work, including clearing, can proceed. Once the erosion controls are installed, the Ashland Conservation Commission shall be notified and the

site shall be inspected. Approval of the erosion control installation by the Ashland Conservation Commission or its agent is required before further site construction is initiated.

- e) The erosion and siltation controls shall be maintained in a state of good repair until all disturbed areas have been permanently stabilized, or until a determination has been made by the Ashland Conservation Commission indicating that control measures are no longer necessary.
- f) All erosion and siltation control measures and structures are to be inspected daily and maintained as necessary. Additionally, an inspection shall be made after every rainfall event equal to or greater than 0.25" in a 24-hour period or greater than 1.0" per hour to ensure their integrity.
- g) The areas of construction shall be left in a stable condition at the close of each construction day. Erosion and siltation controls shall be inspected at this time and repaired, maintained or reinforced as necessary. Any litter or construction debris shall be removed from wetlands and No Disturb Zone at the end of the construction day.
- h) An adequate reserve of erosion control materials shall be maintained on site at all times for emergency use or routine replacement.
- i) If a rainfall event of 2 inches or more in a 24-hour period is anticipated, the contractor shall have staff available to monitor the erosion controls and to respond immediately to repair and mitigate breaches of the stormwater controls.
- j) Any damage caused as a result of this project to any wetland resource areas, shall be the responsibility of the Contractor to promptly repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to a wetland resource area. If sediment reaches a resource area, the Ashland Conservation Commission shall be notified immediately. A mitigation plan shall be prepared and submitted to the Commission for review and approval to correct the source of the problem and restore the wetland resource area to pre-construction condition.

### **30. Erosion Control Monitor**

- a) The applicant shall hire at its expense an Erosion Control Monitor, subject to the approval of the Ashland Conservation Commission, to oversee all erosion control and stormwater structure construction activities. This Monitor must be a qualified wetlands or erosion control professional with a minimum of five (5) years of professional experience and a working knowledge of soil science and hydrology.
- b) The designated Erosion Control Monitor shall also oversee all erosion control activities on the project site, including but not limited to installation, construction and replacement of filter socks, siltation fences, straw bales, siltation basins, dewatering activities, swales and any other erosion control structures and ensure that all erosion controls are properly located, installed and maintained.

- c) The designated Erosion Control Monitor shall inspect the buffer zones for erosion/siltation issues every two weeks and after all rain events measuring more than 0.25 inches of precipitation in each 24-hour period, and, if necessary, wetland areas which are located down gradient of erosion controls.
  - d) The monitoring shall be performed while work is underway within the 100-foot buffer zone or wetland to confirm that all activities are in compliance with the conditions of this Order and to report to the Ashland Conservation Commission progress on construction and site grading, any changes in construction schedule, steps taken and recommendations to address any problems encountered.
  - e) The Erosion Control Monitor shall have the authority to modify existing controls or require additional controls he or she deems necessary. The Erosion Control Monitor shall ensure that any erosion problems are addressed immediately and shall notify the Ashland Conservation Commission of any problems that occur.
  - f) The Erosion Control Monitor shall submit to the Ashland Conservation Commission a bi-weekly written status report during construction summarizing the work that has been completed, compliance with the Order of Conditions, and the status of the erosion controls.
- 31. Swale**— The vegetated swale located adjacent to the B and C series wetland systems shall be installed early in the construction sequence to prevent downstream drainage impacts to immediate and nearby abutters.
- 32. Exposed slopes**—Once cleared, all exposed slopes of 3:1 or greater that will remain undisturbed for 14 days or more shall have erosion control matting/jute netting placed on the ground surface to provide temporary stabilization prior to permanent stabilization measures being installed. Use of bonded fiber matrix could be used as an alternative to an erosion control matting.
- 33. Filter Strip**—Upon completion of the vegetated filter strip to the west of Isolated Vegetated System I A, and as shown on Sheet C7.0 of the approved plans, boulders shall be placed along the western edge of the strip to prevent cars from parking on it.
- 34. Educational Signage**— An interpretive sign shall be posted by the southern baseball diamond, and facing the pond wetland system. The sign shall be an educational opportunity for the students explaining what a wetland resource area is, its function and its importance. A second interpretive sign shall be posted near the sidewalk along pickup/drop off circle at the northern end of the Bioretention Basin (SI-2) explaining the Bioretention system and the importance of stormwater management. The exact locations of these signs shall be submitted on a sketch to the Conservation Commission or its Agent for review and approval. The signs shall be fiberglass embedded type panels or equal. Draft language and design

