

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

A. General Information

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

From:

WINCHENDON

Conservation Commission

This issuance is for (check one)

- Order of Conditions
- Amended Order of Conditions



2004 00140983

Bk: 34282 Pg: 276 Doc: ORD
Page: 1 of 10 08/02/2004 12:26 PM

To: Applicant:

Robert VanDyke

Name

P.O. Box 1000

Mailing Address

Rindge, N.H. 03461

City/Town State Zip Code

Property Owner (if different from applicant):

Same

Name

Mailing Address

City/Town State Zip Code

1. Project Location:

Land of Brown Street

Street Address

Map 4

Assessors Map/Plat Number

Plan Book 813, Plan 3
Winchendon

City/Town:

Parcel 40 & 112

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Worcester

County

9827
11628
Book

134
241
Page

Certificate (if registered land)

3. Dates:

3/22/04

Date Notice of Intent Filed

4/13/04

Date Public Hearing Closed

5/3/04

Date of issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

'MILLERS RUN, DEFINITIVE SUBDIVISION, WINCHENDON, MA-SHTS C-1, C-6 thru 14

Title

dtd Mar. 21, 2004 by Sage Engineering LLC

Date

5. Final Plans and Documents Signed and Stamped by:

Frank A. Demarinis, P.E.

Name

6. Total Fee:

\$3250.00

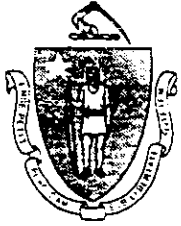
(from Appendix B Wetland Fee Transmittal Form)

Off Brown Street, Winchendon

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Hold - In Future

1



Massachusetts Department of Environmental Protection
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DEP File Number

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345-0442
Provided by DEP

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

B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|--|---|---|
| <input type="checkbox"/> Public Water Supply | <input type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries | <input type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

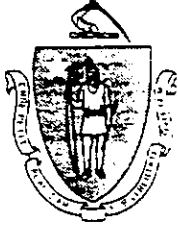
- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following 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:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

General Conditions (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



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DEP File Number:

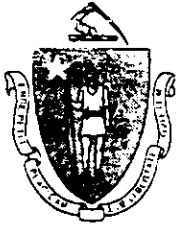
345-0442

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B. Findings (cont.)

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words.

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
 "File Number 345-0442"
10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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 submission of any data deemed necessary by the Conservation Commission or Department for that evaluation.



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B. Findings (cont.)

- 15. 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.
- 16. 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.
- 17. 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.

Special Conditions (use additional paper, if necessary):

See Pages 4A-E

Findings as to municipal bylaw or ordinance (Not Applicable)

Furthermore, the _____ hereby finds (check one that applies):
Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name _____ Municipal Ordinance or Bylaw _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name _____ Municipal Ordinance or Bylaw _____

The Commission orders that all work shall be performed in accordance with the said additional 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.

SPECIAL CONDITIONS

18. During construction earthwork brought to final grade shall be finished as indicated or specified. Side slopes and back slopes shall be protected as soon as possible upon completion of rough grading. All earthwork shall be planned and conducted to minimize the duration of exposure of unprotected soils. Such methods, as necessary, shall be utilized to effectively prevent erosion and to control sedimentation.
19. The applicant shall restore all landscape features damaged or destroyed during construction operations outside the limits of the approved work areas. Restoration of scarred and damaged trees shall be performed in an approved manner by experienced persons. Trees damaged beyond restoration shall be removed.
20. If not sodded, all embankments or disturbed areas within the 100-foot buffer zone shall be loamed, limed, fertilized and seeded. A minimum of 4-inches of topsoil shall be added to the seedbed. Seed to consist of a mixture of species that will result in a vigorous and durable growth of grasses. Loamed and seeded areas shall be mulched with hay, straw, or chopped stalk mulch applied at a rate of 2 ½ tons per acre. Proper steps shall be taken to avoid erosion during the winter season.
21. Fertilizers utilized for landscaping and lawn care shall be of the low nitrogen content variety and shall be used in moderation. Pesticides and herbicides shall not be used on this project within 100 feet a resource area.
22. During construction, the Applicant shall transport all solid and chemical waste from the site and dispose of it in compliance with Federal, State and local requirements for waste disposal.
23. During construction, the Applicant will be required to maintain all excavations, embankments, stockpiles, haul roads, plant sites and all other work areas within and without the project boundaries free from dust which might cause a hazard or nuisance to others. Dust control shall be performed as the work proceeds or whenever a dust nuisance occurs.
24. All necessary construction facilities and equipment shall at all times be operated and maintained so as to comply with the conditions of Massachusetts General Law Ch 131, Section 40.
25. Any stumps shall not be buried within fifty (50) feet of any wetlands and only in accordance with Board of Health Regulations and all other Local, State and Federal Regulations.
26. The Commission reserves the right to impose additional conditions on portions of this site to mitigate any actual or potential impacts resulting from work herein permitted.

