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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

MassDEP File Number:

WPA Form 5 – Order of Conditions

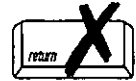
DEP 270-531
RGB 2008-15

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

Reading General Bylaws, Section 5.7

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: Reading Conservation Commission
Conservation Commission

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

3. To: Applicant:

William Dyment
a. First Name b. Last Name



Bk: 51445 Pg: 88 Doc: ORD
Page: 1 of 17 07/16/2008 11:00 AM

c. Organization
22 Small Lane

d. Mailing Address

Reading MA 01867
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

same
a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

22 Small Lane Reading, MA
a. Street Address b. City/Town

166 14
c. Assessors Map/Plat Number 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 South
a. County b. Certificate Number (if registered land)

50083 107
c. Book d. Page

7. Dates: April 30, 2008 June 11, 2008 June 17, 2008
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):

See Attachment
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

*William Dyment
22 Small Lane
Reading, MA 01867*



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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. 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).**

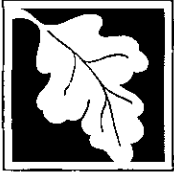
Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

- 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 checked="" 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		

See Attachment

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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	_____	_____	_____	_____
Cubic Feet Flood Storage	a. square feet	b. square feet	c. square feet	d. square feet
	_____	_____	_____	_____
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____	_____		
Cubic Feet Flood Storage	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	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

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. 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	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. 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		



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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, "MassDEP"]

"File Number DEP 270-531"



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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.
18. **The work associated with this Order is (1) is not (2) subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
 - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.



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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 until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- 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 Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement 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 Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make this log available to MassDEP and the Conservation Commission upon request; and
 3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments 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.



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

- j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.
- k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) 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.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Reading Conservation Commission hereby finds (check one that applies):
Conservation Commission
 - 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:

Reading General Bylaws, Section 5.7 Wetlands Protection

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):

See Attachment.



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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.

June 17, 2008

1. Date of Issuance

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

FOUR

2. Number of Signers

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.

Signatures:

[Signature]
[Signature]
William O. Finch
Douglas N. Greene

Notary Acknowledgement

Commonwealth of Massachusetts County of Middlesex

On this 11th of June 2008
Day Month Year

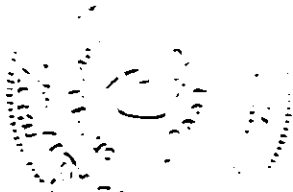
Before me, the undersigned Notary Public, Wm. J. Hecht, Sr., Mark Wetzel,
personally appeared William O. Finch, and Douglas N. Greene
Name of Document Signer

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

personally known to me
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 Reading City/Town Conservation Commission



Place notary seal and/or any stamp above

Frances M. Fink

Signature of Notary Public

Frances M. Fink

Printed Name of Notary Public

August 7, 2009

My Commission Expires (Date)

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date _____

June 17, 2008
Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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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 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.



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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.

Reading Conservation Commission
Conservation Commission

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

To:

Reading Conservation Commission
Conservation Commission

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

22 Small Lane
Project Location

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MassDEP 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

**Attachment to Order of Conditions
William Dymont, 22 Small Lane
DEP# 270-531, RGB# 2008-15**

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DOCUMENTS: The following documents are hereby incorporated into this Order. To the extent that the provisions and conditions in this Order differ from those in these documents, this Order shall control:

1. Notice of Intent for work at 22 Small Lane, Assessor's Map 166, Lot 14, submitted on April 30, 2008, with attachments, by William Dymont, Applicant
2. One-sheet site plan entitled "Restoration Plan in Reading, Mass. ", dated April 15, 2008, revised through May 27, 2008, stamped and signed by Peter J. Ogren, R.P.E.# 27145
3. Restoration Narrative, #18 and #22 Small Lane, Reading, Massachusetts, dated February 8, 2008, revised May 19, 2008, by Hayes Engineering, Inc.
4. Letter dated May 28, 2008 from Elizabeth Wallis, Hayes Engineering, Inc., to Conservation Commission
5. Email dated June 4, 2008 from William Dymont to Elizabeth Wallis, Hayes Engineering, Inc., Fran Fink, Conservation Administrator, and Eric Hughes, owner of #18 Small Lane
6. FEMA Flood Insurance Rate Map, Town of Reading, Massachusetts, Community Panel Number 250211 0004 B, effective July 2, 1981
7. Reading Priority Habitats and Estimated Habitats Map, dated October 1, 2006, by MA Natural Heritage and Endangered Species Program
8. Vernal pool certification #315 by Massachusetts Natural Heritage and Endangered Species Program dated May 21, 1992
9. Figure 2, Town of Reading, MA, Zone II and Zone III Areas, dated July 8, 1996, by Weston and Sampson, showing Aquifer Protection District
10. Site visit reports by Reading Conservation Commission dated January 13 and May 11, 2008
11. Site visit reports by Fran Fink, Conservation Administrator, dated January 10, January 18, and May 8, 2008
12. Enforcement Order issued by Reading Conservation Commission to William Dymont for work at 22 Small Lane on January 18, 2008
13. Memorandum from Fran Fink, Conservation Administrator, to Conservation Commission dated May 14, 2008
14. "A Guide to Invasive Plants in Massachusetts" by Weatherbeam, Somers, and Simmons, MA Div. of Fisheries and Wildlife