- shall be submitted to the Conservation Commission, or the Agent of the Commission for review and approval.
- 35. Waiver--** This Order of Conditions grants a waiver to the Applicant for work to take place within the designated 25-foot No Disturb Zone. The waiver is allowed on the condition of reducing impervious surfaces, increasing water quality within the No Disturb Zone and meeting all other improvements within the No Disturb Zone as stipulated within the narrative entitled *25-ft No Disturb Zone Waiver David Mindess Elementary School*, and dated September 21, 2021
- 36. Outfalls—** New outfalls as shown on the plans, shall not daylight within 25 feet of any wetland resource area.
- 37. Land Clearing —** When clearing trees, the Massachusetts Forestry Best Management Practices Manual published by the DEP and EPA shall be followed to control non-point source pollution during clearing operations. Environmentally-friendly bar and chain oil shall be used for all site clearing within the 100-foot buffer zone. Proposed oils shall be at least equivalent to Husquvarna Proforest or STIHL BioPlus bar and chain oil. Proposed bar and chain oil type and its specification shall be submitted to and approved by the Conservation Commission prior to use on the project site.
- 38. Stumps and Dust —** There shall be no stump dumps or burying of stumps onsite. The contractor shall take all steps necessary to control dust onsite so that adverse effects on neighbors and adjacent wetland resource areas do not occur.
- 39. Rock Construction Entrance—**A rock construction entrance (RCE) shall be installed prior to any grading activities to prevent sediment trackout onto public roadways. The RCE shall consist of AASHTO No. 1 rock, and have a minimum depth of eight inches. The RCE shall be a minimum of 10 feet wide by 50 feet long. All vehicles exiting the construction site onto public roadways shall travel over the RCE. The length may be extended an additional 50ft or a wash rack shall be installed if requested by the Conservation Commission or the Department of Public Works if trackout persists.
- 40. Stockpiles—**All stockpiles shall be a maximum height of 20 feet with a maximum of a 2:1 slope on all sides, and be surrounded by temporary erosion controls within three feet of the base of the stockpile and down gradient of the stockpiles when not in use for more than 24 hours. Soil stockpiles shall be located 50 feet from any wetland, waterbody, drain inlet, or open channel. Stockpiled soil on site shall be stabilized by mulching or temporary vegetation if the stockpiles remain inactive for more than 14 days.
- 41. Underground Storage Tanks —** All work must conform to the plans referenced on page one (1) of this Order of Conditions. Since the referenced plans do not include the installation of underground oil storage tanks and/or

distribution lines, their installation is prohibited under this Order of Conditions

- 42. Dewatering**— Prior to the start of work, a project specific control of water plan shall be prepared and submitted to the Conservation Commission for review and approval. The plan shall address construction period control of site water and dewatering whether from groundwater or rainwater, and will be specific to Project phasing. Specific measures for the control of turbidity in the discharged water shall be included along with discharge locations. This plan may require modification and revision as construction progresses and any modifications shall be coordinated with the Conservation Commission.
- 43. Soil Stabilization** — Seeding or sod shall permanently stabilize all disturbed soils. During construction, disturbed soils shall be temporarily stabilized by the use of erosion control matting, invasive species-free mulch or spread straw, or other method approved by the U.S. Department of Agriculture or Natural Resources Conservation Service and approved by the Conservation Commission. All disturbed areas shall be brought to final finished grade and either (a) loamed and seeded within fourteen (14) days of final grading accordance with NRCS guidelines for permanent stabilization or (b) stabilized in another manner approved by the Conservation Commission.
- 44. Landscaping**—Landscaping specimens shall be native to the Northeast of the United States. No invasive or likely invasive species shall be planted within jurisdictional areas based on the list prepared by the Massachusetts Invasive Plant Advisory Group (MIPAG).
- 45. Concrete bounds** shall be marked with a “Town of Ashland Protected Resource Area” marker available from the Conservation Commission, and shall be installed every 50 feet along the 25-foot No Disturb Line or as discussed below.
- For Wetland B, bounds shall be installed at the 25-Foot NDZ or the limit of work, whichever is closer to the wetland.
  - For the stream channel west of the property, bounds shall be placed at the 25-foot NDZ and 3 feet off the sidewalk and parallel to the access road.
  - For the stream and pond complex south of the pickup/drop off loop, concrete bounds shall be placed at the 25-foot NDZ starting opposite flag WF 11 and continuing to west, north and east to flag WF 26 on the north side of the pond complex. Bounds shall be placed 3 feet off the curb line along the access road and pickup/drop off road around and over the stream channel.
  - For the wetland and stream channel complex to the south of the proposed parking area the “Town of Ashland Resource Area” markers shall be placed on the stockade fence from the western 25-foot NDZ to the eastern 25-foot NDZ .
- 46. Snow Storage Signs**— Plans shall be submitted to the Conservation Commission, or the Agent of the Commission to show the locations of the snow

storage signs as discussed at the Conservation Commission hearing on September 27, 2021. The exact language on the signs shall be submitted to the Conservation Commission or Agent of the Commission for review and approval.

**47. Catch Basins**

- a) Silt sacks, or approved equivalent, shall be installed on all new and existing functioning catch basins and drop inlets in the project area.
- b) Rims of all catch basins shall be set flush with pavement throughout the construction of the project.

**48. Remove Debris from Wetlands** — All man-made debris shall be removed from the wetlands and 25-foot No Disturb Zone and disposed of properly prior to requesting a Certificate of Compliance.

**49. Downstream Impacts**—The issuance of this Order of Conditions does not in any way imply nor certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

**50. Request for Certificate of Compliance** — At least 30 days prior to the expiration of this Order of Conditions, the applicant must either request an extension to this Order or request a Certificate of Compliance. The applicant shall submit a written request for a Certificate of Compliance, together with an as-built plan and an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the site has been developed in accordance with the requirements of this Order of Conditions, based upon an on-site inspection and the referenced site plan. The affidavit shall state any deviations from the approved plans and this Order of Conditions.

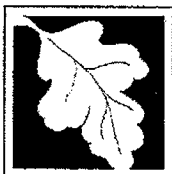
The as-built plans shall include all components of the project including but not limited to stormwater structures and systems elevations and inverts. The Ashland Conservation Commission or its agent reserves the right to inspect the complete site before the issuance of a Certificate of Compliance. Upon receipt of a Certificate of Compliance, erosion controls shall be removed within 60 days. If a partial Certificate of Compliance is issued, there will be no additional fee if a full Certificate of Compliance is requested within six months. Failure to request a Certificate of Compliance or extension before expiration of this Order of Conditions will constitute a violation of the Ashland Wetlands Protection Bylaw and shall be punishable by the fine schedule set forth in the bylaw.

