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TOWN OF READING

GENERAL BY-LAWS

ARTICLE 32

ORDER OF CONDITIONS

TO: Rivers Development Corporation
24 Gould St.
Reading, Ma. 01867

FILE NUMBER: 1987-12
DATE OF ISSUANCE: 3/14/88

PROJECT LOCATION: end of Lilah and Sanborn Lanes

TITLE REFERENCE: REGISTRY OF Middlesex South BOOK 15052, 15843 PAGE 140, 438
CERTIFICATE

Pursuant to the authority of the Town of Reading General By-laws, Section 32, the Reading Conservation Commission has reviewed your Notice of Intent and plans and has determined that the area on which the proposed work is to be done is significant to one or more of the interests listed in this section. The Reading Conservation Commission hereby orders that the following conditions are necessary to protect said interests and all work shall be performed in strict accordance with them and with the Notice of Intent and plans identified herein except where such plans are modified by said conditions.

ADDITIONAL REFERENCE MATERIAL

ADDITIONAL REFERENCE MATERIAL

CONDITIONS **BOOK 15052 PAGE 140**

BOOK 15843 PAGE 438

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. This 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, by-laws and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of issuance of this Order. The Order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty (30) days prior to the expiration date of the Order or its extension.

5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work shall be undertaken until the final Order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located within the chain of title of the affected property. No work shall be undertaken until evidence has been provided to the Reading Conservation Commission that this recording has been accomplished.
7. Upon completion of the work described herein, the applicant shall forthwith request, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
8. The work shall conform to the following described plans and additional conditions:
 - Sanborn Village Phase IV- houses

Please refer to pages 2B to 2F.
 Title: "Key Plan", Sanborn Village Phase IV, Wetland Protection Act Submission Plan in Reading, Ma. dated: November 25, 1987. Sheet 1.
 Signed and stamped by: Frederick D. Dewsnap, Jr. No. 23493 Registered.
 Frederick Deecher Dewsnap, No. 30318, Registered Professional Land Surveyor.

Sanborn Village Phase IV, Wetland Protection Act Submission Plan in Reading, Ma. dated: December 8, 1987, revision January 25, 1988. sheet 5. signed and stamped by Frederick D. Dewsnap, Jr. No. 23493, Registered Professional Engineer.

Sanborn Village Phase IV, Wetland Protection Act Submission Plan in Reading, Ma. dated: December 8, 1987. Signed and stamped by Frederick D. Dewsnap, JR. , Registered Professional Engineer, NO. 23493. sheet 6.

Wetland Protection Act Submission Plans in Reading, Ma. dated: December 8, 1987. sheet 7. Signed and stamped by Frederick D. Dewsnap, Jr., Registered Professional Engineer, NO. 23493.

READING GENERAL BY-LAWS, ARTICLE 32 File No. 1987-12 PAGE 2BNarrative:

The Reading Conservation Commission has conducted an on-site visit, reviewed the Notice of Intent, submitted information and public hearing testimony, and determined that the area on which the work is proposed is significant to the following wetland values of the Reading General By-laws, Article 32:

Flood control
 Storm damage prevention
 Public or private water supply
 Groundwater
 Water pollution
 Erosion control
 Wildlife

Findings:

The project, as proposed involves the construction of wood frame residential dwellings upon 19 lots located at the end of Lilah and Sanborn Lanes. The 19 lots are located within the 100' buffer zone and include the following lots: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 127, 128, 129, 130, 142 and 143. The proposed project does not alter any resource areas.

With the implementation of erosion control measures, it is felt that siltation, associated with on-site construction, into adjacent bordering vegetated wetlands and waterways will be mitigated resulting in no degradation of existing water quality. The increase in the peak rate of runoff from this project has been mitigated in the previous filing (1987-9). As proposed, the project has met the performance standards set forth for work in the buffer zone of a bordering vegetated wetland.

It is the determination of the Commission that the proposed work can be adequately conditioned to protect the interests of the Reading General Bylaws, Article 32.

The Reading Conservation Commission approves the proposed project subject to the following conditions:

No conditions 9-12.

13. A copy of this Order of Conditions, as well as construction plans, shall be on site upon commencement of any site work for contractors to view and adhere. It shall be the responsibility of the owners of the property and any successor(s) in title to inform all contractors and subcontractors of the applicable conditions and provisions of this Order concerning their work.

14. Any departures from, or changes to the plans, specifications, and submitted data, other than as described in this Order

which will result in any effect upon the interests of the Reading General Bylaws, must be approved in writing by the Reading Conservation Commission prior to implementation. Where the Commission deems that a change is major or substantial, a new public hearing may be required. Any errors in the plan or information submitted by the applicant shall be considered changes, and the above procedure shall be followed.

15. If any unforeseen problem occurs during construction which affects any of the seven statutory interests of the Reading General By-laws, upon discovery, the Reading Conservation Commission shall notify the applicant. 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.

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. Loaming and seeding of all areas will occur within 30 days of final grading. Barren areas should be stabilized by temporary seeding if work on the project is interrupted by more than 90 days, unless the 90 days are in the winter. If this condition should occur, the applicant will request a determination from the Reading Conservation Administrator to whether temporary seeding should be done. Where necessary, the loam and seeding will be held in place with jute netting.

