Ashland Special Conditions
Findings of Fact
61 Waverly Street

Approved Work:

Work shall consist of

Work will take place in

General Conditions:

All state conditions shall apply to this Order of Conditions. The following conditions for the Ashland Wetlands Protection Bylaw are stated between numbers from 21 to XX.

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 titled: The Residences at Ashland, 61 Waverly Street Final NOI Conformed Set, dated March 12, 2026, consisting of 17 sheets including the cover sheet (the "Approved Plans"). Any changes to the proposed project, including field changes 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~~and administered per condition #49 in this Order of Conditions. ~~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~~ applicable federal~~,~~ and state ~~and local~~ laws and regulations, as reasonably necessary to review the project and monitor compliance with this Order of Conditions, at any point between the ~~filing of an application to the~~ issuance of this Order and the issuance of a Certificate of Compliance.

e) In the event of a discrepancy between the ~~project plan~~Approved Plans 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.

h) This Order shall apply to any persons or entities in partial or full control, whether by ownership or otherwise, and to any successor in control of successor in interest, of the property described in the Notice of Intent and accompanying plans and any revisions thereof. This Order of Conditions shall be incorporated in all construction contracts and subcontracts for this project. All contractors working at the site shall be made aware of the provisions contained within this Order of Conditions and shall adhere to the special provisions contained herein. Except where modified by the following Conditions, all work shall be performed in accordance with the Approved ~~p~~Plans and ~~the Notice of Intent~~this Order of Conditions. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.

Commented [IL1]: The NOI plans are superseded. Reference should be to OOC.

i) Prior to any work being done on the project site, the applicant shall inform the Ashland Conservation Commission in writing of the name, email and mailing addresses, and business and mobile phone numbers of both the project supervisor who will be responsible for ensuring on-site compliance with this order and their alternate. The applicant shall also notify the Commission in writing of any changes in this information.

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 and 100-foot buffer zone are present on the property, as well as a 25-foot vegetated buffer, 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.~~

Commented [IL2]: Recording anything on a project of this type is highly problematic. There will be lenders (private and government agencies - ie fannie mae/freddie mac) and deed encumbrances cause delays, ambiguity and gridlock and make the project difficult to finance. This language is already in condition #85 and the OOC will be recorded.

Commented [IL3]: Same comment as above - the OOC will be recorded on title evidencing the presence of wetlands on the property.

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 at reasonable times to evaluate compliance with the conditions stated in this Order of Conditions, and may require the submittal of any data deemed reasonably necessary by the Commission for that evaluation. In the event of a violation of this Order of Conditions, The Ashland Conservation Commission ~~also~~ reserves the right to require additional corrective measures if determined necessary to restore compliance and protect resource areas and the interests of the Wetlands Protection Act as defined in M.G.L. Ch. 131 § 40 (310 CMR 10.00). ~~The Commission members and agents of the Commission may acquire any information, measurements, photographs, observations, and/or materials or may require the submittal of any data or information deemed necessary for that evaluation.~~

Commented [IL4]: Duplicative with first sentence.

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. **The developer or contractor responsible will sign and date each page of the Order of Conditions as proof of having read it, and return the signed copy to the Conservation Agent**. 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. **Preconstruction Meeting—**Prior to any work or site preparation on the project site, excluding installation of erosion controls, the applicant shall request a pre-construction meeting between the developer, contractor, Erosion Control Monitor (assigned to the project in accordance with Condition~~s~~ #29~~32~~), the Ashland ~~b~~Building ~~i~~Inspector and members of the Ashland Conservation Commission or its agent. Meeting participants shall review in detail this Order of Conditions, the ~~appropriate site p~~Approved Plans, ~~the Notice of Intent~~ and other appropriate environmental protection documents and issues. **All individuals at the preconstruction meeting will review ~~and sign each page of~~ this Order**. ~~The Conservation Agent or Ashland Conservation Commission shall be provided in writing 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 Ashland Conservation Commission shall be notified in the event that the site supervisor or contractor is changed.~~ No clearing of trees, or disturbance of soils shall occur prior to the preconstruction meeting, except ~~that~~ for minimal disturbance of shrubs and herbaceous plants absolutely necessary in order to place erosion or sedimentation control devices as shown on the Approved ~~p~~Plans ~~approved by this Order of Conditions~~.

