



*Office of the*  
**CONSERVATION COMMISSION**

Town of Townsend  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700, ext. 1739  
[conservation@townsendma.gov](mailto:conservation@townsendma.gov)

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To: Townsend Historical Society

Re: DEP # 308-0705, TWB 2023-161 for Building Addition, Septic Replacement, and Flood Storage

80 Main St, Townsend, MA 01469

Date Issued: February 1, 2024

Enclosed please find the Order of Conditions issued by the Townsend Conservation Commission under the Massachusetts Wetlands Protection Act (MGL c. 131, §40), and the Townsend General Wetlands By-law.

*Upon careful review of the enclosed Orders, kindly sign the enclosed notice indicating that you have read and understand them fully.* The notice also provides us with the name, address, and telephone number of the person responsible for ensuring that all work complies with this Order of Conditions. You may return the notice to the above address.

Your Order of Conditions expires on: February 1, 2027

**Please be advised that the following must be completed before any work can begin:**

- 1) The Order of Conditions and Attachment A must be recorded in the Middlesex South Registry of Deeds (WPA Condition #9) and the recording information submitted to the Conservation office.
- 2) The DEP sign must be posted in such a way that it is clearly visible from the road (WPA Condition #10).
- 3) The erosion and sedimentation control barriers must be inspected and approved by the Conservation Commission or the Conservation Agent prior to any ground-disturbing activities (Townsend Wetlands Bylaw Condition #8).
- 4) 10 day appeal period must be observed from date of issuance of OOC starting February 1, 2024
- 5) Failure to comply with permit conditions may result in enforcement action or fining in accordance with Townsend Wetlands Bylaw § 138-9

If you wish, you can mail the Order with a check in the amount of \$105.00 payable to the Middlesex South Registry of Deeds, to the following address:

208 Cambridge Street  
PO Box 68  
Cambridge, MA 02141-0068

If you wish to appeal the Orders as issued to the Department of Environmental Protection, you have ten (10) days from the date of issuance in which to do so, and sixty (60) days from the date of issuance to appeal the decision to the Superior Court under the Townsend General Wetlands Bylaw.

You are required to file a Request for Certificate of Compliance upon completion of work and successful ground stabilization (WPA Condition #12). Submittal of this request is subject to the Townsend Wetland Bylaw fee schedule in effect at the time of your request.

Please don't hesitate to call this office with any questions regarding the Orders or compliance.

Sincerely,

Autumn Buck, Conservation Agent

Enclosures: Acknowledgement of Receipt  
Order of Conditions & Attachment A

Notice to the Townsend Conservation Commission, re: DEP #308-0705  
272 Main Street  
Townsend, MA 01469

**ACKNOWLEDGEMENT OF RECEIPT - ORDER OF CONDITIONS**

I hereby acknowledge receipt of the originals of the Orders of Conditions issued to me by the Townsend Conservation Commission on \_\_\_\_\_ (date). I also acknowledge that I carefully reviewed the Orders of Conditions and any additional conditions set forth therein and understand them fully.

I agree to notify the Commission upon commencement of the work as outlined in the Notice of Intent as referenced in the Orders of Conditions. Minimum inspections are to be scheduled at (1) commencement of the work; (2) prior to completion; and (3) upon completion. I also understand that I must record these Orders of Conditions in the Middlesex South Registry of Deeds and notify the Conservation Commission of the recording information of the same.

Signature of Property owner: \_\_\_\_\_

Printed name: \_\_\_\_\_

Property/project address: \_\_\_\_\_

Email address: \_\_\_\_\_

Date: \_\_\_\_\_

Information of person charged with OOC project compliance, if different from above:

Signature \_\_\_\_\_

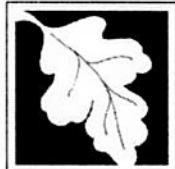
Printed name \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

Date: \_\_\_\_\_

*Kindly return to the Conservation Office in person or by mail(272 Main St Townsend MA 01469.)*



**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 #  
 308-0705  
 eDEP Transaction #  
 Townsend  
 City/Town

### A. General Information

**Please note:**  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

1. From: Townsend TWB-2023-161  
 Conservation Commission

2. This issuance is for (check one):  Order of Conditions  Amended Order of Conditions

3. To: Applicant:

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



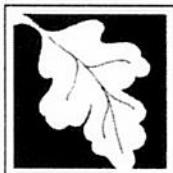
a. First Name	b. Last Name
<u>Townsend Historical Society</u>	
c. Organization	
<u>P.O. Box 95</u>	
d. Mailing Address	
<u>Townsend</u>	
e. City/Town	f. State
<u>MA</u>	
g. Zip Code	
<u>01469</u>	

