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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

MassDEP File Number:

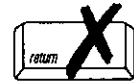
**WPA Form 5 – Order of Conditions**

DEP 270-532  
RGB 2008-14

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:

Eric Hughes  
a. First Name b. Last Name

18 Small Lane  
c. Organization

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



Bk: 51445 Pg: 16 Doc: ORD  
Page: 1 of 17 07/16/2008 10:57 AM

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:

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

166 5  
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)

11360 513 deed: 50276/514  
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

*ERIC HUGHES  
18 SMALL LANE  
READING MA 01867*



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

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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 - See Attachment	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		

0  
 a. linear feet



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**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> <b>Bordering Land Subject to Flooding</b>	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"/> <b>Isolated Land Subject to Flooding</b>	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"/> <b>Riverfront area</b>	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"/> <b>Designated Port Areas</b>	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> <b>Land Under the Ocean</b>	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> <b>Barrier Beaches</b>	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> <b>Coastal Beaches</b>	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> <b>Coastal Dunes</b>	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> <b>Coastal Banks</b>	a. linear feet	b. linear feet		
16. <input type="checkbox"/> <b>Rocky Intertidal Shores</b>	a. square feet	b. square feet		
17. <input type="checkbox"/> <b>Salt Marshes</b>	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> <b>Land Under Salt Ponds</b>	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> <b>Land Containing Shellfish</b>	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> <b>Fish Runs</b>	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"/> <b>Land Subject to Coastal Storm Flowage</b>	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 270-532"



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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

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:

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

**Notary Acknowledgement**

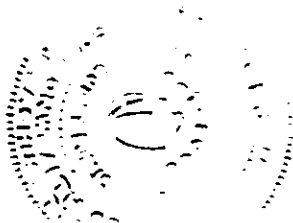
Commonwealth of Massachusetts County of Middlesex  
On this 11<sup>th</sup> of June 2008  
Day Month Year

Before me, the undersigned Notary Public, Wm J. Hecht, Sr., Mark Wetzel,  
personally appeared William O. Fink 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**  
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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:

18 Small Lane  
Project Location

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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**  
**Eric Hughes, 18 Small Lane**  
**DEP# 270-532, RGB# 2008-14**

**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 18 Small Lane, Assessor's Map 166, Lot 5, submitted on April 30, 2008, with attachments, by Eric Hughes, 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. FEMA Flood Insurance Rate Map, Town of Reading, Massachusetts, Community Panel Number 250211 0004 B, effective July 2, 1981
5. Reading Priority Habitats and Estimated Habitats Map, dated October 1, 2006, by MA Natural Heritage and Endangered Species Program
6. Vernal pool certification #315 by Massachusetts Natural Heritage and Endangered Species Program dated May 21, 1992
7. Figure 2, Town of Reading, MA, Zone II and Zone III Areas, dated July 8, 1996, by Weston and Sampson, showing Aquifer Protection District
8. Site visit reports by Reading Conservation Commission dated January 13 and May 11, 2008
9. Site visit reports by Fran Fink, Conservation Administrator, dated January 10, January 18, and May 8, 2008
10. Enforcement Order issued by Reading Conservation Commission to Eric Hughes for work at 18 Small Lane on January 18, 2008
11. Memorandum from Fran Fink, Conservation Administrator, to Conservation Commission dated May 14, 2008
12. "A Guide to Invasive Plants in Massachusetts" by Weatherbeam, Somers, and Simmons, MA Division of Fisheries and Wildlife

**FINDINGS:**

1. The site is a 10.4-acre, C-shaped parcel of land with frontage in two places on Small Lane. A house, detached garage, in-ground pool with concrete deck, and paved driveway are located in the south-central portion of the site on the west side of Small Lane. The parcel encompasses an abutting parcel known as #22 Small Lane within the interior of the C shape. The NOI site plan does not depict the entire C-shaped parcel.
2. Most of the site beyond the house and pool consists of Bordering Vegetated Wetlands (BVW) that border on a stream channel. 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