28. **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.** Erosion controls must be suitable for exterior use and do not include absorbency socks intended for liquid clean-ups. The erosion control specifications provided in the ~~Notice of Intent~~Approved Plans, and in the Order of Conditions shall be the minimum standards for this project. The Conservation Commission or the Agent may require additional or modified erosion control measures in the event that installed measures are not functioning as intended, or non-compliance with this Order of Conditions ~~at any time before, during, and after construction.~~

~~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)~~b) 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

Commented [IL5]: There could be upwards of 10 people at this meeting. Signing is unnecessary as the Agent and members of the commission will be present to ensure the OOC is reviewed.

Commented [IL6]: Duplicative with #21 i) above

Commented [IL7]: Additional or modified erosion controls should only be required if something that was approved is not working as intended or there is non-compliance

Commented [IL8]: Duplicative with a)

permitted to leave the site. Perimeter erosion controls include but are not limited to silt fencing, silt socks, and straw bales provided they are installed per state and manufacturer standards. Untreated stormwater discharge into public roadways or stormwater systems will result in fines from the Department of Public Works.

~~d)~~c) 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)~~d) All slopes greater than a 2:1 or greater grade shall be stabilized using jute, straw matting, or an equivalent made of natural material (no plastic mesh), and excluding hay, if it is to be left exposed for more than 7 days. Within 14 days of reaching final grade, all slopes shall be planted with deep-rooted native grasses and herbaceous species using the native restoration seed mix listed on approved plan sheet C-151, or an equivalent. If seed mix is used instead of plugs, a plastic-free erosion control and seed germination blanket must also be used. Any seed mix used must be free of non-native invasive stabilizer plants including but not limited to Crowned Vetch (*Securigera varia*).

~~f)~~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.

~~g)~~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 .25" in a 24-hour period or greater than 1.0" per hour to ensure their integrity.

~~h)~~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.

~~i)~~h) Additional erosion and sedimentation controls must be kept and maintained on site for the duration of the project. A minimum of _____ feet of extra erosion and sedimentation controls must be kept on site and in good condition.

~~j)~~i) All control measures shall be placed and installed in accordance with the Erosion and Sedimentation Guidelines for Urban and Suburban Areas, MassDEP, March 1997, or more current version. Silt fencing, if proposed, shall be entrenched 4 inches into the ground and double staked.

~~k)~~j) Upon receipt of a Certificate of Compliance releasing this condition, or when the Conservation Commission authorizes removal, all erosion and sedimentation controls as well as other materials determined to be

detrimental to the resource areas if left in place permanently, shall be removed and legally disposed of off-site.

29. Erosion Control Monitor

a) The applicant shall hire at its expense an Erosion Control Monitor, subject to the approval of the Ashland Conservation Commission ("ACC") or its Agent, 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, filter socks, siltation fences, straw bales, siltation basins, dewatering activities, swales and 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" 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 ACC ~~progress on construction and site grading, any changes in construction schedule,~~ steps taken and/or recommendations to address any problems encountered. Monitoring shall continue until work in the 100-foot buffer is completed and said disturbed areas are permanently stabilized (the "Monitoring Period").

Commented [IL9]: These are beyond the scope of erosion and sedimentation control Monitor. Applicant already has duty to notify commission of changes to grading per 21. b)

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 ACC of any problems that occur.

f) The Erosion Control Monitor shall submit to the ACC a bi-weekly written status report during the Monitoring Period ~~construction~~ summarizing ~~the work that has been completed,~~ compliance with the Order of Conditions, and the status of the erosion and sedimentation controls. The status report shall at a minimum include a description of any erosion or sedimentation control issues~~problems, progress on construction and grading, changes in construction schedule or sequence~~, actions taken to address such issues~~problems~~ and any other recommendations for erosion and sedimentation control site management. Photos of the erosion and sedimentation controls and site conditions shall be included as part of the monitoring report.

g) Where bi-weekly reports are no longer required due to extended pauses in work, the Erosion Control monitor shall provide a written conformance report to the Conservation Commission every April and October until a Certificate of Compliance is issued.

30. Bounds— The outer boundary of the 25-foot vegetated buffer along the project side shall be delineated by concrete bounds, as depicted on the referenced plan, sheet C-121, each marked with a "Town of Ashland Protected Resource Area" marker available for purchase from the Conservation Commission or other suitable signage agreed to by the Conservation Commission. The bounds shall be placed concurrently with the installation of the erosion controls before any other site work can proceed. Additional signs shall be placed on the chain link fence proposed along the parking lot, near the trash enclosure adjacent to Garage #7, to be installed concurrently with the fence.

