

BK 13549 PG522

FORM 4

ORDER OF CONDITIONS
WETLANDS PROTECTION ACT

G.L. C. 131, s. 40

SEP 24 1978

CITY/TOWN Acton FILE NUMBER 85-23
Daniel & Beatrice Sweeney 412 Arlington St. Acton, Mass. 01720
TO: NAME Lawrence R. & Maria C. Chamberlain, 99 Willow St. ADDRESS Acton, Mass. 01720
K.B.S. Inc. H/W 9 Highland Road Acton, Mass. 01720

CERTIFIED MAIL NUMBER _____

PROJECT LOCATION:
Address Willow and Arlington Street, Acton, Mass.
Recorded at Registry of Middlesex, Book 10663, Page 272
Certificate (if registered) 12792 12792 50

REGARDING: October 10, 1977
November 7, 1977
Notice of Intent dated November 10, 1977
and plans titled and dated Colonial Acres II - see condition #11

THIS ORDER IS ISSUED ON (date) August 25, 1978

Pursuant to the authority of G.L. c. 131, s. 40, the Department of Environmental Quality Engineering has reviewed your Notice of Intent and plans identified above, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests listed in G.L. c. 131, s. 40. The Dept. of Environmental Quality Engineering orders that the following conditions are necessary to protect said interests and all work shall be performed in strict accordance with them and with the Notice of Intent and plans identified above except where such plans are modified by said conditions.

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. This 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 and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order unless it is for a maintenance dredging project subject to Section 3(9). The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty (30) days prior to the expiration date of the order or its extension.

PLANNING DEPARTMENT

5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work may be commenced until all appeal periods have elapsed from the order of the Conservation Commission or from a final order by the Department of Environmental Quality Engineering.
7. No work shall be undertaken until the final order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located within the chain of title of the affected property. The Document number indicating such recording shall be submitted on the form at the end of this order to the issuer of this order prior to commencement of work.
8. A sign shall be displayed at the site not less than two square feet or more than three square feet bearing the words, "Massachusetts Department of Environmental Quality Engineering. Number 85-23".
9. Where the Department of Environmental Quality Engineering 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.
10. 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.
11. The work shall conform to the following described plans and additional conditions:
 - "Definitive Plan of Colonial Acres II in Acton, Mass." for L. & S. Builders Corp., 113 Main Street, Peppereil, Mass. by Acton Survey & Engineering, Co, Inc. 277 Central Street, Acton, Mass., 2 sheets - Plans dated: October 10, 1977.
 - "Topographic Plan of Colonial Acres II in Acton, Mass." for L. & S. Builders Corp., 113 Main Street, Peppereil, Mass. by Acton Survey & Engineering, Inc. 277 Central Street, Acton, Mass., 2 sheets - Plans dated: October 10, 1977, Test Hole Data added: 12/12/77.
 - "Topographic Plan of Colonial Acres II in Acton, Mass." for L. & S. Builders Corp., 113 Main Street, Peppereil, Mass. by Acton Survey & Engineering, Inc., 277 Central Street, Acton, Mass., 2 sheets - Plans Dated November 7, 1977.
 - "Plans and Profiles of Colonial Acres II in Acton, Mass. for L. & S. Builders Corp., 113 Main Street, Peppereil, Mass. by Acton Survey & Engineering, Inc., 2 sheets - dated October 10, 1977.
12. This Order of Condition supersedes all previous Orders for Project #98-23.
13. All refuse, debris and bulky objects presently deposited in the wetland on the site which constituted illegal fill under condition 5 shall be removed and properly disposed of.