**Conditions to Extend In Perpetuity**

**51. Stormwater Operations & Maintenance** Best management practices, outlined in the approved documents, include maintenance and operations procedures which will apply to the site once the project is complete and ongoing. Maintenance and operations procedures associated with the site drainage structures will not require

supplemental filings after the Certificate of Compliance is issued provided items that the maintenance activities comply with the Operations and Maintenance Plan entitled: Long-Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan - Revised 8/31/2021.

- 52. Snow Storage and Disposal** — All snow storage and disposal shall conform to the Department of Environmental Protection's Snow Disposal Guidelines. As stated in Condition 22(d), only environmentally-friendly de-icing agents that have been approved by the Ashland Conservation Commission may be used on roads, driveways or walkways. This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.
- 53. Emergency Release, Spills, or Other Contamination Release**-the owner will provide for Ashland Conservation Commission review and approval prior to construction an Emergency Response Procedure for accidental release of contaminants. This procedure will include notification of the Ashland Fire Department for any uncontrolled release, maintenance of a site spill response kit suitable to clean up and contain a 40 gallon spill, and procedures for containment of any spill.
- 54. Landscaping Waste** — No grass clippings, leaves or other landscaping waste may be deposited in any detention basin, forebay, wetland resource area or 25-foot no disturb area. This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.
- 55. Land disturbance**- The Applicant is responsible for disturbance of the property and any fill, soils, clay, or other natural or man-made materials that is brought on site. It is the responsibility of the applicant to ensure that all materials coming in are clean. All materials that are removed from the site shall be properly disposed of.



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:

95-958

MassDEP File #

eDEP Transaction #

Ashland

City/Town

### D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Ashland 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.
  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 

Wetlands Protection Bylaw	c. 280
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 pages 9A through 9J.



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:  
95-958  
MassDEP File #  
eDEP Transaction #  
Ashland  
City/Town

**E. Signatures**

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

10/7/21  
1. Date of Issuance

Please indicate the number of members who will sign this form.

4  
2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

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

William Moulton  
Signature

William Moulton  
Printed Name

CATHERINE VAN LAUCKER  
Signature

CATHERINE VAN LAUCKER  
Printed Name

Gene F. Crockett  
Signature

GENE F. CROCKETT  
Printed Name

Gregory D. Wards  
Signature

Gregory D. Wards  
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

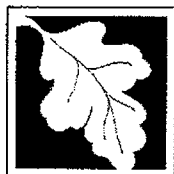
Printed Name

Signature

Printed Name

by hand delivery on  
10/7/2021  
Date

by certified mail, return receipt requested, on  
Date



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:

95-958

MassDEP File #

eDEP Transaction #

Ashland

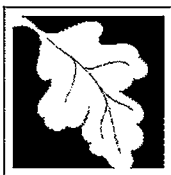
City/Town

### 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:  
 95-958  
 MassDEP File #  
 eDEP Transaction #  
 Ashland  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Ashland  
 Conservation Commission

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

To:

Conservation Commission

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

Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

County Book Page

for: Property Owner

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

Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

Provided by DEP

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

**A. Request Information**

1. Location of Project

a. Street Address	b. City/Town, Zip
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number:

\_\_\_\_\_

**B. Instructions**

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

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

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





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee  
Transmittal Form**

DEP File Number:

Provided by DEP

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

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**B. Instructions (cont.)**

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

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Recording Information

Document Number	: 140246
Document Type	: ORD
Recorded Date	: September 15, 2022
Recorded Time	: 11:34:10 AM
Recorded Book and Page	: 80711 / 79
Number of Pages(including cover sheet)	: 24
Receipt Number	: 2851865
Recording Fee	: \$105.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

**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 #:095-0958  
 eDEP Transaction #:1413519  
 City/Town:ASHLAND

**A. General Information**

1. Conservation Commission ASHLAND
2. Issuance a.  OOC b.  Amended OOC
3. Applicant Details
- |                    |                 |              |         |
|--------------------|-----------------|--------------|---------|
| a. First Name      | MICHAEL         | b. Last Name | HERBERT |
| c. Organization    | TOWN OF ASHLAND |              |         |
| d. Mailing Address | 101 MAIN STREET |              |         |
| e. City/Town       | ASHLAND         | f. State     | MA      |
|                    |                 | g. Zip Code  | 01721   |
4. Property Owner
- |                    |                 |              |         |
|--------------------|-----------------|--------------|---------|
| a. First Name      | MICHAEL         | b. Last Name | HERBERT |
| c. Organization    | TOWN OF ASHLAND |              |         |
| d. Mailing Address | 101 MAIN STREET |              |         |
| e. City/Town       | ASHLAND         | f. State     | MA      |
|                    |                 | g. Zip Code  | 01721   |
5. Project Location
- |                        |                   |                |           |
|------------------------|-------------------|----------------|-----------|
| a. Street Address      | 90 CONCORD STREET |                |           |
| b. City/Town           | ASHLAND           | c. Zip Code    | 01721     |
| d. Assessors Map/Plat# | 14                | e. Parcel/Lot# | 185       |
| f. Latitude            | 42.26324N         | g. Longitude   | 71.45969W |
6. Property recorded at the Registry of Deed for:
- | a. County          | b. Certificate | c. Book | d. Page |
|--------------------|----------------|---------|---------|
| SOUTHERN MIDDLESEX |                | 08063   | 0449    |
7. Dates
- a. Date NOI Filed : 6/16/2021    b. Date Public Hearing Closed: 7/25/2022    c. Date Of Issuance: 8/10/2022
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:           |
|---|-------------------------|----------------------------|------------------------|---------------------|
| DAVID MINDESS SCHOOL, NOTICE OF INTENT                | FLANSBURGH              | MARK VIOLETTE              | 9/23/2021              | VARIABLE, SEE PLANS |
| STORMWATER REPORT FOR DAVID MINDESS ELEMENTARY SCHOOL | NITSCH ENGINEERING, INC | JARED E GENTILUCCI         | 6/24/2022              |                     |
| EROSION AND SEDIMENT CONTROL PLAN C2.0 - C2.3         | FLANSBURGH              | JARED E. GENTILUCCI        | 6/24/2022              | VARIABLE, SEE PLANS |
| SITE DRAINAGE PLAN C7.0 - C7.3                        | FLANSBURGH              | JARED E. GENTILUCCI        | 6/24/2022              | VARIABLE, SEE PLANS |