4. Property Owner (if different from applicant):

Same	b. Last Name
a. First Name	
<u></u>	
c. Organization	
<u></u>	
d. Mailing Address	
<u></u>	
e. City/Town	f. State
<u></u>	
g. Zip Code	
<u></u>	

5. Project Location:

80 Main St	Townsend
a. Street Address	b. City/Town
34	4 & 5
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
42d65m	s
d. Latitude	e. Longitude
71d67m	



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex South

a. County

16559

c. Book

12/06/2023

b. Certificate Number (if registered land)

468

d. Page

01/31/2024

02/01/2024

7. Dates: a. Date Notice of Intent Filed

b. Date Public Hearing Closed

c. Date of Issuance

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

Sewage Disposal System Design

a. Plan Title

Chris Mackenzie

Gregory Roy

b. Prepared By

01/11/2024

c. Signed and Stamped by

1 in. = 20 ft.

d. Final Revision Date

e. Scale

Notice of Intent (application, narratives, figures)

12/06/2023

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

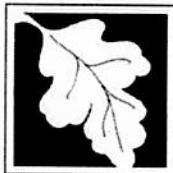
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**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.



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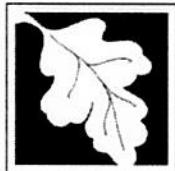
## B. Findings (cont.)

**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 the 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 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).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) ~55'  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	a. square feet 1,971.9	b. square feet 1,971.9	c. square feet 1,984.9	d. square feet 1,984.9
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet



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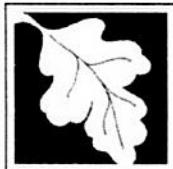
Townsend

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd	cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd	cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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## B. Findings (cont.)

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

### The following conditions are 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.
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.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 02/01/2027 unless extended in writing by the Department.
7. 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.



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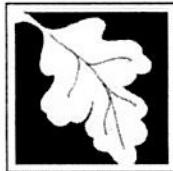
**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. 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.
9. 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 the 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.
10. 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, "MassDEP"]

"File Number 308-0705 "

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 MassDEP.
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.



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 Bureau of Resource Protection - Wetlands  
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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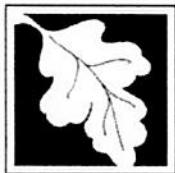
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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.
19. The work associated with this Order (the "Project")
  - (1)  is subject to the Massachusetts Stormwater Standards
  - (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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 fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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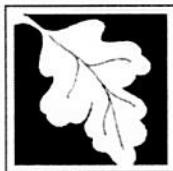
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 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 18(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 Pollution 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.



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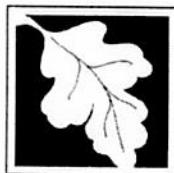
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 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.
- 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 (if you need more space for additional conditions, please attach a text document):

**See Attachment A**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Townsend Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work 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 of Conditions is issued.

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

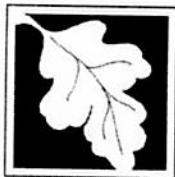
Townsend Wetlands Bylaw 1989, rev. 2001

1. Municipal Ordinance or Bylaw

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 (if you need more space for additional conditions, attach a text document):

See Attachment A



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 Bureau of Resource Protection - Wetlands  
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City/Town

### E. Signatures

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

02/01/2024

1. Date of Issuance

Please indicate the number of members who will sign this form.

4

This Order must be signed by a majority of the Conservation Commission.

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.

\_\_\_\_\_  
 Signature  
 \_\_\_\_\_

James Gates

Printed Name

James Deroian

Printed Name

Pat Jemiolo

Printed Name

Kevin Smith

Printed Name

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Printed Name

by hand delivery on

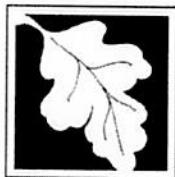
by certified mail, return receipt  
 requested, on

02/01/2024

Date

Date

7020-0640-0001-2747-9623



**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 #

308-0705

eDEP Transaction #

Townsend

City/Town

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## 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.