**Attachment to Order of Conditions**  
**Eric Hughes, 18 Small Lane**  
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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 the site, arising south of Flag WF#2, passing through a culvert 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 the site, 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). Most of the upland portion of the site lies within the Buffer Zone. Part of the existing swimming pool, concrete deck, and garage are located within the ZNV.
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, the 25-foot ZNV, and the outer Buffer Zone. 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 felled 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 six tree stumps 6" or more in size in the BVW west and north of the swimming pool, six tree stumps 6" or more in size in the ZNV west and north of the swimming pool, four tree stumps 6" or more in size in the ZNV north of the lot at #22 Small Lane, seventeen smaller stumps in the BVW and ZNV west of the swimming pool, and an undetermined number of smaller stumps where a thicket of multiflora rose was cleared in the ZNV near Flags WF#1 through WF #8.
9. To restore the BVW and ZNV, the site plan proposes:
  - a. The planting of eight green ash trees and seven high-bush blueberry shrubs in the BVW west and north of the swimming pool;

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**Eric Hughes, 18 Small Lane**  
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- b. The planting of seven flowering dogwood trees and eight black chokeberry bushes in the ZNV;
  - c. The planting of a native upland seed mixture to stabilize the disturbed soils between the trees and shrubs in the ZNV. This type of planting may be needed in the ZNV west of the swimming pool in addition to the shaded area designated on the site plan north of the swimming pool, depending upon the extent to which the original herbaceous plant cover was disturbed during the cutting activities last winter;
  - d. The planting of four red maple trees in the ZNV north of the lot at #22 Small Lane;
  - e. The planting of low-bush blueberry bushes 5 feet off center in the ZNV east of the lot at #22 Small Lane.
10. In addition to the restoration work, the owner also proposes:
- a. The planting of five ornamental pear trees north of the driveway in the outer Buffer Zone;
  - b. Stabilization of disturbed soils in the outer Buffer Zone with grass seed to be maintained as a mowed lawn;
  - c. The resurfacing of the existing paved driveway and the expansion of pavement by 124 square feet in the outer Buffer Zone;
  - d. The cutting of three dead trees located in the ZNV near Flag WF#1.
  - e. Cutting of two living pine trees in poor condition located north of the house at #22 Small Lane;
  - f. Continued cutting and herbicide application to eradicate the invasive multiflora rose bushes near Flags WF#1 through WF #8;
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 construction 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 # 10), 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 in the eastern part of the site by hand pulling, repeated cutting during the growing season, and application of the herbicide "Glyphosphate" directly onto the cut stem immediately after cutting.
8. 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.
9. 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.
10. 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.
11. 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

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owner, the Commission, or the Conservation Administrator, the applicant shall install additional sediment controls.

12. Approved vegetated side-slopes shall have a finished grade no steeper than three horizontal feet to one vertical foot (3:1). Proposed rip-rap slopes shall be no steeper than 2:1.
13. As soon as possible, all disturbed areas shall be brought to final grade, and shall be permanently stabilized by loam and seeding or other measures acceptable to the Commission. Disturbed areas in the ZNV shall be seeded with the native upland seed mix specified on the site plan. Disturbed areas in the BVW shall be seeded with a native wetland seed mix, subject to approval by the Commission or Administrator before planting. 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.
14. All stockpiled materials shall be located at least 50' from bordering vegetated wetlands.
15. Trees to be cut shall be removed from the site and shall be disposed of promptly and properly. The lower 15 feet of each trunk shall be left standing to provide wildlife habitat.
16. 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.
17. 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.
18. 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.
19. 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

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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.

- a. 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 The owner may trim or mow the vegetation located within 3 feet of the existing chain-link fence around the existing swimming pool as shown on the site plan (Document #2) to keep the fence clear. Other than said 3-foot wide area, the owner shall not mow the herbaceous plants as a lawn within the Zone of Natural Vegetation on the western and northern sides of the fence around the swimming pool nor within the area north and west of a line from the northeastern corner of the chain-link fence to the center of the wire fence on the southern side of the garden enclosure next to WF #21 on the lot at #22 Small Lane.

A-2 On or before September 15, 2008, permanent visible stone or concrete bounds or equivalent shall be set at least two feet into the ground to mark the limit of mowing as set forth in Additional Condition A-1 above. 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.

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A-3 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 restriction shall forthwith be submitted by the grantor to the Reading Conservation Commission."

*Eugene C. Burns*  
Attest Middlesex S. Register