31. Foundation Drains — Foundation drains shall not daylight within 25 feet of any wetland resource area.

32. 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. Bar and chain oils used in the buffer zone shall be biodegradable and non-toxic, and suitable for use in environmentally sensitive areas). Proposed oils shall be at least equivalent to Husquvarna Proforest or STIHL BioPlus bar and chain oil. No further approval by the Conservation Agent shall be required provided these performance specifications are met.~~Proposed bar and chain oil type and its specification shall be submitted to and approved by the ACC prior to use on the project site.~~

33. Fill and Excavated Materials — All waste products, refuse, debris, grubbed stumps, slash, excavated materials, construction materials, etc. shall be disposed of in a legal manner and shall not be incorporated in any manner into the project site with the exception of the reduction of stumps and slash into mulch landscaping. No mulch shall be placed in the wetlands resource area or 25-foot vegetated buffer. Stumps and slash that are mulched must be confirmed to be not invasive or likely invasive prior to spreading on the project site. 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.

At no time during or after construction shall fill or other materials be placed, slump into, or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify the Conservation Commission if slumping, erosion, or encroachment occurs.

34. **Rock Construction Entrance—**A rock construction entrance (RCE) shall be installed prior to any grading activities to prevent sediment track-out 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 10ft wide by 50ft 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 track-out persists.

35. **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.

36. **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

37. **Soil Stabilization** — Seeding or sod shall permanently stabilize all disturbed soils. During construction, disturbed soils shall be temporarily stabilized by the use of 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 ACC. 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 ACC.

    Unless otherwise authorized by the Conservation Commission, all disturbed slopes greater than 20% shall be stabilized by November 1st using coir mats or the equivalent, if there is not at least 70% vegetation on the slopes by that date. Coir mats shall remain until the slope can be planted, which shall be no earlier than (April 15th). Coir mats, or equivalent materials used, cannot contain monofilament, even if UV degradable.

38. **Snow Storage Signs**— snow storage signs shall be installed at the locations depicted on the ~~a~~Approved ~~p~~Plans. The signs shall contain language prohibiting snow storage within the protected resource areas.

39. **Catch Basins**

    a) Stormwater catch basins located within 100-feet of the site shall be protected. The protections shall be installed in accordance with the Approved ~~p~~Plans ~~approved~~ and by this Order ~~and/or per the direction of~~

~~the Ashland conservation Commission.~~ Silt sacks (not filter fabric) installed and properly maintained generally meet this requirement.

b) Silt sacks, or approved equivalent, shall be installed on all new ~~and existing functioning~~ catch basins or ~~and drop~~ inlets within the project area for the duration of construction, and shall remain until approved for removal by the Conservation Commission or its agent.

c) Silt sacks shall be emptied at least once every two weeks and whenever silt and debris have collected to a level that is affecting the functionality of the silt sack and/or catch basins.

d) Silt sacks shall be maintained in ~~f~~good working order and shall be repaired or replaced when damaged.

e) Rims of all catch basins shall be set flush with pavement throughout the construction of the project.

f) Where curb inlets are present, curb inlet filters shall also be provided.

40. Dewatering — ~~Any dewatering required to construct the proposed project shall adhere to the plan(s) of record and all relevant Best Management Practices (BMPs).~~ The applicant shall submit a dewatering plan prior to the pre-construction meeting, that shall be reviewed by the Conservation Commission or its agent for approval before any site activities (excluding installation of erosion controls) may begin. Such approval shall not be unreasonably withheld or delayed provided that ~~A~~any dewatering required shall adhere to the Approved ~~p~~Plans ~~approved by the Conservation Commission~~ as well as all relevant Best Management Practices (BMPs). The Dewatering plan shall include, but not be limited to, the locations, methods, sizing, equipment, power, and standby power intended to be used; as well as all means to address ~~to~~ fine silts that may be released. At a minimum, dewatering shall include a combination of measures to settle out fine silts, which may include, but not be limited to, the use of flocculant blocks or other flocculant products and temporary settling basins. The dewatering plan shall conform with the NPDES permit and associated SWPPP.

41. Remove Debris from Wetlands — All man-made debris shall be removed from the wetlands and 25-foot ~~V~~vegetated Buffer and disposed of properly prior to requesting a Certificate of Compliance.

42. 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. Any damage caused as a direct result of work approved by this Order ~~this project~~ to any wetland resource areas shall be the responsibility of the applicant to repair and/or restore. Sedimentation of any resource area shall be considered fill of that wetland area.

Commented [IL10]: The repair obligation must be tied to the work authorized under the order

43. 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. The applicant shall have absorbent materials for use in containing accidental spills available on site at all times. The Conservation Agent shall be made aware of the location where these materials will be stored, and if locked, given a key for access. If any release of fuel, motor oil, lubricating oils, etc. occurs the applicant or designee shall immediately notify the Conservation Office at 508-532-7924.