**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 #

308-0705

eDEP Transaction #

Townsend

City/Town

## G. Recording Information

Prior to commencement of work, this Order of Conditions must be 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 subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Townsend

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Townsend

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

80 Main St

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**“ATTACHMENT A”**  
under Mass. Wetlands Act. Ch. 131, S. 40

1. All work must conform to the Notice of Intent dated December 6, 2023 and plan entitled “Sewage Disposal System Design”, dated December 27, 2023 last revised 01/26/24 and all data submitted during the hearing, except as provided in the following conditions, pursuant to the Massachusetts Wetlands Protection Act, MGL Ch. 131, S. 40 and the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder. Please see attached copy of the plan mentioned above at end of document.
2. Any modifications or revisions to the plan(s) referenced, or any new plan(s), must be submitted to the Townsend Conservation Commission for review and a determination as to whether a new Notice of Intent is required. This Order may be amended if this procedure is not followed. The Commission reserves the right to require the applicant to file a new Notice of Intent for any appropriate plan changes or submittals, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
3. Before any work commences on the site it is the applicants/owner's responsibility to schedule a pre-construction meeting with the Conservation Commission or the Conservation Agent for inspection and approval of the erosion and sedimentation control barrier.
4. The Townsend Conservation Commission shall be notified, in writing, at the time of all transfers of title to this property. At the time of conveyance of land, the new owners shall inform the Conservation Commission that they have read the Order of Conditions for the property, pursuant to the Town of Townsend Wetlands By-Law, and the Rules and Regulations promulgated thereunder.
5. No spoils of construction, construction material, or construction equipment shall be stored, placed, or operated in the wetland areas or within 100' of the wetland except as herein permitted, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
6. There shall be no discharge or spillage of fuel, oil, or other pollutants onto any part of this site. The applicant shall take all reasonable care and precautions to prevent the release of pollutants by ignorance, accident, or vandalism. In the event an accident does occur, the Conservation Commission shall be notified immediately, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
7. No fill shall be stored within 100' of the wetland without adequate erosion control methods, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
8. Any erosion control devices (such as haybales or siltation fences) must be in place prior to any work on the site. Any such devices shall be installed in accordance with the details in the above-referenced plan(s) and shall be maintained in good working order until all adjacent disturbed areas are revegetated, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
9. There shall be no disturbance beyond the erosion control devices, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.

10. The proposed limit of work shall be clearly marked with stakes or flags. Such markers shall be maintained until the issuance of the Certificate of Compliance. Workers shall be informed that no-construction activity shall occur beyond this line at any time. A copy of the Order of Conditions shall be on the site at all times and be made a part of any contractor's agreement, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
11. No additional new construction or disturbance of the wetland not covered by the above-referenced plan(s) shall be permitted on this site until a determination has been made by the Conservation Commission, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
12. No construction site "bury holes" shall be located within 100' of the wetland, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
13. Only clean fill shall be used on this site, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder
14. Water shall not be diverted from the wetland, nor shall anything be discharged into the wetland, during construction, pursuant to the Wetlands By-Law, Town of Townsend and the Rules and Regulations promulgated thereunder
15. Any storm drainage system, detention basins, compensatory storage areas, and erosion control devices shall be constructed during the initial phase of the project so that they are functional during construction, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.
16. No chemical pesticides, herbicides or insecticides shall be used within 100' of the wetland. No chemical de-icers shall be used on the driveway within 100' of the wetland, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulation promulgated thereunder.
17. By acceptance of the conditions of this Order of Conditions, the applicant concurs and agrees for itself and all assigns and successors in interest that the conditions of this Order of Conditions shall run with the land herein permitted and be binding upon and enforceable against the applicant and all assigns and successors in interest, pursuant to the Wetlands By-Law, Town of Townsend, and the Rules and Regulations promulgated thereunder.

**PERMIT STANDARDS AND LIMITS:**

18. This Order of Conditions regulates all activities for the referenced parcel under jurisdiction of the Wetlands Protection Act (M3L Ch. 131 sec. 40). Any activity not expressly proposed in the Notice of Intent or permitted by special condition under this Order of Conditions is prohibited.
19. Members and agents of the Department and/or the Townsend Conservation Commission, 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.

20. All restrictions imposed by this Order of Conditions shall continue in force until compliance with its conditions is certified by the issuance of valid Certificate and said Certificate of Compliance has been recorded in 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.
21. The general performance standards found at 310 CMR 10.54 (4), 10.55 and 10.56 (4) and the Definitions found at 310 CMR 10.04 are hereby incorporated by reference.
22. All work must conform to the Notice of Intent and all other additional plans and information submitted on behalf of the applicant.
23. At no time shall any solid waste or wood waste be buried within the resource areas or the buffer zone.