**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 #:095-0958  
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 City/Town:ASHLAND

DA-PR PROPOSED  
 DRAINAGE AREA FLANSBURGH  
 REVISION

7/21/2022

**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:

<input checked="" type="checkbox"/> Public Water Supply	<input type="checkbox"/> Land Containing Shellfish	<input checked="" 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"/> Ground Water Supply	<input checked="" type="checkbox"/> Storm Damage Prevention	<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).

\_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:(For Approvals Only):**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
---------------	---------------------	----------------------	----------------------	-----------------------

- 4.  Bank

\_\_\_\_\_ a. linear feet      \_\_\_\_\_ b. linear feet      \_\_\_\_\_ c. linear feet      \_\_\_\_\_ d. linear feet

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5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
	<u>                    </u>	<u>                    </u>		
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>10500</u>	<u>                    </u>	<u>10500</u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	<u>0</u>	<u>                    </u>	<u>0</u>	<u>                    </u>
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>3860</u>	<u>3860</u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>3860</u>	<u>3860</u>	<u>3860</u>	<u>3860</u>
	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
	<u>                    </u>	<u>                    </u>		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u>                    </u>	<u>                    </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u>	<u>                    </u>		

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19.  Land Containing Shellfish
- a. square feet   b. square feet
- c. c/y dredged   d. c/y dredged
20.  Fish Runs
- a. square feet   b. square feet   c. square feet   d. square feet
- Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
- c. c/y dredged   d. c/y dredged
21.  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

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the issuance date of the original Final Order of Conditions.

7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"  
[or "MassDEP"]  
File Number : "095-0958"

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

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

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

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the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

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

**Special Conditions:**

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

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

a.  DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

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

1. Municipal Ordinance or Bylaw ASHLAND TOWN  
 CODE:  
 STORMWATER  
 MANAGEMENT  
 BYLAW; WETLANDS  
 PROTECTION  
 BYLAW, AND

2. Citation CHAPTERS 247, 280, AND  
 348

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**WETLANDS  
PROTECTION  
REGULATIONS**

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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 ATTACHED

**Massachusetts Department of Environmental Protection**

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**E. Signatures**

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

10/7/2021

1. Date of Original Order

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

4

2. Number of Signers

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

Signatures:

Preston Crow

Catherine Van Lancker

Gregory D. Wands

Owen L. Ackerman

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

**F. Appeals**

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

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

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act



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Provided by MassDEP:

95-958

MassDEP File #

eDEP Transaction #

Ashland

City/Town

**E. Signatures**

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

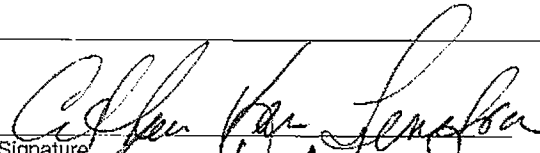
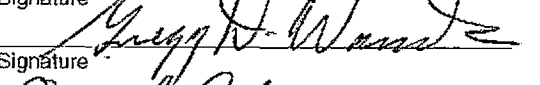
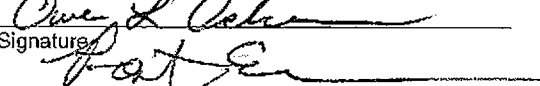

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

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.

	Catherine Van Lancker, Chair
Signature	Printed Name
	Greg Wands, Vice Chair
Signature	Printed Name
	Owen Ackerman
Signature	Printed Name
	Preston Crow
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

by hand delivery on

by certified mail, return receipt , requested, on

Date

Date

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(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.

**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.

ASHLAND

Conservation Commission

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

To:

ASHLAND

Conservation Commission

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

90 CONCORD STREET

Project Location

095-0958

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner MICHAEL HERBERT

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

**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 #:095-0958

eDEP Transaction #:1413519

City/Town:ASHLAND

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Signature of Applicant

Rev. 4/1/2010

## **Ashland Special Conditions**

### **Findings of Fact**

### **90 Concord Street**

#### **Background Information:**

A Notice of Intent and Stormwater Management Permit was filed to the Conservation Commission on June 14, 2021. Note that an Order of Resource Area Delineation was issued on January 14, 2021. The Order of Resource Area of Delineation had determined that the wetland system with wetland flag numbers as B1 through B10, was an isolated vegetated wetland. However, during the hearing process for the Notice of Intent on August 24, 2021, the Commission stated that this system is a Bordering Vegetated Wetland due to the presence of a channel that was observed during a site visit.

