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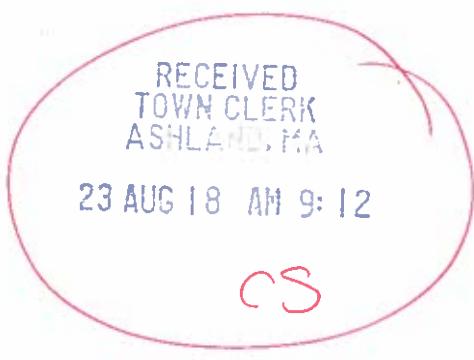
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DEP Transaction ID: 1438391  
Date and Time Submitted: 10/24/2022 11:56:26 AM  
Other Email :

**Form Name:** WPA Form 5 - OOC

Conservation Commission: ASHLAND  
Mass DEP File #: 095-0975  
Applicant Name: MICHAEL AND MARJORIE RAH  
Signed by: Catherine Van Lancker

**Ancillary Document Uploaded/Mailed**  
Special Conditions



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**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 #:095-0975  
 eDEP Transaction #:1438391  
 City/Town:ASHLAND

**A. General Information**

1. Conservation Commission ASHLAND
2. Issuance a.  OOC b.  Amended OOC
3. Applicant Details  
 a. First Name MICHAEL AND MARJORIE b. Last Name RAH  
 c. Organization THE RAH LIVING TRUST  
 d. Mailing Address 29 HARDWICK ROAD  
 e. City/Town ASHLAND f. State MA g. Zip Code 01721
4. Property Owner  
 a. First Name MICHAEL AND MARJORIE b. Last Name RAH  
 c. Organization THE RAH LIVING TRUST  
 d. Mailing Address 29 HARDWICK ROAD  
 e. City/Town ASHLAND f. State MA g. Zip Code 01721
5. Project Location  
 a. Street Address 29 HARDWICK ROAD  
 b. City/Town ASHLAND c. Zip Code 01721  
 d. Assessors Map/Plat# 19 e. Parcel/Lot# 37  
 f. Latitude 42.24895N g. Longitude 71.48642W
6. Property recorded at the Registry of Deed for:  
 a. County SOUTHERN MIDDLESEX b. Certificate 273802 c. Book d. Page
7. Dates  
 a. Date NOI Filed : 9/9/2022 b. Date Public Hearing Closed: 10/3/2022 c. Date Of Issuance: 10/24/2022
8. Final Approved Plans and Other Documents  
 a. Plan Title: PROPOSED  
 ADDITION PAN 29 HARDWICK ROAD  
 b. Plan Prepared by: GLM ENGINEERING CONSULTANTS, INC  
 c. Plan Signed/Stamped by: JOYCE E. HASTINGS  
 d. Revised Final Date: July 29, 2022  
 e. Scale: 1:20

**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:

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

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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). 30  
 a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet

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9.  Riverfront Area

Sq ft within 100 ft	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft between 100-200 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet

**Coastal Resource Area Impact:**

Resource Area

Proposed Alteration    Permitted Alteration    Proposed Replacement    Permitted Replacement

10.  Designated Port Areas  
 11.  Land Under the Ocean

Indicate size under Land Under the Ocean, below

<u>                    </u> a. square feet	<u>                    </u> b. square feet
<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged

12.  Barrier Beaches  
 13.  Coastal Beaches

Indicate size under Coastal Beaches and/or Coastal Dunes below

<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. c/y nourishment	<u>                    </u> d. c/y nourishment
<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. c/y nourishment	<u>                    </u> d. c/y nourishment

14.  Coastal Dunes  
 15.  Coastal Banks

<u>                    </u> a. linear feet	<u>                    </u> b. linear feet
-----------------------------------------------	-----------------------------------------------

16.  Rocky Intertidal Shores  
 17.  Salt Marshes

<u>                    </u> a. square feet	<u>                    </u> b. square feet
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18.  Land Under Salt Ponds

<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
<u>                    </u> a. square feet	<u>                    </u> b. square feet		

19.  Land Containing Shellfish

<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
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20.  Fish Runs

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged
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21.  Land Subject to Coastal Storm Flowage

<u>                    </u> a. square feet	<u>                    </u> b. square feet
-----------------------------------------------	-----------------------------------------------

22.



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"Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "095-0975"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions:
  - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
  - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period 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

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- fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with 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.

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- 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? [X] 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. [X] 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
WETLANDS
PROTECTION
REGULATIONS

2. Citation CHAPTERS 247, 280, AND
348

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

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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.

10/24/2022  
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:

*[Handwritten signatures: Owen R. O'Connell, Gregg D. Wilson, and another illegible signature]*

*[Handwritten signature: Catherine Van Lere Her]*

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

10/24/2022

**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.

## **Ashland Special Conditions Findings of Fact 29 Hardwick**

### **Approved Work:**

Work shall consist of construction of an in-law addition and associated garage bay with driveway connection. Erosion control is proposed along the wetland edge of work.

Work will take place in the 100-foot buffer zone. No work shall occur in the 25-foot No Disturb Zone.

### **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 49.

#### **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. **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.

#### **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.**
- 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, 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) 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 controls 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.
  - 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.
30. **Bounds**— The outer boundary of the 25-foot no disturb zone shall be delineated by concrete bounds, as depicted on the referenced plan, each marked with a "Town of Ashland Protected Resource Area" marker available for purchase from the Conservation Commission. Exact locations and numbers of bounds shall be approved by the Ashland Conservation Commission or its Agent. The bounds shall be placed concurrently with the installation of the erosion controls before any other site work can proceed.
31. **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.
32. **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.
33. **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.
34. **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.
- 35. 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.
- 36. 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.
- 37. 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.

- 45. 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.

#### **Conditions to Extend Into Perpetuity**

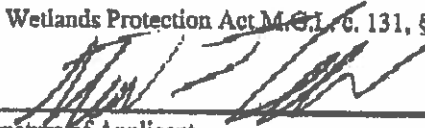
- 46. Landscaping Waste** — No grass clippings, leaves or other landscaping waste may be deposited in any detention basin, forebay, wetland resource area or 25-foot no disturb area. This condition shall remain in effect in perpetuity and shall not be released by a Certificate of Compliance.

- 47. 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.
- 48. Fertilizer and Deicing-** 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.
- 49. 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



**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 #:095-0975  
eDEP Transaction #:1438391  
City/Town:ASHLAND

  
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Signature of Applicant

Rev. 4/1/2010