SPECIAL CONDITIONS-Continued

27. During and after work on this project there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area.
28. No work shall commence on this project until all required Local, State and Federal Permits have been applied for and approved.
29. No work shall be conducted on this site until evidence of recording these Orders at the Registry of Deeds has been presented to the Commission.
30. Haybales shall be installed prior to any work being done. The integrity of the haybale line shall be maintained at all times until the Certificate of Compliance is issued.
31. All unused fill or excavated material shall be removed from the site.
32. All stormwater management features, swales, detention basins, etc. shall be constructed first and be fully functional. They shall be maintained in good hydrologic condition and be kept free of litter, refuse and other extraneous material.
33. These Orders are pertinent to construction of a residential subdivision roadway with associated utilities, sidewalks and stormwater management system only. Prior to any work commencing on any individual lot in this subdivision an 'Application For Site Inspection' form shall be completed and submitted to the Commission. Individual lots under the regulatory authority of the Massachusetts Wetlands Protection Act will require appropriate filings. A preliminary assessment indicates that Lots 1-4, and 11-40 may need filings.
34. There shall be no stockpiling of soil or other construction materials within 25 feet of any wetlands. All other stockpiles will require proper mitigation as determined.

**Stormwater Management Report
Millers Run Residential Subdivision, Winchendon, MA**

VI. Operation and Maintenance Narrative

Applicant:

Van Dyke Construction Inc.
P.O. Box 1000
Rindge, New Hampshire 03461
SAGE Project Number 0022

The party responsible for maintenance of the stormwater management system depicted on sheet C-1 through C-14, date 2-27-2004 is the Town of Winchendon.

A. Forebay

The proposed Forebay located at the east end of the proposed extended detention basin (inlet) shall be maintained as follows:

1. The Forebay shall be inspected ~~four~~ ^{two} (2) times per year for slope integrity, soil moisture, vegetated health, soil compaction, ponding and sediment accumulation. Sediments and bottom vegetation shall be removed when the accumulate reaches the top of the proposed sediment elevation marker Benchmark. The sediment Benchmark shall be a concrete bound placed 12-inches higher than the proposed bottom of the forebay.

Elevation of concrete bound = 841.0
Elevation of bottom of Forebay = 842.0

When sediment approaches the top of the concrete monument, the owner shall remove all sediment to the original forebay elevation of 841.0

2. Mowing - The bottom and side slopes of the forebay shall be mowed at least once per year. The grass or vegetation shall not be cut shorter than 4-inches. All clippings shall be removed from the forebay and disposed of properly.

B. Snow removal

1. The proposed snow removal storage area is located within the tree-belt of the proposed roadway layout.

C. Extended Detention Basin:

The Extended Detention Basin, located in the southwestern area of the subject parcel shall be maintained as follows:

**Stormwater Management Report
Millers Run Residential Subdivision, Winchendon, MA**

1. The basin should be inspected at least once per year to ensure proper operation. The outlet should be inspected for evidence of clogging or outflow release velocities.
2. The upper-stage, side slopes, embankment, and emergency spillway should be mowed at least twice per year. Trash and debris should also be removed at this time.
3. Sediment should be removed from the basin as necessary. Sediments and bottom vegetation shall be removed when the accumulate reaches the top of the proposed sediment elevation marker Benchmark. The sediment Benchmark shall be a concrete bound placed 6-inches higher than the proposed bottom of the basin. The sediment benchmark shall be located in the northwest corner of the basin.

Elevation of concrete bound = 842.5

Elevation of bottom of basin = 842.0

When sediment approaches the top of the concrete monument, the owner shall remove all sediment and bottom vegetation to the original detention elevation of 842.0

4. Outlet Works - All outlet control structures shall be inspected annually and cleaned as necessary, in order to insure that the basin will function properly. Any silt and debris build-up must be removed from the RipRap surface area. The outlet structure must be inspected and cleaned as necessary.

D. Catch Basins with 4-foot Deep Sumps:

1. All catch basins and stormwater manholes shall be inspected, twice annually. Sumps with greater than 1-foot of sediment shall be cleaned free of all sediment.

E. General Maintenance Practices

1. No landscaping, clearing or trimming of vegetation or trees shall be allowed within the resource areas delineated on the plans.
2. Grass clippings, excess landscape material or any debris shall NOT be disposed of within the forebay, extended detention basin or resource areas delineated on the plans.
3. Paved access ways should be treated with sand and limited amounts of de-icing materials during the winter months. As soon as practicable in the spring these areas should be swept clean and again prior to the end of the fall season.
4. All vegetated slopes and swales shall be visibly inspected, twice annually, prior to the

**Stormwater Management Report
Millers Run Residential Subdivision, Winchendon, MA**

seeding seasons. All areas in need of repair shall be fertilized and seeded as required.

VII. Inspection and Construction Schedule

A. Construction Schedule

1. Mobilize equipment on site.
2. Install erosion control barrier
3. Vegetation and Tree removal
4. Begin site preparation
5. Excavate for site utilities and drainage system.
6. Roadway Construction
7. Building construction
8. Final Grading and seeding of drainage system
9. Paving and Landscaping

B. Inspection Schedule

1. Project engineer shall inspect the drainage systems during general construction intervals.
2. Project engineer shall inspect the following specific phases of work:
 - A. Installation of erosion control barrier
 - B. Rough drainage system
 - C. Final grading and seeding
 - D. Follow-up inspection during the following growing season.



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B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

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

3 May 2004

Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

Mary E. Haskins _____
David E. Reuss _____
George W. Kelly-Davis _____

On 27th
Day

Of April 2004
Month and Year

before me personally appeared

Mary E. Haskins et al

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed

Robert N. Maki

Notary Public

September 4, 2009

My Commission Expires

This Order is issued to the applicant as follows

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

3 May 2004

ATTEST: WORC. Anthony J. Vigliotti, Register

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