The site currently contains the Mindess School, athletic fields, a parking lot, driveway, a drainage system, and an underground drainage system. Test pits were performed on the underground drainage system on August 9, 2021, and plans were submitted to the Commission showing the location of the underground drainage system. The proposed project will consist of a phased approach to build a new school, drainage system, parking lots, geothermal wells, and athletic fields.

Work will take place in the Riverfront Area, Buffer Zone, 25-foot No Disturb Zone, and the 100-foot Buffer Zone. The Applicant received a waiver for work within the 25-foot No Disturb Zone. From the waiver request, the mitigation work will consist of the following:

- Reduce impervious surfaces within a portion of the previously disturbed No Disturb Zone
- Improve water quality within the No Disturb Zone by treating stormwater discharges with structural best management practices before it discharges into the wetland resource areas,
- Impervious surfaces within the No Disturb Zone will not result in overall net increase on the project site,
- Educational signs will be posted as stated within Condition Number 34,

The wetland area to the rear of the proposed school building designated by flagging WF I-B1 to WF I-B10 is hereby determined by the Ashland Conservation Commission to be regulated as a Bordering Vegetated Wetland due to the observation of an intermittent flowing stream channel within the wetland.

#### **Amendment 8/10/2022**

Test pits performed on June 8, 2022 found the Estimated Seasonal High Groundwater Elevation (ESHGW) to be higher than anticipated, with elevations at 197.98 and 198.05 between the two test pits. To accommodate the 198.05 ESHGW elevation, a series of modifications are proposed for the recharge system. Changes to the

Stormwater Report are highlighted in yellow in the submission. A summary of the proposed modifications is below.

For the Subsurface Infiltration System #4 (SIS#4) the following modification will occur:

1. The bottom of stone which was permitted at elevation 199.00 is proposed to be raised to elevation 200.20 to meet the required 2 feet of separation between ESHGW and the bottom of the infiltration system.
2. The footprint of the (SIS#4) will be shifted north to maintain adequate cover for the system.
3. The system will be reconfigured to accommodate proposed parking islands, trees, and the geothermal well system.
4. The volume of SIS#4 will be reduced from 12,124CF to 10,250CF.
5. The three catch basins to the south of the system, which will now be too low of an elevation to discharge to SIS#4, will be redirected from SIS#4 to deep-sump and hooded catch basins, and treated by a water quality structure before being discharged to the main in Concord Street.

For Surface Infiltration Basins #1 and #2 (IB#1 and IB#2)

1. The bottom of IB#1 will be raised to elevation 200.
2. The grading of IB#1 and Forebay #4 will be adjusted to accommodate new elevation.
3. The overflow drains and emergency spillway will be adjusted to ensure compliance with stormwater standards
4. IB#2 overflow area drains will be adjusted to compensate for the reduced volume from SIS#4 and modifications to IB#1.

For Subsurface Infiltration Systems #1 and #3 (SIS#1 and SIS#3)

1. The horizontal configurations of both SIS#1 and SIS#3 will be adjusted to accommodate fence posts for the baseball field, which, being buried 4 feet below grade, would conflict with the systems.
2. SIS#3 will be reconfigured to reduce cover over the system.
3. There will be *no* change to the total storage volume, elevations, or outlet control structure design for SIS#1 and SIS#3.

All conditions on the original Order of Conditions shall apply.

### **General Conditions:**

All state conditions shall apply to this Order of Conditions. The following conditions for the Ashland Wetlands Protection Bylaw is stated between numbers from 21 to 55. The "Conservation Commission" herein refers to the Ashland Conservation Commission.

### **21. Administrative Conditions**

- a) The project proponent shall be responsible for the compliance with all conditions of this Order. If the property is transferred, 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 referenced plans. The project proponent shall provide written verification of the transfer of this Order and understanding of the conditions by the new owner within 60 days of property transfer.

- b) All work must conform to the referenced plan set for the project site. Any changes to the proposed project, relating to the location of proposed contours, limits of work, location of erosion control measures, or permanent or temporary alterations of regulated wetland resource areas shall be submitted to the Ashland Conservation Commission prior to the start of construction. The Ashland Conservation Commission shall determine if the proposed change warrants submission of a new Notice of Intent.
- c) All other necessary local, state and federal permits shall be obtained prior to construction.
- d) Pursuant to the 2000 Massachusetts Second Annual Session, Chapter 144, the Ashland Conservation Commission reserves the right to hire, at the applicant's expense, outside consultants to perform inspections and or project review to ensure compliance with appropriate federal, state and local laws and regulations, at any point between the filing of an application to the issuance of a Certificate of Compliance.
- e) In the event of a discrepancy between the project plan and this Order of Conditions, the Order of Conditions shall prevail.
- f) The Ashland Conservation Commission's failure to discover or take action with respect to the proponent's compliance with any part of any condition does not constitute a waiver of rights to enforce this Order of Conditions.
- g) Final construction plans, stamped by an engineer shall be submitted to the Conservation Commission or Agent of the Commission for review and approval.

## **22. Deed Recording**

- a) All restrictions imposed by this Order of Conditions shall continue in force until compliance with the conditions is certified by the issuance of a Certificate of Compliance and said Certificate has been recorded with 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.
- b) No work activities of any kind within regulated resource areas or the 100-foot buffer zone shall commence until such time that all statutory appeal periods have elapsed, and this Order of Conditions has been recorded with the Registry of Deeds.
- c) At least five (5) days before any activity commences on the project site, the applicant shall provide the Ashland Conservation Commission or its Agent and the Ashland Building Department (or Building Inspector) with

written documentation that this Order of Conditions has been recorded with the Registry of Deeds. Recording information shall be submitted using the form in Part G (page 12) of this Order of Conditions. This form shall be stamped by the Registry of Deeds and signed by the applicant.