FINDINGS:

1. The site is a 23,540 square foot parcel of land with frontage on Small Lane. A house, paved driveway, and landscaped areas are located in the central portion of the site. The parcel is encompassed by the abutting C-shaped parcel known as #18 Small

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Lane. The NOI site plan does not depict the entire C-shaped parcel. (See Order of Conditions, DEP 270-532, RGB 2008-14 for #18 Small Lane.)

2. The western portion of the site consists of Bordering Vegetated Wetlands (BVW) that border on a stream channel. The BVW continues just beyond the lot boundaries north and east of the site. The site plan shows the BVW delineation as one continuous line from the eastern portion of #18 Small Lane through the center of #22 Small Lane, and then into the western portion of #18. The delineation runs from Flags WF#1 through WF#10, then to WF #10A, then to WF#11 through WF#13, then to WF #17 through WF#31.
3. The main stream channel runs from west to east through the wetlands north of both houses, and is tributary to Bare Meadow Brook and the Ipswich River. The stream does not appear on the 1987 USGS Topographic Map for the Reading Quadrangle. Based on watershed size, the stream is intermittent, but it was quite full during the site visits in January and May. A smaller stream channel is located in the eastern portion of #18 Small Lane, arising south of Flag WF#2, passing through a culvert under an old dirt road between flags WF#2 and WF#4, and then flowing northerly into the main stream. A street drain discharge pipe discharges into the smaller stream at the headwall between Flags WF#7 and WF #8. The site plan does not depict the stream banks.
4. The BVW also contains a Zone B Floodplain. Standing water was observed in a significant portion of the BVW during the site visits.
5. The site is not in the Aquifer Protection District and is not located in endangered species habitat on the NHESP map. However, there is a Certified Vernal Pool in or near the northwestern portion of #18 Small Lane, north of the stream. The boundaries of the pool have not been delineated.
6. The site plan shows the 100-foot Buffer Zone boundary south of the BVW, and the 25-foot Zone of Natural Vegetation (ZNV) boundary where cutting of vegetation is generally prohibited under Section 3.D of the Reading Wetlands Protection Regulations (RWPR). The entire upland portion of the site lies within the Buffer Zone. Parts of the existing lawn and a vegetable garden are located within the ZNV, and parts of the existing lawn extend into the BVW.
7. During the winter of 2007-2008, the owner of the site cut and removed a number of trees and shrubs located in the BVW and the 25-foot ZNV. The owner did not file a Notice of Intent or receive an Order of Conditions for the clearing work. Upon discovery, the Conservation Commission issued an Enforcement Order. The owner was allowed to remove some of the cut brush and tree trunks from the site while the ground remained frozen, and was ordered to file this Notice of Intent to carry out a plan to restore the soils, vegetation and topography in the areas affected by the cutting and vehicular access. The Enforcement Order requires the restoration plan approved in this Order of Conditions to be completed during the 2008 growing season.
8. The site plan shows one 9" tree stump in the BVW west of the house, four 6" or more tree stumps and a number smaller stumps cut in the ZNV north and east of the house,

**Attachment to Order of Conditions
William Dymont, 22 Small Lane
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and an area where thickets of multiflora rose and other plants were cut in the ZNV east of the house. The site plan proposes the planting of one red maple tree and 3 high-bush blueberry shrubs west of the house, four red maples north of the house, and low-bush blueberries 5' off center whether the shrubs were cut in the ZNV. The plan also proposes seeding the ZNV with a native herbaceous seed mix where soils were disturbed adjacent to Flags WF#21 and WF#22 to stabilize the area.