#### **ADMINISTRATION:**

24. A full copy of this Order of Conditions shall be on the site at all times while activities regulated by his Order are being performed.
25. During the construction phase of this project the on-site foreman, directing engineer, and designated construction manager, shall have copies of this permit at the site, familiarize themselves with the conditions of this permit, and adhere to its conditions.
26. 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 accompanying plans.
27. To dispose of wood waste (stumps, logs, brush, etc.) on-site, the applicant must obtain a site assignment pursuant to M.G.L. Chapter 111, Section 150A, from the Townsend Board of Health with approval from the Department of Environmental Protection. Otherwise all waste products, grubbed stumps, slash, construction materials etc. shall be disposed at an approved landfill and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch.
28. Prior to the issuance of a certificate of compliance, the owner of the property covered by this Order of Conditions or their successors in title shall each be solely responsible for the maintenance of all erosion controls; siltation controls; drainage systems and all flood control facilities regulated by this Order of Conditions.

#### **PRE-CONSTRUCTION ACTIVITIES**

29. The contractor employed to execute filling and or grading activities within resource areas or the Buffer Zone must be provided a copy of this Order of Conditions and thereafter said contractor may be held jointly responsible for any violation and the penalties under law for such violation.

#### **PLAN CHANGES**

30. This Order of conditions regulates activities proposed in the Notice of Intent within the Buffer zone. Any changes or additions made to the plans unless specified otherwise in this order, which will or may, cause an area subject to protection under the Wetlands Protection Act, to be altered, or any changes in the activities permitted subject to regulation under M.G.L. Chapter 131, Section 40, shall require the applicant to inquire of the Commission, in writing, whether the changes are significant enough to require the filing of a new Notice of Intent. Only those changes which have no potential adverse impact to the interests of the Act and those which reduce direct alteration to

resource areas will be considered. No change shall be undertaken until approval is given, by the Commission, in writing.

**EROSION/SILTATION CONTROL:**

31. Erosion and sediment controls shown on the approved plans must be in place prior to earth moving activities. These siltation controls shall be maintained in a state of good repair until all disturbed areas have been stabilized, or until a determination by the Commission stating that control measures are no longer necessary.
32. The siltation control structures shall be entrenched and/or have earth mounded against the up gradient face so as to prevent short circuiting of runoff around these controls.
33. Disturbed or exposed soil surfaces not actively being worked shall be temporarily stabilized with hay, straw, mulch or any other protective covering and/or method approved by the U.S. Department of Agriculture Soil Conservation Service.
34. All disturbed or exposed soil surfaces which have not been actively worked for 60 days shall be permanently stabilized.
35. All soil, debris, fill and excavated material shall be stockpiled outside the buffer zone at least 100 feet from all wetlands, at a location to prevent sediment from surface runoff entering the wetlands and be stabilized.
36. All final earth contours shall be permanently stabilized by the application of loam and seed or sod.
37. The Commission reserves the right to impose additional conditions to protect resource areas and interests as defined in MGL Chapter 131, Section 40 (310 CMR 10.00) and the Wetlands By-Law, Town of Townsend, and the Rules and Regulations Promulgated thereto, if activity in conjunction with this project results in an un-permitted alteration of wetlands resource areas or any noticeable degradation of surface water quality discharging from the site.
38. The Commission reserves the right to require additional erosion controls or siltation prevention controls if deemed necessary.
39. Erosion control devices may be modified based on experience at the site. All such devices shall be inspected, cleaned, and/or replaced during construction and shall remain in place until such time stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure maximum control has been provided after any rainfall.
40. Construction materials and equipment shall be stored in a manner and location that will minimize the compaction of soils and the concentration of runoff.
41. All siltation control structures will be inspected and maintained as necessary and after every rainfall event equal to or greater than one-inch per hour.
42. The applicant shall make all diligent effort to minimize the area/extent of open, disturbed or exposed soil surfaces.

**PROTECTION OF RESOURCE AREAS:**

43. The haybale barrier or silt fence shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on resource area side of the haybale barrier.

#### **POST CONSTRUCTION ACTIVITIES**

44. Upon completion of the project all disturbed areas shall be permanent stabilized with rapidly growing cover with sufficient topsoil to assure long term stabilization of disturbed areas.

45. Brush may not be stockpiled within 25 feet of any wetland. [Note: brush should not be stockpiled in violation of Townsend Fire Department regulations].

#### **SPECIAL CONDITIONS PER PUBLIC HEARING(S)**

46. Work should be in accordance with the NHESP determination letter dated 12/06/2023.

47. Construction debris shall be properly disposed of in a dumpster. Dumpsters to be located near the existing building. It must be covered during inclement/windy weather. Contractor or owner shall check site and near silt fence for loose debris frequently.