- d) Record the following statement on the deed: "Fertilizer used for landscaping shall be low in nitrogen and phosphorous and used sparingly. No pesticides or herbicides shall be used on the property within 100 feet of regulated wetland resource areas. Only non-sodium de-icing agents shall be used on roads, driveways or walks within 100 feet of wetland resource areas." This language must be on the deed or on a restrictive document acceptable to the Town and recorded with the Registry of Deeds. Proof of recording must be provided to the Ashland Conservation Commission prior to issuance of a Certificate of Compliance.
- e) Record the following statement on the deed: "Wetland resource areas, the 25-foot No Disturb Zone and/or 100-foot buffer zone are present on the property and no work shall be done within any of these areas without receiving prior approval from the Ashland Conservation Commission." A copy of the recorded deed language must be provided to the Ashland Conservation Commission prior to issuance of a Certificate of Compliance.

- 23. Notification of Activity** - The applicant shall provide the Ashland Conservation Commission with written notification at least five (5) days, but not more than ten (10) days, before any activity commences on the project site. This applies to all project activities, including but not limited to, installation of erosion and sedimentation control measures.
- 24. Right to Enter** — Members and agents of the Ashland Conservation Commission shall 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. The Ashland Conservation Commission also reserves the right to require additional measures if determined necessary to protect resource areas and the interests of the Wetlands Protection Act as defined in M.G.L. Ch. 131 § 40 (310 CMR 10.00).
- 25. Read and Post Order** — The developer or contractor responsible for the project's completion shall be notified of, and made responsible for reading and complying with, the requirements and conditions of this Order of Conditions. A copy of this Order and referenced plans shall be available at the site while activities regulated by this Order are being performed.
- 26. Construction Sequence** - A construction sequence is to be submitted to the Commission for review and approval prior to construction activities.
- 27. Test Pit Plans and Infiltration Basins**— The Applicant or his representative shall perform test pits within the footprint of the proposed underground and surface infiltration basins prior to construction to verify seasonal high groundwater will be a minimum of 2 feet below the bottom of the infiltration

basin design. The test pits shall be witnessed by a Massachusetts Licensed Soil Evaluator. The documentation of the observations of the test pits, including photographs of the test pit side, shall be submitted to the Conservation Commission or its Agent for approval.

**28. Preconstruction Meeting**—Prior to any work on the project site, the applicant shall request a pre-construction meeting between the developer, contractor, Erosion Control Monitor (assigned to the project in accordance with Conditions 30), the building inspector and members of the Conservation Commission or its agent. Meeting participants shall review in detail this Order of Conditions, the appropriate site plans, the Notice of Intent and other appropriate environmental protection documents and issues. The Conservation Agent or Conservation Commission shall be provided the name, telephone number and email address of the person who will be immediately responsible for supervision of all work on the project site and compliance with this Order of Conditions. The Conservation Agent or Conservation Commission shall be notified in the event that the site supervisor or contractor is changed.

### **29. Erosion Controls**

- a) Prior to commencing **ANY** alteration activities, erosion and siltation control barriers shall be placed along the line depicted in the referenced plans. Prior to installation, the location of erosion and siltation control barriers shall be established by survey methods and staked. **The use of construction hay is prohibited by this Order of Conditions.**
- b) Should the Ashland Conservation Commission determine additional erosion controls are needed, the developer or contractor shall immediately comply with the request from the Ashland Conservation Commission or its Agent.
- c) The limit of work for the project shall be the erosion control barrier as illustrated on the referenced plans. No temporary or permanent construction work, storage of materials, discarding of materials, or access by construction personnel or equipment shall occur beyond the limit of work as delineated by the erosion control barrier. Sediment runoff is not permitted to leave the site. Perimeter erosion controls include but are not limited to silt fencing, compost filter socks, and straw bales provided they are installed per state and manufacturer standards. All erosion controls shall be free of invasive species. Untreated stormwater discharge into public roadways or stormwater systems will result in fines from the Department of Public Works.
- d) All erosion control barriers shall be properly installed before any site work, including clearing, can proceed. Once the erosion controls are installed, the Ashland Conservation Commission shall be notified and the site shall be inspected. Approval of the erosion control installation by the Ashland Conservation Commission or its agent is required before further site construction is initiated.

- e) The erosion and siltation controls shall be maintained in a state of good repair until all disturbed areas have been permanently stabilized, or until a determination has been made by the Ashland Conservation Commission indicating that control measures are no longer necessary.
- f) All erosion and siltation control measures and structures are to be inspected daily and maintained as necessary. Additionally, an inspection shall be made after every rainfall event equal to or greater than 0.25" in a 24-hour period or greater than 1.0" per hour to ensure their integrity.
- g) The areas of construction shall be left in a stable condition at the close of each construction day. Erosion and siltation controls shall be inspected at this time and repaired, maintained or reinforced as necessary. Any litter or construction debris shall be removed from wetlands and No Disturb Zone at the end of the construction day.
- h) An adequate reserve of erosion control materials shall be maintained on site at all times for emergency use or routine replacement.
- i) If a rainfall event of 2 inches or more in a 24-hour period is anticipated, the contractor shall have staff available to monitor the erosion controls and to respond immediately to repair and mitigate breaches of the stormwater controls.
- j) Any damage caused as a result of this project to any wetland resource areas, shall be the responsibility of the Contractor to promptly repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to a wetland resource area. If sediment reaches a resource area, the Ashland Conservation Commission shall be notified immediately. A mitigation plan shall be prepared and submitted to the Commission for review and approval to correct the source of the problem and restore the wetland resource area to pre-construction condition.