44. **Plantings-** Any plantings within a resource area or 100-foot buffer zones, or as part of any mitigation or restoration plan, shall be maintained and successfully established, and the planting area shall be kept free of invasive or likely invasive plant species. In addition, all areas of existing vegetation within 20 feet of the limit of work, or within 20 feet of the planting area, shall be rid of, and maintained free of, invasive plant species. Replanting shall be provided in case of significant failure, defined as greater than 25% mortality of any strata. The applicant shall submit a long-term invasive species management plan which shall include measures to mitigate, monitor and manage invasive species within the 100-foot buffer zone. The invasives species management plan shall be reviewed and approved by the Conservation Commission or its agent. Following approval, the plan may be implemented and updated by the property owner or its designee, provided such updates are consistent with the overall objectives of the approved plan.

Commented [IL11]: Relocated this provision here from ongoing condition #87

45. **Vehicle Refueling** — All refueling must occur outside the 100-foot buffer zone or be conducted in accordance with a refueling plan as approved by the Conservation Commission. A refueling plan must be provided to the Conservation Commission for review and approval prior to any activities on the site.

46. **Replacement of 12-inch RCP-** The Applicant shall replace the existing 12-inch reinforced concrete pipe (RCP) within the Waverly Street roadway as shown on the ~~site plans a~~Approved Plans.~~by the Conservation Commission and cited in this Order.~~ The new pipe shall connect to the last segment or two of the existing RCP where it connects to the existing stone box culvert that passes under Waverly Street, and shall be installed in such a way as to not impact the structural integrity of said stone box culvert.

    Prior to construction, the Applicant shall submit to the ~~Ashland Conservation Commission and the~~ Ashland Department of Public Works (DPW) for administrative review and approval. ~~A~~a complete set of drawings ~~shall be provided~~ which are consistent with the ~~a~~Approved ~~p~~Plans ~~cited in the Order~~ and which provide complete details, cross-sections, phasing, and all other information deemed reasonably necessary by the ~~Commission and the~~ DPW in order to adequately review and approve the ~~proposal~~proposed work (the "RCP

Plans"). A copy of said RCP Plans shall be provided to the Ashland Conservation Commission for informational purposes concurrently with delivery to the DPW. No work shall occur until the ~~Commission and~~ DPW approves the RCP ~~p~~Plans and issues any applicable permits, including a Road Opening Permit. Such approval and permit issuance shall not be unreasonably withheld or delayed provided the RCP Plans are consistent with the Approved Plans. ~~and are in agreement that the design and construction phasing shall not have a negative impact to the stone box culvert, roadway drainage, or other related drainage structures.~~

This work is authorized under this Order of Conditions and shall not require the filing of a separate Notice of Intent or additional wetland delineation, provided the work is performed in accordance with the Approved Plans. All work shall be performed in accordance with applicable Town of Ashland rules, regulations, and building codes. Upon completion of the work, the Applicant shall provide As-Built drawings to the DPW and Conservation Commission. For the purposes of this Order, the RCP must be replaced and the site stable prior to the issuance of a Certificate of Compliance.

Ownership, operation, maintenance, and long-term responsibility for the pipe shall remain with the Town.

47. Blasting- Prior to the commencement of any blasting activities, the Applicant shall submit a Ledge Removal Plan to the Ashland Fire Department and the Ashland Conservation Commission. In the event of any material change to the scope, extent, or methodology of blasting from that presented in the Approved ~~p~~Plans ~~approved by the Conservation Commission and cited in this Order~~, the Commission shall be notified in writing prior to the implementation of such changes.

48. Stone Box Culvert – Prior to the start of construction, ~~that~~the Applicant shall hire a Massachusetts licensed Structural Engineer to perform a visual inspection ~~an analysis of the structural integrity~~ of the stone box culvert under Waverly Street in the area where the existing 12-inch RCP in the roadway connects to the culvert. ~~to~~ The engineer will document with photographs and/or video, the existing~~determine baseline~~ conditions~~,~~ and submit ~~the~~a report to the Conservation Commission and Ashland DPW. Upon completion of the installation of the new 12-inch RCP~~construction~~, a follow-up visual inspection of the same area ~~the second analysis~~ shall be conducted to document post construction conditions. ~~, and a~~Any material damage~~deterioration~~ determined by the engineer to be *reasonably attributed to construction activities*, shall be repaired and addressed.

49. Changes to Plan- Any proposed changes to the plans approved under this Order of Conditions shall require the applicant to file a Request for an

Amendment to this Order of Conditions, the filing of a new Notice of Intent, or to file under the Ashland Conservation Commission's Minor Modification Policy, or to otherwise inquire in writing whether a change is substantial enough to require a new filing. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. If changes are made in reference plans, a copy shall be sent at the same time to the Department of Environmental Protection's Regional Office.