9. In addition to the restoration work, the owner also proposes:
 - a. Installation of a sump pump drainage discharge pipe and level spreader north of the house;
 - b. Cutting of three living pine trees in poor condition located north of the house, two of which are within #18 Small Lane. The owner of #18 has agreed to this work during the public hearing;
 - c. Cutting of one dead shrub next to the house;
 - d. Trimming of branches that overhang the house from a 24" maple located west of the house;
 - e. Continued cutting and herbicide application to eradicate the invasive multiflora rose bushes east of the house;
 - f. Cutting or trimming of up to 14 cedar trees located in the street right-of-way, where permission has not yet been obtained from Town officials who have authority over the cutting of trees in the right-of-way.
10. During the public hearing, the Commission noted that the existing mowed lawn extends into the ZNV and BVW in several areas, as shown on the site plans. The Commission requested that mowing cease as set forth in Additional Condition A-1 to establish a clear ZNV between the lawn and the BVW in accordance with Section 3.D. of the RWPR.
11. This Order applies to all areas and work that are in wetland resource areas or the 100-foot Buffer Zone.
12. The proposed work can be conditioned to protect the interests of the Wetlands Protection Act, c.131, s.40 ("the Act"). The Reading Conservation Commission ("the Commission") approves the proposed project subject to the following additional conditions.

LIST OF SPECIAL CONDITIONS - M.G.L. c.131, s.40:

1. A copy of this Order, as well as construction plans, shall be on site at the start of and during any site work for contractors to use as reference. The property owner and any successor in title shall inform all contractors and subcontractors of the conditions and provisions of this Order concerning their work. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede other contract requirements.

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2. Prior to commencing any work on the site, the applicant shall obtain all other permits, variances, and approvals required by Federal, State, or Town laws and regulations and shall submit proof of such approval to the Commission.
3. Prior to commencing any activity at the site, the names, addresses, and day and night telephone numbers of the site supervisor and an alternate who will be responsible for ensuring on-site compliance with this Order shall be submitted to the Commission. During construction, the applicant shall notify the Commission of any change in this information.
4. Prior to commencing any activity at the site, a pre-construction meeting shall take place between the contractor and the Conservation Administrator or Commission for the purpose of reviewing the requirements of the Order of Conditions and establishing a general work schedule.
5. Throughout work, the flags marking the BVW boundary shall be maintained in place. All planting within the BVW shall be carried out on foot, and no machinery shall be operated in the BVW.
6. In accordance with the Enforcement Order (Document # 12), the owner shall complete the restoration planting as proposed on the site plan (Document #2), on or before September 15, 2008.
7. The owner may continue efforts to eradicate the multiflora rose east of the house by hand pulling, repeated cutting during the growing season, and application of the herbicide "Glyphosphate" directly onto the cut stem immediately after cutting.
8. The owner may trim dead branches from the cedars in the street right-of-way if the owner first obtains written permission from the Town officials who have authority to authorize such work.
9. Before planting the proposed trees, the locations of the trees shall be determined on site by the Conservation Administrator or Commission. Trees shall be located where they will not crowd existing trees that remain on site, or each other. They shall be located in the general area where the trees were or will be cut as set forth on the site plan.
10. If any unforeseen problems occur during construction that could affect any of the interests of the Act or the Reading General Bylaws, upon discovery, the owner shall notify the Commission. An immediate meeting shall be held between the Commission, the applicant, the engineer, the contractor, and other concerned parties to determine the corrective measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon.
11. Any departures from or changes to the plans, specifications, or data approved in this Order shall not be acted on until approved in writing by the Commission. Where the Commission deems that a change is major or substantial, a new public hearing to amend the Order or a new Notice of Intent may be required. Any errors in the plans or information submitted by the applicant will be considered changes and the above procedure shall be followed.