### **30. Erosion Control Monitor**

- a) The applicant shall hire at its expense an Erosion Control Monitor, subject to the approval of the Ashland Conservation Commission, to oversee all erosion control and stormwater structure construction activities. This Monitor must be a qualified wetlands or erosion control professional with a minimum of five (5) years of professional experience and a working knowledge of soil science and hydrology.
- b) The designated Erosion Control Monitor shall also oversee all erosion control activities on the project site, including but not limited to installation, construction and replacement of filter socks, siltation fences, straw bales, siltation basins, dewatering activities, swales and any other erosion control structures and ensure that all erosion controls are properly located, installed and maintained.
- c) The designated Erosion Control Monitor shall inspect the buffer zones for erosion/siltation issues every two weeks and after all rain events measuring more than 0.25 inches of precipitation in each 24-hour period,

and, if necessary, wetland areas which are located down gradient of erosion controls.

- d) The monitoring shall be performed while work is underway within the 100-foot buffer zone or wetland to confirm that all activities are in compliance with the conditions of this Order and to report to the Ashland Conservation Commission progress on construction and site grading, any changes in construction schedule, steps taken and recommendations to address any problems encountered.
- e) The Erosion Control Monitor shall have the authority to modify existing controls or require additional controls he or she deems necessary. The Erosion Control Monitor shall ensure that any erosion problems are addressed immediately and shall notify the Ashland Conservation Commission of any problems that occur.
- f) The Erosion Control Monitor shall submit to the Ashland Conservation Commission a bi-weekly written status report during construction summarizing the work that has been completed, compliance with the Order of Conditions, and the status of the erosion controls.

- 31. Swale**— The vegetated swale located adjacent to the B and C series wetland systems shall be installed early in the construction sequence to prevent downstream drainage impacts to immediate and nearby abutters.
- 32. Exposed slopes**—Once cleared, all exposed slopes of 3:1 or greater that will remain undisturbed for 14 days or more shall have erosion control matting/jute netting placed on the ground surface to provide temporary stabilization prior to permanent stabilization measures being installed. Use of bonded fiber matrix could be used as an alternative to an erosion control matting.
- 33. Filter Strip**—Upon completion of the vegetated filter strip to the west of Isolated Vegetated System I A, and as shown on Sheet C7.0 of the approved plans, boulders shall be placed along the western edge of the strip to prevent cars from parking on it.
- 34. Educational Signage**— An interpretive sign shall be posted by the southern baseball diamond, and facing the pond wetland system. The sign shall be an educational opportunity for the students explaining what a wetland resource area is, its function and its importance. A second interpretive sign shall be posted near the sidewalk along pickup/drop off circle at the northern end of the Bioretention Basin (SI-2) explaining the Bioretention system and the importance of stormwater management. The exact locations of these signs shall be submitted on a sketch to the Conservation Commission or its Agent for review and approval. The signs shall be fiberglass embedded type panels or equal. Draft language and design shall be submitted to the Conservation Commission, or the Agent of the Commission for review and approval.

- 35. Waiver--** This Order of Conditions grants a waiver to the Applicant for work to take place within the designated 25-foot No Disturb Zone. The waiver is allowed on the condition of reducing impervious surfaces, increasing water quality within the No Disturb Zone and meeting all other improvements within the No Disturb Zone as stipulated within the narrative entitled *25-ft No Disturb Zone Waiver David Mindess Elementary School*, and dated September 21, 2021
- 36. Outfalls—** New outfalls as shown on the plans, shall not daylight within 25 feet of any wetland resource area.
- 37. Land Clearing —** When clearing trees, the Massachusetts Forestry Best Management Practices Manual published by the DEP and EPA shall be followed to control non-point source pollution during clearing operations. Environmentally-friendly bar and chain oil shall be used for all site clearing within the 100-foot buffer zone. Proposed oils shall be at least equivalent to Husquvarna Proforest or STIHL BioPlus bar and chain oil. Proposed bar and chain oil type and its specification shall be submitted to and approved by the Conservation Commission prior to use on the project site.
- 38. Stumps and Dust —** There shall be no stump dumps or burying of stumps onsite. The contractor shall take all steps necessary to control dust onsite so that adverse effects on neighbors and adjacent wetland resource areas do not occur.
- 39. Rock Construction Entrance—**A rock construction entrance (RCE) shall be installed prior to any grading activities to prevent sediment trackout onto public roadways. The RCE shall consist of AASHTO No. 1 rock, and have a minimum depth of eight inches. The RCE shall be a minimum of 10 feet wide by 50 feet long. All vehicles exiting the construction site onto public roadways shall travel over the RCE. The length may be extended an additional 50ft or a wash rack shall be installed if requested by the Conservation Commission or the Department of Public Works if trackout persists.
- 40. Stockpiles—**All stockpiles shall be a maximum height of 20 feet with a maximum of a 2:1 slope on all sides, and be surrounded by temporary erosion controls within three feet of the base of the stockpile and down gradient of the stockpiles when not in use for more than 24 hours. Soil stockpiles shall be located 50 feet from any wetland, waterbody, drain inlet, or open channel. Stockpiled soil on site shall be stabilized by mulching or temporary vegetation if the stockpiles remain inactive for more than 14 days.
- 41. Underground Storage Tanks —** All work must conform to the plans referenced on page one (1) of this Order of Conditions. Since the referenced plans do not include the installation of underground oil storage tanks and/or distribution lines, their installation is prohibited under this Order of Conditions

