

DEP File No. 85-723
Applicant Technical Consulting Group



**Order of Conditions
Wetlands Protection Bylaw
Chapter F**

From the ACTON CONSERVATION COMMISSION Issuing Authority

To Technical Consulting Group Frank Tricone
(Name of person making request) (Name of property owner)

Address 67 Acton Road, Westford, MA 01886 Address 5 Tanners Circle, Woburn, MA 01801

This Order is issued and delivered as follows:

- by hand delivery to person making request on _____ (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at 64-76 Newtown Road (Lot 1)

The property is recorded at the Registry of Middlesex South

Book 12272 Page 706

Certificate (if registered) _____

The Notice of Intent for this project was filed on (request to reopen July 13, 2001) (date)

The public hearing was closed on August 1, 2001 (date)

Findings

The ACTON CONSERVATION COMMISSION has reviewed the above-references Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the ACTON CONSERVATION COMMISSION at this time, the ACTON CONSERVATION COMMISSION has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- | | | |
|--|---|--|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |

Total filing fee submitted under Acton Wetlands Protection Bylaw \$ n/a

Therefore, the ACTON CONSERVATION COMMISSION hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The ACTON CONSERVATION COMMISSION orders that all the work shall be performed in accordance with the said conditions and with the Notice of Intent references 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.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the ACTON CONSERVATION COMMISSION on the form at the end of this Order prior to the commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in the size bearing the words, "Massachusetts Department of Environmental Protection, File Number 85-723 .
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

**** PLEASE READ THE FOLLOWING GENERAL CONDITIONS REQUIRED BY THE
TOWN OF ACTON WETLANDS BYLAW ****

12. No work shall be undertaken until the Order of Conditions has been reviewed and is clearly understood by the Contractor or his agent. It is the Applicant's responsibility to see that the Contractor clearly understands all items herein.
13. This Order of Conditions shall apply to any successor in interest or successor in control.
14. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the Order and to require the submittal of any data deemed necessary by the Commission for that evaluations.

15. All drainage facilities and related structures and equipment shall be continually operated and maintained so as to comply with this Order of Conditions. The operation and maintenance of the facilities and structures shall be on-going and will not expire at the end of one year or with the issuance of the Certificate of Compliance.
16. Any change made, or intended to be made, in the plans shall require the applicant to file a new Notice of Intent, or to inquire of the Commission, in writing, whether the change is substantial enough to require a new filing.
17. The Conservation Commission shall have the right to file this Order of Conditions in the Registry of Deeds should the applicant fail to do so within 60 days.
18. Accepted engineering and construction standards and procedures shall be followed in the completion of this project.
19. The Commission shall be notified in writing 10 days prior to the commencement of any site work. Failure to so notify the Commission shall result in the issuance of an Enforcement Order.
20. The Petitioner is advised that this Order in no way absolves him of responsibility to other property owners upon whose land he discharges water directly or indirectly.
21. Erosion control measures consisting of staked haybales unless otherwise approved by the Commission shall be installed during the first phase of construction and the Commission shall be notified of their placement and no work shall begin before inspection by the Commission.
22. Any materials collected by the erosion control measures shall be removed and properly disposed of.
23. All work shall be completed as quickly as possible to minimize the duration of exposure of disturbed areas. If work is suspended for a significant period of time (i.e. as during winter months), then temporary stabilization methods must be employed and maintained during the period of inactivity.
24. No salt or other deicing chemicals shall be used on roadways and parking areas on the site.
25. This order applies only to the work described in the Notice of Intent and shown on the plans referenced in Condition 12. A Determination of Applicability Form must be filed for any additional work on site in areas governed by the Town of Acton Wetlands Protection Bylaw.
26. All disturbed areas shall be topsoiled six inches and seeded.
27. Violation of any condition of this Order may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until a hearing is held; such hearing will be held not more than 10 days from the issuance of the Enforcement Order.
28. The work authorized hereunder by the Acton Wetlands Protection Bylaw shall be completed within three years from the date of this Order unless the Order is renewed prior to expiration.
29. A twenty-five (25) foot setback of natural vegetation shall be maintained up-gradient from the wetland.
30. No construction, either temporary or permanent shall occur within forty (40) feet of the edge of wetlands. This shall include driveways; roadways; residential, commercial or industrial structures, etc.
31. There shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the forty (40) foot no construction zone.
32. There shall be no underground storage of gasoline, oil or other fuels or hazardous materials within the one-hundred (100) foot buffer zone.
33. The Commission reserves the right to impose additional conditions to mitigate any actual or potential impacts resulting from the permitted work.
34. The work shall conform to the following plans and special conditions:

Plans:

Title	Dated	Signed and Stamped by:	on file with:
<u>Notice of Intent Plan Lot 1 Newtown Road</u>	<u>9/7/00 rev. 6/27/01</u>	<u>Scott P. Hayes, P.E.</u>	<u>Acton Conservation</u>
<u>Wildlife Habitat Enhancement Plan</u>	<u>June 27, 2001</u>	<u>“ “ “</u>	<u>Acton Conservation</u>
<u>Wildlife Habitat Enhancement Plan Report</u>	<u>July 11, 2001</u>	<u>Scott Goddard</u>	<u>Acton Conservation</u>
<u>Wildlife Habitat Enhancement Plan Report</u>	<u>August 1, 2001</u>	<u>Jerome Carr</u>	<u>Acton Conservation</u>

Special Conditions

1. Three monitoring wells shall be installed and monitored for Nitrates, volatile organic compounds (VOC) and Phosphorus and groundwater level annually for a period of five years from the time of occupancy. Sampling shall be conducted between April 1 and June 15. Monitoring wells shall be installed ten feet into the water table or to a depth of refusal. The well locations to be determined by the Conservation Administrator with at least two of the wells being located between the sewer disposal system and the wetlands adjacent to the leaching field. Results shall be submitted to the Conservation Commission within four weeks of sampling.
2. Upon completion of site clearing the proposed fieldstone or boulder walls shown on the plan shall represent the limit of work and shall be constructed prior to the commencement of the construction of the house.
3. A deed restriction shall be written and enacted by the applicant protecting the land outside of the proposed line of haybales as shown on the NOI and Wildlife Habitat Enhancement Plan as a permanent restricted area. The applicant shall furnish a sketch plan showing the metes and bounds of said restricted area. This sketch plan of the metes and bounds of the restricted area shall become a permanent restriction within the deed in perpetuity.. Said restriction shall note the following:
 - a. There will be no future disturbance outside the proposed line of haybales (work area).
 - b. The driveway must remain as gravel where noted on said plan.
 - c. The Wildlife Enhancement Plan shall be maintained as described on said plan.
 - d. Said deed restriction shall reference this Order of Conditions voted on August 1, 2001.

(Leave Space Blank)