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~~ constructed in accordance with the Approved Plans ~~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 ~~a~~Approved ~~p~~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.~~

Commented [IL12]: SMMA review

Stormwater Conditions

51. Riprap – Riprap material shall be clean and free of trash, tree stumps, roots, and other debris ~~deterious material~~.

52. Stormwater BMPs—During construction, all stormwater BMPs shall be stabilized with erosion control matting. Stormwater BMPs shall be maintained in accordance with the written Operation and Maintenance Plan required by Stormwater Standard No. 8. This Condition shall remain in effect in perpetuity and shall not expire with issuance of a Certificate of Compliance.

~~**53. Construction Entrance Stabilization** – All project sites shall incorporate crushed rock pads at all construction entrances and shall maintain either a 25-foot undisturbed buffer of vegetation or an erosion/sedimentation bale, silt fence barrier between the work site and any vegetated wetlands, land under water, public roads, or neighboring properties to prevent erosion and sedimentation from being carried into resource areas or off site.~~

Commented [IL13]: Duplicative with #34

~~54. **Stormwater Inlet Protection** - All existing and proposed catch basins and any other Stormwater inlets on the site or on the streets adjacent to the project shall be protected by erosion/sedimentation controls to prevent sediment from entering the drainage system. Erosion/sedimentation controls shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission has formally approved their removal.~~

Commented [IL14]: Duplicative with #39 (a-f)

~~55.~~53. **Pollution Prevention and Erosion/Sediment Control Measures -** Construction period controls, including pollution prevention and erosion/sediment control measures, shall be implemented strictly in accordance with the 'construction period control plan' approved by the issuing authority. An EPA Stormwater Pollution Prevention Plan (SWPPP) may serve as the 'construction period control plan' if approved by the issuing authority.

~~56.~~54. **Post-Construction Stormwater Management Structures -** No stormwater runoff shall be directed to a post construction stormwater management structure until the Conservation Agent has provided written approval~~. is received from the issuing authority. All stormwater management systems that include plants shall be fully vegetated before seeking written approval from the issuing authority to direct stormwater runoff to them.~~

~~57.~~55. **Temporary Swales and Settling Basins -** Temporary erosion control swales and settling basins shall be constructed as depicted on approved plan sheet C-111. Additional temporary erosion control swales and settling basins may be constructed down-gradient of construction activity, provided their construction is not within a vegetated wetland, but shall be located within the limit of work, on an as-needed basis. These temporary sedimentation basins shall be inspected daily by the ~~Environmental~~ Erosion Control Monitor, or construction personnel and cleaned as needed. All temporary stormwater controls shall be constructed and managed in accordance with the project's construction period control plan.

Prior to conversion of the temporary sedimentation basins into permanent storm water facilities, the applicant shall provide the Commission with a status report describing conditions on the site and requesting approval to convert the facilities. The conversion shall not proceed until the Commission has given approval. Basins shall be cleaned of any accumulated sediment and debris prior to conversion.

~~58.~~56. **Compaction Prevention -** Before the site is graded, the location of the two subsurface infiltration systems ~~any post construction recharge practice (e.g. the infiltration basin, trench or dry well)~~ shall be ~~roped off and flagged~~clearly identified on the surface to prevent compaction by heavy equipment. If excavation equipment within the system footprint is required, ~~L~~light earth-moving equipment is to be used to excavate the infiltration system within 2-feet of the system bottom~~basin or dry well~~. Infiltration systems ~~basins, trenches or dry wells~~ shall not be used as temporary sediment traps during construction.

~~59.~~57. **Infiltration Basins and Drywells-** The infiltration basin, trench or dry well shall not to be brought on-line ~~constructed~~ until the entire contributing drainage area is stabilized. Diversion berms are to be placed around the perimeter of the infiltration basin or dry well during all phases of construction. Sedimentation and erosion controls shall be used to keep runoff and sediment away from the basin area.

During and after excavation of infiltration basin, trench or dry well, all excavated materials are to be placed downslope, away from the basin to prevent re-deposition during runoff events. After final grading, the infiltration basin floor shall be deeply tilled.

~~60.~~58. **Additional Test Pits-** Additional deep test pits shall be performed at the southeastern corner of the Subsurface Infiltration System (SIS-2) prior to the start of construction, which shall be witnessed by the Conservation Agent, or other assigned agent or representative of the Conservation Commission.

