

TOWN OF WESTWOOD

Commonwealth of Massachusetts



Leo J. Crowe
William Sstowe
John C. Masterson
John Rogers

Jay MacMullan
Diane Hayes
Charles Pare

CONSERVATION COMMISSION

Order of Conditions Westwood Wetlands Protection Bylaw, Article 18

Article 18, File Number 338-0605

From:

Westwood Conservation Commission

To: Applicant:

Todd Korchin
50 Carby Street
Westwood, MA 02090

Project Location:

72 Deerfield Ave.
Westwood, MA 02090
Map 14 Lot 94

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Property Owner if different from applicant:

Town of Westwood
580 High Street
Westwood, MA 02090

Property Recorded at the Registry of Deeds for:

County Norfolk Book Page Cert.

Approved Plans: TOWN OF WESTWOOD, MASSACHUSETTS DEERFIELD RECREATION
FIELD IMPROVEMENTS

Date: April 22, 2015

Date Issued:

July 13, 2015

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FINDINGS

The Commission has reviewed the Notice of Intent plans and has held a Public Hearing on the Project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following values set forth in Article 18, Westwood Wetlands Protection Bylaw (check as appropriate).

<input checked="" type="checkbox"/> Public water supply	<input type="checkbox"/> Flood control	<input type="checkbox"/> Fisheries
<input checked="" type="checkbox"/> Private water supply	<input checked="" type="checkbox"/> Storm damage prevention	<input checked="" type="checkbox"/> Wildlife habitat
<input checked="" type="checkbox"/> Groundwater supply and quality	<input checked="" type="checkbox"/> Prevention of pollution	<input checked="" type="checkbox"/> Erosion and sediment control

Furthermore, this Commission finds that the project is approved and that:

1. The site contains the following resource areas subject to protection under the Act and the Local Bylaw, Article 18: Bordering Vegetated Wetlands and grading within the 200 foot Riverfront Area. The project meets performance standards under 310 CMR 10.55(4), 310 CMR 10.56(4), and 310 CMR 10.57(4) respectively.
2. The following conditions which are deemed necessary to protect the interests identified above. This Commission orders that all work shall conform to the approved Notice of Intent plan referenced above, to the General Conditions defined under the State Wetlands Protection Act, and to the 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 take precedence.

STANDARD CONDITIONS

1. This Order of Conditions applies to the applicant, the owner of the lot described in the Notice of Intent, and the successors and assigns of each. The Conservation Commission shall be notified in writing of any transfer in title to the Land or any change in contractor or developers before the Certificate of Compliance is issued. The notice shall include the name, address, and telephone numbers of the new owner or new contractor or developer, as well as a statement made under the penalties of perjury that the new owner or new contractor or developer has been provided with a copy of this order.
2. This Order shall be included in all construction contracts with contractors and subcontractors dealing with the work proposed and shall supersede all conflicting contract requirements.
3. A copy of this Order of Conditions and applicable plans shall be provided to each company doing work on the site and shall be available on the site at all times during construction.
4. Members of the Westwood Conservation Commission, and/or their designated representatives, shall, at reasonable times, have the right to enter upon and inspect the premises to evaluate compliance with this Order of Conditions.
5. The Applicant or owner shall be liable for any non-compliance with the Conditions of this Order or with any Condition that may survive the issuance of a Certificate of Compliance. The Conservation Commission may assess appropriate penalties for non-compliance with the Order and surviving conditions. This may include a \$300.00 per violation/per day non-criminal penalty issued under the Westwood Wetlands Protection Bylaw, Article 18.
6. A foundation plan shall be submitted **prior** to the start of framing activities on any structure. The plan shall include the location of the resource areas and show the distance between the foundation and the resource areas on site.

Pre-Construction Requirements

7. All work shall conform to the plans referenced above, specifications, and special conditions defined in this Order of Conditions.
8. No work shall commence on site until the following conditions are met.
 - a) All appeal periods have elapsed.
 - b) The applicant records the approved plan and the Order of Conditions at the Registry of Deeds and provides a copy of the recorded plan and Order of Conditions, stamped by the Norfolk County Registry of Deeds to the Conservation Commission.
 - c) The D.E.P. sign is placed in a visible location on the site in accordance with State General Condition 9 and remain visible until the Commission issues a Certificate of Compliance. This sign shall be constructed of wood.

