



WPA Form 5 – Order of Conditions

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

137-1028
MassDEP File Number

Document Transaction Number

Concord
City/Town

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. From: Concord
Conservation Commission

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

3. To: Applicant:

Elizabeth

a. First Name

Herland

b. Last Name

US Fish and Wildlife Service, Great Meadows National Wildlife Refuge

c. Organization

73 Weir Hill Road

d. Mailing Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

19X Peter Spring Road

a. Street Address

Concord

b. City/Town

106

c. Assessors Map/Plat Number

1194

d. Parcel/Lot Number

Latitude and Longitude, if known:

e. Latitude

f. Longitude

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

Middlesex

a. County

b. Certificate Number (if registered land)

6826

c. Book

276

d. Page

7. Dates: June 1, 2009 July 15, 2009 July 17, 2009
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):

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date



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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.

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).**

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

3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and Bank or Bordering Vegetated Wetland boundary (if available)				0
				a. linear feet
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 checked="" type="checkbox"/> Bordering Vegetated Wetland	170,068	170,068	170,068	170,068
	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		



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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	0	0	0	0
	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
	2,800	2,800		
9. <input checked="" type="checkbox"/> Riverfront Area	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	2,800	2,800	2,800	2,800
	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. Designated Port Areas Indicate size under Land Under the Ocean, below
11. Land Under the Ocean
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
| c. c/y dredged | d. c/y dredged |
12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below
13. Coastal Beaches
- | | | | |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
14. Coastal Dunes
- | | | | |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
15. Coastal Banks
- | | |
|----------------|----------------|
| a. linear feet | b. linear feet |
|----------------|----------------|
16. Rocky Intertidal Shores
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|
17. Salt Marshes
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
18. Land Under Salt Ponds
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
| c. c/y dredged | d. c/y dredged |
19. Land Containing Shellfish
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
20. 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. Land Subject to Coastal Storm Flowage
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|



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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.
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 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.
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, "MassDEP"]

"File Number 137- 1028 "



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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 MassDEP.
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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

18. **The work associated with this Order (the "Project") is (1) is not (2) 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.

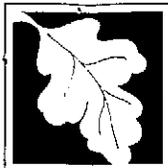


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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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;
 - 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 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(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 Special Conditions attached hereto

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The 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.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance (cont.)

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

1. Municipal Ordinance or Bylaw

2. Citation

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):



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E. Signatures and Notary Acknowledgement

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

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.

July 17, 2009

1. Date of Issuance

5

2. Number of Signers

Signatures:

Jennifer K. Bemis

Stephen B. Verrilli

Elissa Brown

George G. Lewis

Dean Banfield

Notary Acknowledgement

Commonwealth of Massachusetts County of Middlesex

On this 15th of July 2009
Day Month Year

Before me, the undersigned Notary Public, Jennifer K. Bemis
personally appeared Name of Document Signer

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

A Massachusetts Driver's License
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 Concord Conservation Commission
City/Town

Place notary seal and/or any stamp above.

This Order is issued to the applicant as follows:

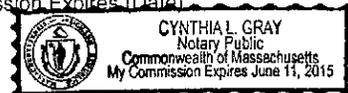
by hand delivery on

Date

Signature of Notary Public

Cynthia L. Gray
Printed Name of Notary Public

June 11, 2015
My Commission Expires (Date)



by certified mail, return receipt requested, on

Date

7-17-09



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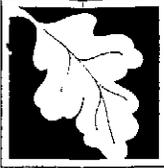
F. Appeals

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 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 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.

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



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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 this page shall be submitted to the Conservation Commission listed below.

Concord

Conservation Commission

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

To:

Concord

Conservation Commission

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

19X Peter Spring Road

Project Location

137-1028

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex

County

Book

Page

for:

US Fish and Wildlife Service, Great Meadows Wildlife Refuge

Property Owner

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

6826

Book

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In accordance with the Order of Conditions issued on:

July 17, 2009

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

Project Description: Removing sediment from drainage ditches and creating four deeper water pools (refugia) in the Concord Impoundments in Bordering Vegetated Wetlands, the 200-foot Riverfront Area of the Concord River, and the 100-foot Buffer Zone to Bordering Vegetated Wetland.

Findings:

- A) The Commission finds that the Applicant has proven by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. Ch.131, Sec. 40.
- B) The Commission finds that the Applicant has proven that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. Ch. 131, Sec. 40.
- C) It is anticipated that the project as proposed will improve the habitat value for the state-listed Blanding's turtle (*Emys blandingii*) and several state-listed marsh birds and plants. Therefore, the Commission finds that this project is a limited project in accordance with 310 CMR 10.53(4), to improve the ability of the resource areas to provide habitat value.

Therefore, under the Order of Conditions issued under DEP File Number 137-1028, the Commission hereby finds that in addition to standard Conditions #1-18 above, the following special conditions are necessary in accordance with the Performance Standards set forth in the regulations to protect the interests checked above.