~~61.~~59. **Stormwater Basin Liners-** Surface Detention Basin – 1 and Subsurface Detention System – 1 shall both be lined with an impervious liner to ensure watertightness. Shop drawings for those systems, including, but not limited to, the liner materials, pipe boots, sealants, seam tape, and all other components necessary to achieve watertight installation, shall be submitted to and approved by the project engineer, ~~and the Conservation Commission,~~ prior to ~~any activities occurring on the site~~installation. Both systems shall be observed by a Massachusetts registered Professional Engineer during installation, who shall provide a letter to the Conservation Commission certifying that the installation was performed in accordance with the Approved ~~p~~Plans ~~approved by the Conservation Commission cited in this Order~~, and in compliance with the manufacturer's recommendations.

~~62.~~60. **Surface Detention Basin Berm –** The berm for Surface Detention Basin – 1 shall be constructed in such a way as to protect the berm impermeable clay membrane form the installation of the outlet structure, pipe, or other construction related activities in the vicinity.

~~63.~~61. **Roof Runoff Collection-** Prior to construction, the Commission shall be provided a document specifying the architectural roof runoff collection system according to the watershed sub-catchment divides.

Standard BVW Replications Conditions

[conditions in this section only to be kept for projects with wetland replications and chosen as appropriate for the site]

~~64.~~62. **Wetland Scientist -** The applicant shall employ a wetland scientist who has experience in constructing wetland replication areas to supervise the construction and planting of all wetland replication areas. The Commission maintains the right to approve or disapprove any nominee based upon

Commented [IL15]: The subsurface systems will be constructed early in the sitework process - impossible to not construct prior to stabilizing entire contributing drainage area

education, experience and/or training. The wetland professional shall oversee all activities involving preparation and construction of the wetland replication/restoration areas, and shall be on site while the work is being performed. The activities include but are not limited to: inspecting and confirming site flagging prior to and after excavation of the wetland replication area; identifying appropriate organic soils to be placed in the replication area; overseeing final grading of the area; inspecting final elevations and confirming ground water elevations; obtaining, planting and maintaining the specified wetland plants; and monitoring and reporting on the replication area.

~~65.~~63. **Written Status Reports -** The wetland scientist shall submit a written status report to the Commission at the following times

- At the start of excavation of the replication and restoration areas;
- When final grades are established
- When the planting is completed
- One month after planting has been completed
- At the beginning and end of the growing season each year for at least two (2) years after the replication area has been planted.

~~66.~~64. **Small Replication Area Monitoring Period -** The wetland scientist shall submit a status report on the wetland replication area at the end of each growing season, and no later than September 15 of each year, for two (2) years after planting is completed. The report shall include a description of the relative health of the planted species and shall make recommendations for replacement of plants if needed. At least 75 percent of the replication area shall be reestablished with wetland plant species within two (2) growing seasons. A Certification of Compliance will not be issued until this condition has been met.

~~67.~~65. **Large Replication Area Monitoring Period -** The wetland scientist approved by the Commission or her/his designee(s) shall monitor the status of the 'Replacement Area' in calendar years 20XX and 20XX, and then until such time as the 'Replacement Area' functions in accordance with 310 CMR 10.55(4)(b)6., as established by data collected during monitoring. Monitoring shall include, at a minimum, the collection of all data required in Sections I and II of 'DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms' (Appendix G). All vascular plants within the proposed 'Replacement Area', as shown on the plan of record, shall be identified to the species level. Scientific nomenclature shall follow The Vascular Plants of Massachusetts: A County Checklist (Sorrie and Somers 1999) or an equivalent acceptable to the Commission (as established in writing). At least two (2) Appendix Gs shall be completed for two (2) distinct 'Observation Plots' within the 'Replacement Area'. Sampling shall take place at least once in each growing season in the years specified in this Special Condition. Each sampling event shall include hydrologic data garnered from 'observation holes'. These 'observation holes' shall be at least twenty-four inches deep, as measured from the surface of the mineral soil horizon. Alternatively, and with the permission of

the Commission, the wetland scientist or her/his designee(s) can establish a shallow monitoring well directly adjacent to the two (2) Observation Plots within the 'Replacement Area'. The shallow monitoring wells shall be constructed, installed, and operated in accordance with 'Installing Monitoring Wells/Piezometers in Wetlands' [US Army Corps of Engineers, Wetlands Regulatory Assistance Program, WRAP Technical Note ERDC TN-WRAP-00-02, July 2000]. During each sampling event, color photographs or color reproductions of photographs (digital photographs or color photocopies) shall be taken of each of the two (2) separate Observation Plots within the 'Replacement Area', and of the observation holes established by this Special Condition. All data collected during each of the years specified in this Special Condition shall be submitted in a written report entitled 'Bordering Vegetated Wetland Replacement Area Plan, X, Massachusetts'. A draft copy shall be submitted to the Commission on or before November 30th of each year specified by this Special Condition. A final copy shall be sent to the Commission within thirty (30) calendar days of the receipt of draft comments by the Commission.