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12. The owner shall immediately correct any erosion problems that occur on the site. If any additional erosion and sedimentation controls are found to be necessary by the owner, the Commission, or the Conservation Administrator, the applicant shall install additional sediment controls.
13. Approved vegetated side-slopes shall have a finished grade no steeper than three horizontal feet to one vertical foot (3:1).
14. As soon as possible, all disturbed upland areas shall be brought to final grade, and shall be permanently stabilized by loam and seeding or other measures acceptable to the Commission. Where necessary, the loam and seeding shall be held in place with jute netting. Bare ground and disturbed areas that can not be permanently revegetated within thirty 30 days after disturbance shall be temporarily stabilized by a method approved by the Commission. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method.
15. All stockpiled materials shall be located at least 50' from bordering vegetated wetlands.
16. Trees and shrub to be cut shall be removed from the site and shall be disposed of promptly and properly.
17. Equipment, materials, and fuel storage and refueling operations shall be situated in an upland area at a horizontal distance greater than 100 feet from the boundaries of wetlands.
18. The owner(s) shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism during and after work on this project. In the event that there is a discharge or spillage of fuel, oil, or other pollutants into any part of the site governed by this Order, the owner shall immediately notify the Commission and shall take all necessary actions to contain and remove the pollutants from the site. This condition shall remain in perpetuity and shall not expire with the issuance of the Certificate of Compliance.
19. This Order shall apply to all successors in interest, successors in control, and successors in title ["the owner"]. In conjunction with the transfer of interest, control, or title of any part of the site, the applicant shall provide the new owner a copy of this Order. The new owner shall sign a written acknowledgement that he or she has received the Order and agrees to comply with it. The applicant and/or the new owner shall submit the acknowledgement to the Commission, along with the name, address, phone number and other contact information of the new owner.
20. The Commission designates the Conservation Administrator as its administrative agent with full powers to act on its behalf in administering and enforcing this Order, except the Administrator shall not approve Plan Changes or Certificates of Compliance. In addition, if a Certificate of Compliance has been issued, the Administrator may sign off on any Certificate of Occupancy. If a Certificate of Compliance has not been issued, the Administrator shall not sign off on any Certificate of Occupancy unless the Commission has voted to authorize such sign-off.

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21. The request for a Certificate of Compliance required by General Condition 11 shall require a 21-day notice to the Commission. Accompanying the request for a Certificate of Compliance shall be the Registry of Deeds Book and Page number(s) of the recorded Order of Conditions, if not already submitted.

NARRATIVE FOR READING GENERAL BYLAWS, SECTION 5.7

The Reading Conservation Commission has conducted an on-site inspection, reviewed the Notice of Intent, the submitted information and the public hearing testimony, and determined that the area in which the work is proposed is significant to the following values of the Reading General Bylaws, Section 5.7:

Flood control	Water Pollution	Groundwater
Storm Damage Prevention	Erosion control	Wildlife
Public or Private Water Supply		

Pursuant to Reading General Bylaws, Section 5.7, all work shall conform to paragraphs 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, and 17 under the General Conditions on pages 4 and 5 of this Order and all Documents, Findings and Special Conditions on pages 11 through 16 of this Order. Work shall also conform to the following Additional Conditions:

LIST OF ADDITIONAL CONDITIONS - R.G.B. Section 5.7:

A-1 On or before September 15, 2008 permanent visible stone or concrete bounds or equivalent shall be set at least two feet into the ground at Flag WF#22, Flag WF#17, 25 feet south of Flag WF#13, 20 feet southwest of Flag WF#10, 12 feet southwest of Flag WF#8, and 15 feet west of Flag #1. These bounds mark the Zone of Natural Vegetation and limit-of-work line, and shall be maintained in perpetuity. This Condition shall be stated in any deed or other Registry of Deeds document conveying any ownership or interest in this property. If said document cites a plan, the plan shall identify the markers "Conservation Zone of Natural Vegetation and limit-of-work line markers". This Condition shall remain in perpetuity and shall not expire with the issuance of the Certificate of Compliance.

A-2 The site, as shown on the referenced plan (Document #2 cited herein), is and shall remain subject to the following perpetual deed restriction: "Quitclaim Deed: [Grantor's identification information] ... grant to [Grantee's identification information] ... land with the buildings thereon ..., subject to the following deed restriction: All owners of the conveyed premises, and their heirs, successors and assigns, agree to preserve and maintain in perpetuity in an undeveloped and naturally vegetated condition the Zone of Natural Vegetation and the bounds marking the Zone of Natural Vegetation, all as required under the Order of Conditions recorded with the Middlesex South District Registry of Deeds in Book _____, Page _____. This restriction shall survive the issuance of any Certificate of Compliance. The deed of conveyance from the grantor to the grantee of Lot __ shall contain this restriction and it shall be expressed in covenants in all deeds to succeeding owners. Upon any conveyance, a copy of the deed containing this

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restriction shall forthwith be submitted by the grantor to the Reading Conservation Commission.”

A-3 The owner shall cease mowing the lawn within the Zone of Natural Vegetation on or before September 15, 2008, in conjunction with the restoration planting work. Where soils are bare or disturbed within the ZNV, they shall be planted with the same native seed mix proposed for use adjacent to Flags WF#21 and WF #22.

Eugene C. Burns
Attest Middlesex S. Register