The Commission orders that all work shall be performed in accordance with said 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:

- 19. This Order shall be valid for five years for the proposed habitat management.
- 20. All work shall be done during periods of low flow (between July 1 and October 1) or with written preapproval of the Natural Resources Director.
- 21. As directed by the Natural Heritage and Endangered Species Program (NHESP) the Applicant shall develop a contingency plan to ensure adequate refilling of the impoundments by October, so as to provide sufficient overwintering habitat for the Blanding's turtle in the case of drought or other unforeseen circumstances. NHESP and the Division of Natural Resources shall be notified at least one month in advance if any drawdown of the upper pool is proposed.
- 22. The Applicant shall use an amphibious excavator to excavate ditches and refugia. Ultra low ground pressure equipment will be used to transport and deposit material.

23. No material shall be sidecast adjacent to the ditches. Excavated material will be placed in elevated areas as noted on Figure 3: Location of Existing and Potential Locations of Pool Refugia, Sediment Placement and Equipment Ingress and Egress at Concord Impoundments.
24. The Applicant shall provide copies of the Section 404 Army Corps of Engineers approval and the Section 401 DEP Water Quality Certificate prior to project implementation.
25. The Applicant shall employ an Environmental Monitor to oversee construction activities in areas of Blanding's turtle habitat. The Environmental Monitor shall conduct a sweep each time heavy machinery moves between the ditches and refugia. Any Blanding's turtles will be moved out of the reach of heavy equipment.
26. Proposed plantings in newly created elevated areas shall be approved by the Division of Natural Resources prior to implementation. Information on elevation will be provided with a species list for approval.
27. A written report and update on the progress and results of the management plan and all associated work shall be provided on an annual basis to the Natural Resources Commission on by December of each year. The report shall include, but not be limited to, information on timing of work, equipment used, scope of work, benefits to state-listed and other plants and wildlife, and effects on invasive species.
28. Prior to the commencement of any site work a preconstruction conference shall be held on site that includes the Applicant, general contractor and Natural Resources staff. The Applicant shall notify the Division of Natural Resources at least one week in advance to schedule this preconstruction conference.
29. This Order of Conditions shall apply to any successor in interest or successor in control of this property. The Natural Resources Commission (acting as the Conservation Commission) shall be notified in writing, at the time of such transfer, or any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. Prior to any transfer of title the Order of Conditions shall be filed at the Registry of Deeds. A lack of such required written notification to the Conservation Commission shall delay the issuance of the Certificate of Compliance.
30. All proper erosion and sedimentation control measures shall be taken during and after construction to insure that no sedimentation will occur to downgradient wetland resource areas. The applicant shall be responsible for the establishment of permanent erosion control on all slopes within jurisdictional areas using, but not limited to, erosion control blankets and permanent vegetative cover.
31. Erosion controls shall not be removed until approved by the Division of Natural Resources.
32. All construction shall comply with Title V Commonwealth of Massachusetts Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, and the Town of Concord, Board of Health Regulations.

33. Storage, use and disposal of any "Hazardous Material" during and following construction shall comply with the Town of Concord Groundwater Protection Bylaw as approved under Article 42 of the 1981 Town Meeting.
34. The Commission shall be notified at least five (5) working days prior to the start of any site work or related construction.
35. The Applicant shall acquire and maintain, in full force and effect, all other permits and approvals required for the proposed construction.
36. A copy of the Order of Conditions, as well as the approved plan, shall be readily available onsite while activities regulated by this Order are being performed and until the issuance of the Certificate of Compliance. Copies of this document shall be provided to all contractors and subcontractors who shall also be held responsible for compliance with this Order.
37. Site clearing and any construction debris shall be promptly removed from the site in accordance with all applicable laws and regulations.
38. No fuels or other potential liquid contaminants shall be stored, at any time, within jurisdictional areas.
39. The Applicant shall furnish to the Natural Resources Director such written and oral reports as the Director may, from time to time, request demonstrating compliance with this Order of Conditions. Without request, the Applicant shall immediately notify the Director if any violation of this Order of Condition occurs.
40. During all phases of construction, all disturbed or exposed soil surfaces shall be brought to final finished grade and stabilized within thirty (30) days. Bare ground that cannot be permanently stabilized within thirty (30) days shall be loamed and seeded or stabilized with mulch or any other protective covering and/or method approved by the Natural Resources Director.
41. The work authorized hereunder shall be completed within three years from the date of this Order (please refer to General Conditions #4 & #5 for exceptions). 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. Your Order expires on **July 17, 2014**.
42. Upon completion of the project, the Applicant shall request a Certificate of Compliance from the Commission. The request shall be accompanied by a written statement by a professional engineer or surveyor registered in the Commonwealth of Massachusetts, or other qualified professional acceptable to the Commission, certifying compliance with the approved plans referenced above in this Order of Conditions and setting forth deviations, if any exist.