14. For any disturbed area, siltation and erosion shall be controlled by application of straw bales or other such controls such as to prevent transportation of materials beyond a distance of 25 feet from the bounds of the disturbed area.
15. Construction shall follow the following sequence as proposed:
 - A. Construct hay bale silt trap as designed.
 - B. Remove vegetation and necessary soils, including loam, peat and muck; place fill and drainage for Kingman Road in one process upstream of the silt trap.
 - C. Construct two upper retention ponds.
 - D. Construct temporary silt check at Willow Street headwall.
 - E. Construct retention pond at Willow Street.
 - F. Remove soils and vegetation as in B, place fill and connect drainage structures between Willow Street and end of previous work.
 - G. Place temporary hay bale check dam silt traps at culvert inlets until vegetative cover is established and the slopes are stabilized within 35 feet of the contributory waterway.
16. Erosion shall be controlled such that no accumulation of silt or sand develop downstream from the site.
17. All roadway and brook drains pipe shall be installed, loose joint in a stone envelope.
18. Fill material under all streets and driveways shall be sand or gravel borrow, free of clay, excessive silt or boulders and shall have a percolation rate of two (2) minutes per inch or faster at the borrow pit.
19. Straw shall be placed around catch basin inlets and allowed to remain in place during the construction phase in the drainage area serviced by the subject catch basin.
20. All on-site septic disposal systems shall be in full compliance with the Massachusetts Environmental Code, Title 5. The Department shall be notified of the deep test pit inspection preparatory to designing the on-site systems such that a representative of the Department may be present.
21. With respect to minimizing the potential hazards of flooding, the buildings constructed on the following lots shall have all floor areas, including basements, above the specified elevations:

Lot	Minimum elevation
8	210 feet
9	209 feet
10	205 feet
11	205 feet
12	205 feet
13	209 feet
14	210 feet
15	211 feet

22. The deeds to lots 8 through 15 shall carry the following note:

This lot has been developed in conformance with an overall hydrologic plan to minimize the risk of flooding, or other such water problems, and approved by the Acton Conservation and the Massachusetts Department of Environmental Quality Engineering pursuant to the Wetlands Protection Act, G.L. Chapter 131 Section 40, under Notice of Intent 85-23. Further dredging, filling or grading of any kind is strictly prohibited in areas subject to the provisions of Chapter 131, Section 40 after construction as proposed under this Order of Conditions unless subsequently approved in new actions under this Act.

23. Proper and accepted engineering and construction standards and procedures shall be followed in the completion of this project.
24. This Order of Conditions shall apply to any successor in interest or successor in control.
25. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions defined herein, and to require submission of reasonable supporting data necessary for this evaluation.
26. Any changes made or intended to be made in the plans shall require the applicant to inquire of the Department in writing whether the changes are substantial enough to require a new filing.
27. Pursuant to M.G.L. Chapter 30, Section 62A, and Section 4.9 of the Regulations governing the implementation of the Massachusetts Environmental Police Act, Evelyn F. Murphy, Secretary of Environmental Affairs, on June 30, 1978 determined that this project (EOEA #03098) does not require an Environmental Impact Report. All feasible measures have been taken to avoid or minimize the environmental impact of this project.

The applicant, any person aggrieved by this order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to appeal this order to the Department of Environmental Quality Engineering, provided the request is made in writing and by certified mail to the Department of Environmental Quality Engineering within ten (10) days from the issuance of this order.

Where the Department of Environmental Quality Engineering issues a superseding order, you are hereby notified of your right to a formal hearing pursuant to the provisions of G.L. Chapter 30A, Section 10. The request for a hearing must be made in writing to the Department of Environmental Quality Engineering, 100 Cambridge Street, Boston, MA, 02202 within ten (10) days following the issuance of the superseding order.

ISSUED BY: Gilbert T. Joly
Gilbert T. Joly, P.E.
Regional Environmental Engineer

August 25, 1978
Date of Issuance

On this 25th day of August 1978, before me personally appeared Gilbert T. Joly, P.E., Regional Environmental Engineer to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

[Signature] My commission expires: May 25, 1978

DETACH ON DOTTED LINE AND SUBMIT TO THE ISSUER OF THIS ORDER PRIOR TO COMMENCEMENT OF WORK.

TO 01805
Dept. of Environmental Quality Eng. 75 Grove St. Wroc. (Issuing Authority)

PLEASE BE ADVISED THAT THE ORDER OF CONDITIONS FOR THE PROJECT AT Willow & Arlington St. Acton

FILE NUMBER 85-23 HAS BEEN RECORDED AT THE REGISTRY OF _____

ON (DATE) _____

If recorded land, the instrument number which identifies this transaction is _____
If registered land, the document number which identifies this transaction is _____

Signed _____
Applicant