~~68.~~66. **Hydrology Monitoring -** The wetland scientist approved by the Commission, or her/his designee(s) shall collect data on wetland hydrology within the 'Replacement Area' at least once per month during the growing season in the years specified at Special Condition #X. The wetland scientist shall use the 'observation holes' or shallow monitoring wells required by Special Condition #X in order to achieve the objectives of this Condition. At a minimum the wetland scientist shall record depth to apparent water table and/or depth of surface inundation, both as measured from the soil surface [see Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act (DEP 1995) for a definition] during each monthly observation. This data shall be included within the report required at Special Condition #X.

~~69.~~67. **Replication Area Final Grade -** At least _____ square feet of wetland replication shall be provided. The wetland replication area shall be brought to final grade using organic soils and prepared for planting prior to commencement of

- Construction of buildings
- Filling of existing BVW
- Any earth moving activity

Any deviation from the plan approved in this OOC must be made in writing and approved by the Commission before proceeding.

~~70.~~68. **Use of Manufactured Soils -** If manufactures soils are used to construct the wetland replication area, they shall consist of soils which contain at least twenty (20) percent peat or partially decomposed leaf litter and shall have approximately the same pH, texture, and fertility as native wetland soil on the site. The wetland replication areas shall have a base of at least twelve (12) inches prior to planting.

~~71.~~69. **Approved Restoration Plantings -** The Commission hereby approves the 'Proposed Vegetative Community' specified in Appendix X of the Replacement Area Plan (Choose as Necessary) save for the substitution of common name (Scientific name) and common name (Scientific name) with species acceptable to the Commission. Any modification of species, ratios, or seeding techniques must be requested by the applicant in writing and approved by the Commission. Additional applications of the approved seed mix shall be used when appropriate to maintain optimum surficial coverage of vegetation, until such time as the Replacement Area has been fully stabilized and is functioning as BVW, as determined by the commission approved wetland scientist.

~~72.~~70. **Wetland Replication Corrective Action -** If, at the end of the second growing season, the wetland scientist or her/his designee(s), or the Commission concludes that the replacement areas have failed to meet the standards at 310 CMR 10.55(4)(b), said wetland scientist shall prepare and submit a written 'corrective plan of action' no later than the end of that calendar year to the Commission for approval. The approved 'corrective plan of action' shall be implemented the next growing season under the supervision of a wetland specialist approved by the Commission, and shall be monitored via the requirements specified in this Order.

~~73.~~71. **Replication Area Construction -** The Wetland replication areas shall be constructed in accordance with the procedures outlined in the Notice of Intent and any additional submitted information for this project as listed in this document. In addition, the seasonal elevation of ground water must be verified in the wetland replication areas once the proposed replication areas have been excavated to base grade. If seasonal high ground water is not present at or within sufficient depth to support wetlands vegetation, then the applicant will be required to create a perched condition or substantiate the elevation of ground water at another location.

~~74.~~72. **Replication Area Performance Standards -** The proposed replication area shall meet or exceed those General Performance Standards outlined in section 10.55 (4) (b) 1-7 of the Wetlands Protection Act Regulations as well as any other related performance standards as outlined in either State or local regulations. Should the replacement area fail to meet any of these standards, the commission may require those measures necessary to achieve compliance.

Riverfront Area

[conditions in this section only to be included for projects in Riverfront Area]

~~75.~~73. **No Further Alteration -** As the proposed project utilizes the maximum limit of Riverfront Area permitted under the Massachusetts Wetland Protection Regulations, no further activities will be permitted on the balance of the subject parcel with the exception of maintenance of this area, unless they are filed as a

Limited Project under 310 CMR 10.53(3), or are exempt under 310 CMR 10.58. This Condition will be noted on the Certificate of Compliance.

