

Applicant:

James Gattuso
8 Mansion Road
Wakefield, MA 01880

Job File: REA-0180B

Request for Partial Certificate of Compliance

**Single Family House
#16 Nugent Lane, Lot 1
Reading, Massachusetts**

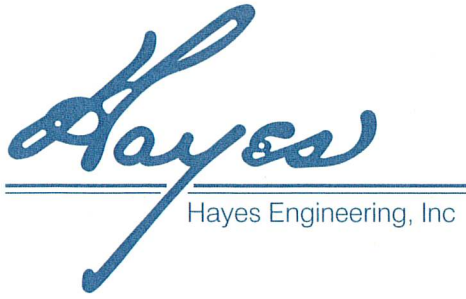
Filed under Wetlands Protection Act and Reading Wetlands Protection Bylaw

Order of Conditions #270-240

May 2025



Civil Engineers & Land Surveyors
603 Salem Street, Wakefield, MA 01880
(781) 246-2800 phone, (781) 246-7596 fax



603 Salem Street
Lynnfield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. REA-0180B

May 13, 2025

Reading Conservation Commission
Town Hall
16 Lowell Street
Reading, MA 01867

RE: Partial Certificate of Compliance Request
#16 Nugent Lane (Subdivision Lot 1)
DEP File #270-248
Certificate Requestor: James Gattuso
OoC Applicant: James & Laurea Nugent



Dear Members,

The office of Hayes Engineering, Inc. (HEI) respectfully requests a Partial Certificate of Compliance (PCoC) for activities completed at #16 Nugent Lane (known as Lot 1 in the Nugent Lane subdivision at #511 Pearl St.) relative to an Order of Conditions issued to James and Laurea Nugent by the Reading Conservation Commission on April 16, 1993. This Order of Conditions, recorded at the Essex North Registry of Deeds in Book 323625, Page 443, allowed construction of a 4-lot subdivision with roadway, driveways, houses and other associated work. The Order was extended twice, on February 1995 under the Reading Wetlands Bylaw by Nugent and April 1996 under the Wetlands Protection Act by Twomey). This PCoC request is specifically for the constructed house, driveway, and yards at #16 Nugent Lane. Note that this Partial Certificate is being requested for the purpose of closing out this old Order of Conditions in advance of the property owner's pending closing sale of the property in the first week of June.

A "Form 8A – Request for Certificate of Compliance" form, an as-built plan, and site photographs taken by Hayes Engineering, Inc. on May 5, 2025 accompany this letter.

Based on a review of the accompanying HEI as-built plan titled "Plan to Accompany Certificate of Compliance in Reading, Mass," dated May 12, 2025, and the accompanying photographs the completed work substantially complies with the approved plans and documents, with the following changes as noted:

1. Additional paver walkways and patio were installed along the house.
2. A shed placed on blocks was installed in the vicinity of the northeast corner of the house.
3. A gravel sitting area is present adjacent to the paver walkway/patio westerly of the house.
4. The existing stone retaining wall along the front of the house was extended to the back of the property as a border to the new paver walkway.
5. The previously existing deck was converted to an enclosed first floor single story addition to the house. This structure is raised on and supported by the pre-existing deck piers.
6. The rear yard is surfaced with gravel.
7. A fence was installed between 16 Nugent Lane and the adjacent property at 20 Nugent Ln.

It is the undersigned's opinion that the site is stable and so the Commission may issue a Certificate of Compliance for this project. The Certificate of Compliance should be issued and mailed to the Requestor James Gattuso, at his business address #8 Mansion Road, Wakefield, MA with electronic copies of the

Reading Conservation Commission, Request for Certificate of Compliance, #16 Nugent Lane, Reading, MA
May 13, 2025

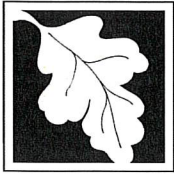
Certificate sent to Mr. Gattuso james@mayflowerrealtygroup.com and to Hayes Engineering, Inc. Wetland Scientist Elizabeth Wallis (lwallis@hayeseng.com).

Please contact our Wetland Scientist Elizabeth Wallis via mail (lwallis@hayeseng.com) should you have any questions or require any additional information.

Very truly yours,

William Bergeron, P.E.
Project Engineer

Enclosures
cc: James Gattuso (via email)



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

James Gattuso
Name
8 Mansion Road
Mailing Address
Wakefield MA 01880
City/Town State Zip Code
978-604-2491
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

James and Laurea Nugent
Applicant
April 16, 1993
Dated
270-240
DEP File Number

3. The project site is located at:

16 Nugent Lane (subdivision Lot 1)
Street Address
46
Assessors Map/Plat Number
Reading
City/Town
68
Parcel/Lot Number

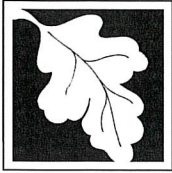
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Same as applicant. (Currently owned by JCG Investments LLC)
Property Owner (if different)
Middlesex South
County
323625
Book
443
Page
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

270-240

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Hayes Engineering Photo 5/15/26 Landscaping Reading, N.H.