- d) The Applicant informs the Conservation Commission, in writing, of the names, addresses, and business telephone numbers of each person responsible for supervising the project and for onsite compliance with this Order and his/her alternate.
- e) The Applicant installs erosion control measures at the locations shown on the plan referenced in the Order of Conditions or as directed by the Agent in the field. Only vegetation directly in the path of the erosion control works shall be removed at this time.
- f) Where silt fence and hay bales are used as erosion control measures, the placement of hay bales upon the silt fence flap as a method of backfill or entrenchment is not acceptable. Fifteen covered haybales shall be kept in reserve on site at all times.
- g) A limit of work line shall be staked in the field by means of a four foot high fluorescent orange snow fencing supported eight foot on center with standard weight metal agricultural fence posts. The limit of work shall be placed immediately to the rear of the hay bale check dam as indicated on the approved plan or as may be determined by the Commission or their agent in the field. Workers shall be informed that no construction activity beyond that conditioned herein is to occur beyond this line at any time.
- h) The Applicant shall notify the Conservation Commission **in writing** of the Applicant's desire to have the erosion control works and limit of work flagging inspected by the Commission or their Agent.
- i) The applicant shall receive **written approval** of the erosion control installation from the Commission or their Agent.
- j) The applicant shall arrange a pre-construction meeting between the applicant, the General Contractor's site superintendent, and the Conservation Commission. The purpose of this meeting is to review all aspects of the Order, in detail. The Project Supervisor in charge of day-to-day operations on site shall read and sign each page of a copy of the recorded Order. The purpose of this exercise is to insure that each and every Condition has been read and is understood. Questions relative to the meaning or intent of any Condition shall be clarified during the pre-construction meeting.

Only after the Applicant has satisfied the procedural requirements above shall the Applicant be allowed to begin construction.

Erosion Control and Pollution Prevention Measures

- 9. All erosion control measures shall be maintained in good condition at all times. Deteriorated erosion control measures shall be replaced as required, to maintain effectiveness for sediment interception. The Conservation Commission or their agent reserve the right to require additional erosion and/or damage prevention control at any time they are deemed appropriate. **At no time shall any sediment be deposited in the wetland.**

10. During all phases of construction, disturbed or exposed soil surfaces shall be brought to final finished grade and immediately stabilized. Bare ground that cannot be permanently stabilized within 30 days shall be loamed and seeded or stabilized with mulch.
11. Standard Condition 6 of the State General Order of Conditions relating to the use of clean fill is modified to prohibit the presence of asphalt in any fill used on site.
12. No erosion control measures shall be removed until such removal is allowed by the Commission, or their agent, in writing, or if a Certificate of Compliance issues for the work conditioned herein, whichever comes first.
13. Dewatering of excavation shall be accomplished in the manner described by the attached sedimentation basin design to preclude the discharge of turbid water or sediment into any wetland or undisturbed buffer. The Commission and /or their Agent **must** inspect the sedimentation basin prior to use on site to insure compliance with this condition.
14. There shall be no stockpiling of soil, erodable materials and other debris within 50 feet of any Resource Area without the permission of the Conservation Commission.
15. No materials excavated from any area on the site shall be dumped into any Resource Area or Buffer Zone thereto.
16. During construction of the project, there shall be no discharge of fuel, oil, or other pollutants onto any part of the site. The Applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. In the event there is a spill on the site, the Applicant shall immediately notify the Conservation Commission and the Board of Health.
17. Equipment fuel storage and refueling operations shall be situated in an upland area at a horizontal distance greater than 100 feet from the boundaries of the wetlands.