- 42. Dewatering**— Prior to the start of work, a project specific control of water plan shall be prepared and submitted to the Conservation Commission for review and approval. The plan shall address construction period control of site water and dewatering whether from groundwater or rainwater, and will be specific to Project phasing. Specific measures for the control of turbidity in the discharged water shall be included along with discharge locations. This plan may require modification and revision as construction progresses and any modifications shall be coordinated with the Conservation Commission.
- 43. Soil Stabilization** — Seeding or sod shall permanently stabilize all disturbed soils. During construction, disturbed soils shall be temporarily stabilized by the use of erosion control matting, invasive species-free mulch or spread straw, or other method approved by the U.S. Department of Agriculture or Natural Resources Conservation Service and approved by the Conservation Commission. All disturbed areas shall be brought to final finished grade and either (a) loamed and seeded within fourteen (14) days of final grading accordance with NRCS guidelines for permanent stabilization or (b) stabilized in another manner approved by the Conservation Commission.
- 44. Landscaping**—Landscaping specimens shall be native to the Northeast of the United States. No invasive or likely invasive species shall be planted within jurisdictional areas based on the list prepared by the Massachusetts Invasive Plant Advisory Group (MIPAG).
- 45. Concrete bounds** shall be marked with a “Town of Ashland Protected Resource Area” marker available from the Conservation Commission, and shall be installed every 50 feet along the 25-foot No Disturb Line or as discussed below.
- For Wetland B, bounds shall be installed at the 25-Foot NDZ or the limit of work, whichever is closer to the wetland.
  - For the stream channel west of the property, bounds shall be placed at the 25-foot NDZ and 3 feet off the sidewalk and parallel to the access road.
  - For the stream and pond complex south of the pickup/drop off loop, concrete bounds shall be placed at the 25-foot NDZ starting opposite flag WF 11 and continuing to west, north and east to flag WF 26 on the north side of the pond complex. Bounds shall be placed 3 feet off the curb line along the access road and pickup/drop off road around and over the stream channel.
  - For the wetland and stream channel complex to the south of the proposed parking area the “Town of Ashland Resource Area” markers shall be placed on the stockade fence from the western 25-foot NDZ to the eastern 25-foot NDZ .
- 46. Snow Storage Signs**— Plans shall be submitted to the Conservation Commission, or the Agent of the Commission to show the locations of the snow storage signs as discussed at the Conservation Commission hearing on September 27, 2021. The exact language on the signs shall be submitted to the

Conservation Commission or Agent of the Commission for review and approval.

**47. Catch Basins**

- a) Silt sacks, or approved equivalent, shall be installed on all new and existing functioning catch basins and drop inlets in the project area.
- b) Rims of all catch basins shall be set flush with pavement throughout the construction of the project.

**48. Remove Debris from Wetlands** — All man-made debris shall be removed from the wetlands and 25-foot No Disturb Zone and disposed of properly prior to requesting a Certificate of Compliance.

**49. Downstream Impacts**—The issuance of this Order of Conditions does not in any way imply nor certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

**50. Request for Certificate of Compliance** — At least 30 days prior to the expiration of this Order of Conditions, the applicant must either request an extension to this Order or request a Certificate of Compliance. The applicant shall submit a written request for a Certificate of Compliance, together with an as-built plan and an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the site has been developed in accordance with the requirements of this Order of Conditions, based upon an on-site inspection and the referenced site plan. The affidavit shall state any deviations from the approved plans and this Order of Conditions.

The as-built plans shall include all components of the project including but not limited to stormwater structures and systems elevations and inverts. The Ashland Conservation Commission or its agent reserves the right to inspect the complete site before the issuance of a Certificate of Compliance. Upon receipt of a Certificate of Compliance, erosion controls shall be removed within 60 days. If a partial Certificate of Compliance is issued, there will be no additional fee if a full Certificate of Compliance is requested within six months. Failure to request a Certificate of Compliance or extension before expiration of this Order of Conditions will constitute a violation of the Ashland Wetlands Protection Bylaw and shall be punishable by the fine schedule set forth in the bylaw.

**Conditions to Extend In Perpetuity**

**51. Stormwater Operations & Maintenance** Best management practices, outlined in the approved documents, include maintenance and operations procedures which will apply to the site once the project is complete and ongoing. Maintenance and operations procedures associated with the site drainage structures will not require supplemental filings after the Certificate of Compliance is issued provided items that the maintenance activities comply with the Operations and Maintenance Plan

entitled: Long-Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan - Revised 8/31/2021.

- 52. Snow Storage and Disposal** — All snow storage and disposal shall conform to the Department of Environmental Protection's Snow Disposal Guidelines. As stated in Condition 22(d), only environmentally-friendly de-icing agents that have been approved by the Ashland Conservation Commission may be used on roads, driveways or walkways. This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.
- 53. Emergency Release, Spills, or Other Contamination Release**-the owner will provide for Ashland Conservation Commission review and approval prior to construction an Emergency Response Procedure for accidental release of contaminants. This procedure will include notification of the Ashland Fire Department for any uncontrolled release, maintenance of a site spill response kit suitable to clean up and contain a 40 gallon spill, and procedures for containment of any spill.
- 54. Landscaping Waste** — No grass clippings, leaves or other landscaping waste may be deposited in any detention basin, forebay, wetland resource area or 25-foot no disturb area. This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.
- 55. Land disturbance**- The Applicant is responsible for disturbance of the property and any fill, soils, clay, or other natural or man-made materials that is brought on site. It is the responsibility of the applicant to ensure that all materials coming in are clean. All materials that are removed from the site shall be properly disposed of.