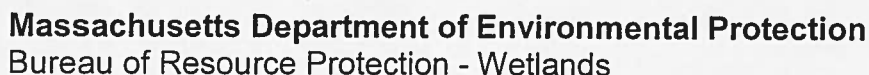


ATTACHMENT C

ORDER OF CONDITIONS

This Order of Condition was originally issued on December 9, 2005 and was extended to September 9, 2010 by the Conservation Commission. Under the Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 and by Sections 74 and 75 of Chapter 238 of the Acts of 2012, this Order of Conditions was extended through September 9, 2014.



A. General Information



WPA Form 5 – Order of Conditions

106-0065

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

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. 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.

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 these interests, 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).**

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

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

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 e. cu.yd dredged	b. square feet f. cu.yd dredged	c. square feet	d. square feet



WPA Form 5 – Order of Conditions

106-0065

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

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	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		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	300	300		
a. total sq. feet	b. total sq. feet			
Sq ft within 100 ft	0	0	0	0
c. square feet	d. square feet	e. square feet	f. square feet	
Sq ft between 100-200 ft	300	300	300	300
g. square feet	h. square feet	i. square feet	j. square feet	

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

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. cu.yd dredged	d. cu.yd 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	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
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. cu.yd dredged	d. cu.yd 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. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



WPA Form 5 – Order of Conditions

106-0065

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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 _____"



WPA Form 5 – Order of Conditions

106-0065

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

C. General Conditions Under Massachusetts Wetlands Protection Act

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 submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See Attached

If you need more
space for
additional
conditions,
select box to
attach a text
document ☐



WPA Form 5 – Order of Conditions

106-0065

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☐ No
2. The _____ hereby finds (check one that applies):
Conservation Commission
3. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. 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.

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

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document ☐



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

DEP File Number:

106-0065

E. Issuance

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

1. Date of Issuance

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

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.

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

On this _____ of _____

Month

Year

Before me, the undersigned Notary Public,
personally appeared

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of _____

City/Town

Conservation Commission

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date



WPA Form 5 – Order of Conditions

106-0065

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

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 DEP 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 of 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

Section G, Recording Information is available on the following page.



WPA Form 5 – Order of Conditions

106-0065

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

G. Recording Information

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 Page 7 of this form shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

Conservation Commission

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

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

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

**Off Woodfall Road
Order of Conditions – Special Conditions**

This approval is for the layout of a new roadway and up to four buildable lots as shown on the plan titled "Topographic Plan of Land in Belmont" dated October 23, 2005. The Belmont Conservation Commission issues this approval with the understanding that a maximum of four buildable lots will be developed along with the access roadway. The commission also understands that any development of Lot 4, as designated on said approved plan, or any reconfiguration that includes the said Lot 4, that involves disturbance within the riverfront area or buffer zone will require a Notice of Intent filing with the commission. Nothing in this approval is meant to indicate that development of Lot 4 has been reviewed and approved by the commission. The proposed deed restriction for Lot 4 is approved by the commission.

The Belmont Conservation Commission issues this Order with the understanding that there is a strong possibility that vernal pools exist in the two identified Isolated Lands Subject to Flooding located on Lots 1,2 ,and 3. Therefore, protective measures have been incorporated into this approval to regulate certain activities on these lots.

The following conditions shall apply to this filing:

- 1) All site work shall be performed in conformance with the approved plans and project narrative.
- 2) Erosion controls shall be installed as shown on approved plans. In addition, erosion controls on Lot 3, as shown on the approved plans, shall be extended along the wetlands line towards the rear of the lot so as to fully protect the resource area from any construction activity. Erosion controls shall be in place for the duration of all activities related to roadway construction and private house lot development. Erosion controls shall be installed and maintained in a manner that protects the integrity of the barrier and the accompanying resource areas.
- 3) The Town of Belmont Office of Community Development - Building Division shall be provided with a copy of this order. In addition, the Building Division shall incorporate all applicable conditions to any development of Lots 1,2 or 3, or any reconfiguration of these lots that includes the Isolated Land Subject to Flooding.
- 4) The roadway shall be a maximum of 20 feet wide. A "Cape Cod" style berm shall be installed along the edge of pavement. The commission shall review and comment on the bottom elevation of any fencing placed along the roadway so as to protect the movement of wildlife under the fencing.
- 5) Appendix 3 of the Notice of Intent filing, the Operation and Maintenance Plan, Accidental Spill Plan, and Mosquito Control in Sumps, is accepted and approved by the commission.
- 6) Each of the buildable lots shall be prohibited from using herbicides and pesticides. In addition, any fencing to be located on the buildable lots shall not extend to the finished grade so as to impede the movement of wildlife. A minimum 6 -8 inch opening shall be included along the bottom of any fence installed on the buildable lots.
- 7) Roadway maintenance shall not include the use of road salt.
- 8) The vegetative replacement area is approved as indicated in the Wildlife Habitat Assessment Report prepared by Sanford Ecological Service, Inc.
- 9) All resource areas, riverfront area, and buffer zones are approved as indicated in the Wetland Resource Report prepared by Sanford Ecological Service, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

106-0065
Provided by DEP

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.



1. Applicant:

Town of Belmont

Name

Town Hall 455 Concord Avenue

Mailing Address

Belmont

City/Town

MA

State

02478

Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

December 9, 2005

Date

for work at:

Land off of Woodfall Road

Street Address

69

Assessor's Map/Plat Number

44

Parcel/Lot Number

recorded at the Registry of Deeds for:

Middlesex

County

443

Book

167

Page

20933A

Certificate (if registered land)

is hereby extended until:

June 9, 2010

Date

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

Date the Order was last extended (if applicable):

Date

Issued by:

Belmont Conservation Commission

Conservation Commission

November 3, 2008

Date



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 7 – Extension Permit for Orders of Conditions

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

DEP File Number:

166-0065
Provided by DEP

B. Authorization (cont.)

This Order of Conditions Extension must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

Signatures:

William Weil
David M. Welch
James A. Kato
Margaret Vili

Martha C. Moore
Nancy H. Davis

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

On this 5th of November 2008
Day Month Year

Before me, the undersigned Notary Public, personally appeared

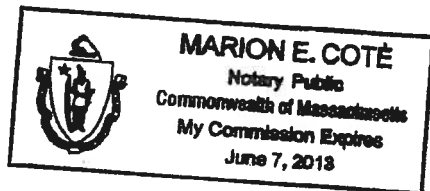
Conservation Commission
Name of Signer

proved to me through satisfactory evidence of identification, which was/were

Driver's Licenses
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Belmont Conservation Commission
City/Town



Place notary seal and/or any stamp above

Marion E. Cote
Signature of Notary Public
MARION E. COTE
Printed Name of Notary Public

June 7, 2013
My Commission Expires (Date)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

116-0065
Provided by DEP

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

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) 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, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach page 3 of Form 7 and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

Project Location

DEP File Number

has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

If recorded land the instrument number which identifies this transaction is:

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT

19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

October 22, 2008

Mary Trudeau, Conservation Agent
Town of Belmont,
19 Moore street
Belmont, MA 02478

Re: Order of Conditions File Number 106-0065

Dear Mary:

On behalf of Thomas G. Younger, Town Administrator, applicant representing the Town of Belmont, I am requesting a three year extension of the Order of Conditions (file number 106-0065) issued on December 9, 2005. No changes are proposed to the original project for the construction of a road and the development of four house lots located off Woodfall Road.

Sincerely,

Glenn R. Clancy, P.E.
Director

Cc: Board of Selectmen
Thomas G. Younger, Town Administrator