Changes in Plans

18. Changes to the approved plans require formal action by the Conservation Commission allowing the change. The Applicant must submit a written request for the Commission to amend the Order of Conditions and a revised plan outlining the changes. If the Commission determines by a majority vote that the changes are significant, the Commission may require a new public hearing, at the expense of the Applicant, to amend the Order of Conditions, or if necessary, issue a new Order.
19. No work involving the change(s) shall be done until a new or amended Order of Conditions has been issued and all appeal periods have expired. It is the responsibility of the Applicant to make sure that all changes accepted by, or required by, the Conservation Commission are reflected in the plans held by other Town departments.
20. Errors found in the plans or information submitted to other Boards or Departments in the Town of Westwood by the Applicant that differs from the plan of record for this Order shall be considered changes and the above procedures shall be followed.

21. Modifications to the plan of record for this Order required by any Town of Westwood Board or Department shall be considered changes and procedures outlined for changes shall be followed.
22. Plans submitted to any Town of Westwood Board or Town Department for work on this site that differ from the plan of record for this Order shall be considered changes and the procedures outlined for changes shall be followed.

Requirements for a Certificate of Compliance

23. Upon completion of work covered by this Order, the Applicant shall request in writing that a Certificate of Compliance be issued. The written request shall be accompanied by a statement from a Professional Engineer registered in the State of Massachusetts that all work allowed or required by this Order has been satisfactorily completed. Such request shall also be accompanied by an as-built plan prepared, stamped and signed, by a registered P.E. and Land Surveyor
24. A Certificate of Compliance will not be issued for *new* housing construction until the prospective lot buyer signs and delivers a statement to the Conservation Commission indicating that they are aware that:
 - a. They have received a copy of the approved plans.
 - b. The Commission has determined that the lot contains wetlands.
 - c. Modifications or changes to the approved plan may require a new Notice of Intent.
 - d. An Article 18 Order of Conditions exists upon the property and that certain Conditions, forever binding upon the lot, will survive the issuance of the Certificate of Compliance.
 - e. That the buyer/owner of the property is responsible for compliance with all conditions that survive the issuance of a Certificate of Compliance.
 - f. The buyer/owner is liable for non-compliance with any continuing conditions and may be assessed appropriate penalties by the Conservation Commission, as applicable.
 - g. There is a no disturbance setback surrounding the wetlands on site for future planning.
 - h. Dumping grass clippings, brush, leaves or other yard waste into the resource areas or the no disturb buffer will alter the resource area and shall be considered a violation of the Wetlands Protection Act and the local bylaw.
 - i. Required plantings must have a 75% survival rate after 2 years.

Continuing Conditions

25. As a continuing order of these conditions, even after a Certificate of Compliance is issued, no activity is permitted within the no-disturb buffer to the existing wetland including, but not limited to, the removal or cutting of vegetation.
26. As a continuing order of these conditions, if within two (2) years from the issuance of a Certificate of Compliance, erosion is evident on any slopes mitigating measures satisfactory to the Westwood Conservation Commission shall be taken.
27. As a continuing order of these conditions, even after a Certificate of Compliance is issued, no by-products of landscaping may be placed within the no disturbance buffer zone, in the wetland area or flood plain.

Site Specific Conditions for 72 Deerfield Avenue:

1. All paved surfaces associated with this project must be kept clean at all times. All silt and debris should be swept up at the end of each work day.
2. Organic fertilizer must be used on the lawn in perpetuity.
3. Compost sock and orange construction fence are to be installed and inspected prior to start of work.

Commission Signatures:

Charlie Pare
Charlie Pare

Russell MacMullan
Russell MacMullan

John Masterson
John Masterson

Leo Crowe
Leo Crowe

Diane Hayes
Diane Hayes

John Rogers
John Rogers

William Stowe
William Stowe

John Rogers
John Rogers

On 27th Day
Day

Of May

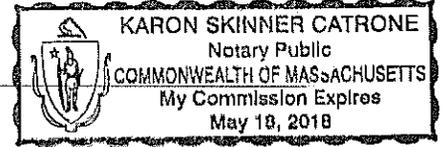
before me personally appeared

The above signitors

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.

[Signature]
Notary Public

5/18/18
My Commission Expires



This Order is issued to the applicant as follows:

by hand delivery on _____

by certified mail, return receipt requested, on 7/13/15