Note the above condition is specific to sites that have utilized the maximum limit of RA disturbance under the WPA

~~76.~~74. **Restoration/Mitigation annual inspections -** A professional wetland scientist acceptable to the Commission shall conduct annual inspections of all Riverfront Area 'restoration/mitigation areas' starting in [YEAR]. The Commission reserves the right to require additional annual inspections until such time as the 'restoration/mitigation areas' meet the design requirements specified in the plan(s) of record. Based upon these inspections, the environmental scientist shall submit a 'Riverfront Area Mitigation Status Report' by the close of business on December 31st of each year. These reports shall, at a minimum, detail the status of non-indigenous plant species control efforts, planting success, substrate stabilization, and any recommended adjustments to ensure that the work will comply with the conditions of this Order. If recommendations are made that the Commission agrees to and determines necessary to meet the conditions of this Order, the applicant shall carry out those recommendations within a reasonable time period, as specified and required by the Commission

Potential Vernal Pool and Wildlife Habitat Protection

[conditions in this section only to be included for projects with protected vernal pools]

~~77.~~75. **Wildlife Passage through Erosion Controls -** Erosion control devices shall not block passage between uplands and potential vernal pools between the dates of March 1 and June 1, nor between September 1 and October 15. If soils will not be stabilized during these periods, temporary stabilization measure shall be designed to provide a gradual slope or berm over which amphibians may pass.

~~78.~~76. **Wildlife Passage through Chain link fences and construction fences -** The lowest portion of all temporary and permanent chain link fences shall be elevated at least 8 inches from the ground in order to allow unimpeded travel by wildlife.

~~79.~~77. **Vegetated Buffer –** A vegetated buffer of a minimum of 25-feet shall be maintained between the edge of the potential vernal pool extent and the project. This area shall remain in its undisturbed vegetated condition except that it~~, and shall be planted with high density, diverse, native plantings which provide a variety of structure and food variety for vernal pool species, and~~ shall be kept free of invasive species.

Conditions to Extend in Perpetuity

~~80.~~78. **Stormwater Operations & Maintenance** – The stormwater management system shall be operated and maintained in accordance with the Operations and Maintenance Plan entitled "[OMP NAME]," dated [MONTH DAY, YEAR], as approved under this Order (the "Approved O&M Plan"). Routine maintenance and repair of stormwater management facilities, including detention and infiltration basins and associated drainage infrastructure located outside the public way, may be performed by the property owner or its designee without the need for additional filings, provided such activities are conducted in accordance with the Approved O&M Plan. The property owner shall be responsible for maintaining the design capacity, treatment performance, and structural integrity of all stormwater management systems.~~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: [*OMP NAME*], dated [MONTH, DAY, YEAR]. The maintenance or repair, by the property owner of record or designee, of detention basins, supporting drainage systems, stormwater management best management practices, other than those in the public way shall be the responsibility of the applicant/property owner. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained.~~

Commented [IL16]: Revised for clarity

~~81.~~79. **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.~~

Commented [IL17]: Duplicative. Eliminate confusion. This entire section is entitled Conditions to Extend in Perpetuity but not all conditions in this section have this last sentence.

~~82.~~80. **Landscaping Specimens**—Landscaping specimens shall be native to the Northeast of the United States. No invasive or likely invasive species shall be planted within jurisdictional areas, including the 100-ft buffer zone. No plants, shrubs, or trees listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List (invasive species) may be brought onto or planted anywhere on the property. (Plant list available at https://www.mass.gov/massachusetts-prohibited-plant-list).~~This condition shall survive the expiration of this Order of Conditions.~~

~~83.~~81. **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.~~

~~84.~~82. **Land disturbance**- The Applicant is responsible for disturbance of the property and any fill, soils, clay, or other natural or man-made debris 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.

~~85.~~83. **Fertilizer and Deicing-** Fertilizer used for landscaping shall be low in nitrogen and phosphorous and used sparingly. Only non-sodium de-icing agents shall be used on roads, driveways or walks within 100 feet of wetland resource areas.

~~86.~~84. **Herbicides and Pesticides-** No pesticides or herbicides shall be used on the property within 100 feet of regulated wetland resource areas; except when used in limited application to target invasive species with approval of the Conservation Commission.

~~87.~~85. **Coal tar-based sealants** — The use of coal tar-based sealants for the roadway and parking lots is expressly prohibited on the project site. ~~This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.~~

~~**Permanent Vegetate Buffer** – A 25-foot vegetated buffer shall be maintained around wetlands, which contain vernal pools, and are an integral connection for wildlife migration through connected wetlands up and downstream. This buffer shall be kept permanently vegetated, and shall not be cleared for any reason other than the removal of non-native invasive species. At no time shall this buffer be converted into lawn grass. The applicant shall submit a long-term invasive species management plan to ensure no migration of invasives from routine site activities occurs in the buffer. The invasives species management plan shall be reviewed and approved by the Conservation Commission, and any amendments to the plan shall require approval by the Conservation Commission prior to implementation.~~

Commented [IL18]: Duplicative with condition #78

Commented [IL19]: Relocated to # 44 Plantings