18. Proposed grass side-slopes shall have a finished grade no steeper than three horizontal feet: one vertical foot.

19. Prior to any work on the site:

A. The filter fiber fence shall be viewed and approved by the Reading Conservation Administrator. Silt fence shall be maintained in functional form until all adjacent disturbed areas have been stabilized. The Conservation Administrator or Conservation Commission shall determine when the fence can be removed. The filter fence material shall be of a type approved by the Conservation Administrator.

B. A 20' buffer extending from the bordering vegetated wetlands and delineated by stakes in the field shall be established on all lots within Conservation Commission jurisdiction. This 20' strip shall be retained in its natural state for the duration of this project. Landscaping, grading, construction, earth moving, vegetation removal or like activity shall not be allowed within the 20' buffer strip.

C. The location of silt fence shall be as shown on the sub-

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mitted plans with the following exceptions:

(1) silt fence shall be located no closer than 20' from the bordering vegetated wetlands on any lot.

(2) silt fence shall extend completely across the rear of lot 101.

(3) silt fence shall continue across lot 102 along the 20' buffer line.

D. The Conservation Commission must receive proof that the Order of Conditions has been recorded at the Middlesex South Registry of Deeds.

E. The applicant shall inform the Reading Conservation Commission, in writing, of the names, addresses, business and home telephone numbers of both the project supervisor, who will be responsible for ensuring on-site compliance with this Order, and his/her alternate. This list will be kept current, and the Reading Conservation Commission shall be notified of all changes.

F. A surety performance bond, or letter of credit running to the Town of Reading, shall be provided in the amount of \$ 98,000. which shall be in all respects satisfactory to the Town Counsel and the Reading Conservation Commission, and shall be posted with the Treasurer of the Town of Reading. Said bond or letter of credit shall be conditioned on the satisfactory completion of all conditions of this Order, shall be signed by a party or parties satisfactory to the Reading Conservation Commission and Town Counsel, and shall be released after a Certificate of Compliance has been issued. This condition is issued under the authority of the Town of Reading General By-laws for Wetlands Protection, Article 32.

G. No work on the lots subject to this filing shall commence (other than the grading previously allowed under file # 1987-9) until a Certificate of Compliance is received on file # 1987-9.

20. Prior to any earthwork on the site:

A. A pre-construction meeting shall take place between the contracting agent and the Conservation Administrator for the purpose of reviewing the requirements of the Order of Conditions and establishing a general construction schedule.

21. Members and agents of the Reading Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with this Order of Conditions. The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.

22. Any dewatering activities on the project in which water will be released to any resource area shall make use of a stilling

pond or similar device to remove sediment before the water is released and shall be approved by the Conservation Administrator prior to commencing.

23. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and permanently stabilized within 30 days by measures acceptable to the Conservation Administrator.

24. The applicant shall immediately correct any erosion problems that occur on the site. Any additional erosion and sedimentation controls found to be necessary by either the applicant, the Conservation Commission, or Conservation Administrator during construction shall be implemented by the applicant.

25. Construction refuse and debris shall be disposed of promptly and properly. The construction site shall be maintained in a clean condition and under no conditions shall debris be allowed within 100 feet of any resource area.

26. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any part of the site. The owner shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. This condition shall remain in perpetuity and shall not expire with the issuance of a Certificate of Compliance.

27. At least once every two weeks in which construction activity occurs on site, and for as long thereafter as ground remains unstabilized, the applicant shall submit a report from a registered professional engineer, approved by the Reading Conservation Commission, certifying that to the best of his knowledge and belief, based on a careful site inspection, all work is being performed in compliance with this Order of Conditions.

28. A Request for a Certificate of Compliance shall require a 21-day notice to the Commission. Accompanying the applicant's request for a Certificate of Compliance shall be:

a. A written statement by a registered professional engineer or land surveyor certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth what deviations, if any, exist.

b. Two sets of as-built plans (1" = 40' scale) stamped by a registered professional engineer and/or registered land surveyor showing:

(1) All structures, buildings, impervious surfaces, grading.

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(2) Distances to all structures and alterations within 100 feet of any wetland resource area.

(3) Any other elevations or distances the Commission may specify to ensure compliance with this Order.

29. With respect to all conditions, except 14, 19F, 27,28 and 32, the Reading Conservation Commission designates the Reading Conservation Administrator as its administrative agent with full powers to act on its behalf in administering and enforcing this Order.

30. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

31. This Order shall apply to all successors in interest and successors in control.

32. Prior to any work commencing on lot 102, a ^u revised plot plan shall be submitted and approved by the Conservation Commission due to the proximity of the proposed house and grading to the 20' buffer.

In the event of the issuance of an Order denying modification to a pre-existing residential structure, an appeal may be made to the Reading Board of Appeals within ten days after receipt of this Order. The Board will review the proceedings and render a decision as to whether the Order should be modified and what the modifications shall be. In all other cases, appeal shall be made to a court of competent jurisdiction.

ISSUED BY THE READING CONSERVATION COMMISSION

Harold W. Huber
Wallace G. Cochran
Carroll W. Gitzberg
M. Clifton Proctor

Joan Y. Nicholson

On this 9th day of March, 1988, before me personally appeared Joan Y. Nicholson to me known to be the person described in, and who executed the foregoing instrument and acknowledged the same as his/her free act and deed.

Lucy M. Hoyt

My Commission expires: Jan. 16, 1992