Use photo 6/5/25 10 urgent Ln Reading, MA

#2



Hayes Engineering, Inc. Photo 5/5/25 16 August Ln Reading, MA #3



H Hayes Engineering Photo 5/15/25 16 August 2025

#4



Homes Engineering Inc. Photo 5/15/25 16 Nurgent Ln Reading #6



Hajes Engineering Photo 5/5/25 16 August in Reading #6



Hoyes Engineering Photo 5/5/15 - 16 Nugent Ln Reading

#7



Hayes Engineering Photo 5/15/25 16 Dupont Ln Reading #8



Haves Ena insecta Photo 5/15/25 161 Sargent Ln Reading #9

3 2 3 6 2 5 P 4 4 3

new original

714

RGB File # 1992-24

DEP File No.

270-248

(To be provided by DEP)

310 CMR 10.99

Form 5

City/Town Reading

Applicant James & Laurea Nugent

Commonwealth of Massachusetts

Order of Conditions Massachusetts Wetlands Protection Act

G.L. c. 131, §40 and Reading General Bylaws Section 5-7

From Reading Conservation Commission Issuing Authority

To James and Laurea Nugent same (Name of Applicant) (Name of property owner)

Address 511 Pearl Street, Reading, MA Address same

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on (date)
by certified mail, return receipt requested on April 16, 1993 (date)

This project is located at 511 Pearl Street - Nugent Lane Subdivision

The property is recorded at the Registry of Middlesex South

Book 12156 Page 261

Certificate (if registered)

The Notice of Intent for this project was filed on 12-16-92 (date)

The public hearing was closed on March 24, 1993 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- Public water supply, Private water supply, Ground water supply, Flood Control, Storm damage prevention, Prevention of pollution, Land containing shellfish Fisheries, Protection of Wildlife Habitat

Total Filing Fee Submitted \$ 750.00 State Share \$ 362.50 (1/2 fee in excess of \$25)

City/Town Share \$ 387.50

Total Refund Due \$ City/Town Portion \$ State Portion \$ (1/2 total) (1/2 total)

Total RGB Filing Fee submitted \$

20.00

552

MAD 09/07/93 11:55:15

Plan # 675

PLAN IN RECORD BOOK - 3623 9009 431

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

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, by-laws 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 and both that date and the special circumstances warranting the extended time period are set forth 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, containing 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. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order 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 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 to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the 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, File Number 270-248"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

11. 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.

12. The work shall conform to the following plans and special conditions:

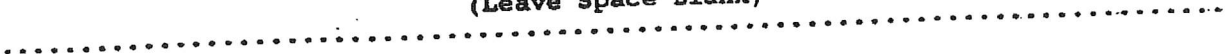
Plans: See attached page 5-3-1

Title	Dated	Signed and Stamped by:	On File with:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special Conditions (Use additional paper if necessary)

See attached pages 5-3-1 through 5-3-10.

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DATE OF ORDER: 04-16-93

Page: 5-3-1

PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s40-----DEP File Number: 270-248

READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

DOCUMENTS: The following plans and supporting documents are hereby made a part of this Order, except as the following pages may differ, in which case the following pages shall supersede these documents:

1. Notice of Intent; Location: 511 Pearl Street - "Nugent Lane Subdivision"; applicant: James and Laurea Nugent; Date: 12-14-92
2. Plan: "Plan to Accompany Notice of Intent, Nugent Lane, Reading, Mass."; Stamped and signed by Peter J. Ogren, R.P.E. Civil # 27145; Scale: 1"=40'; Date: March 8, 1993
3. "Supplemental Information, Notice of Intent, Nugent Lane, Reading, Massachusetts, January 5, 1993", by William Bergeron, P.E., Project Engineer (2 pages)
4. "W. M. Robertson, P.E. to Conservation Commission, Feb. 10, 1993, Re: Nugent Lane"
5. "W. M. Robertson, P.E. to Conservation Commission, March 24, 1993, Re: Nugent Lane Filing"
6. "Impact of Water Level Changes on Woody Riparian and Wetland Communities, Vol. IV: Eastern Deciduous Forest Region, September 1978," by Teskey and Hinckley
7. "Drainage Impact Report, Nugent Lane, Reading, Massachusetts, November, 1992" by Hayes Engineering, Inc.
8. Plan: "Existing Watersheds, Nugent Lane, Reading, Mass."; Stamped and signed by William Bergeron, R.P.E. Civil # 29464; Scale: 1"=40'; Date: November 4, 1992
9. Plan: "Proposed Watersheds, Nugent Lane, Reading, Mass."; Stamped and signed by Peter J. Ogren, R.P.E. Civil # 27145; Scale: 1"=40'; Date: November 4, 1992

DATE OF ORDER: 04-16-93

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s40-----DEF File Number: 270-248

READING GENERAL BYLAWS. SECTION 5.7-----File Number: 1992-24

PROPOSED PROJECT:

The applicants propose to fill approximately 420 sq. ft. of Bordering Vegetated Wetlands (BVW) and propose to culvert approximately seventeen linear feet of intermittent waterway Bank for a fifteen foot wide driveway crossing with retaining walls, to access two proposed single family dwellings on Lots 1 and 2. Approximately 140 sq. ft. of BVW is proposed to be filled for part of a subdivision roadway and retaining wall at about station 2+65. The applicants propose to create 1,150 sq. ft. of replacement BVW behind the house proposed on Lot 3.

An existing drain from a swale is proposed to be relocated and connected with the proposed street drainage, which is proposed to discharge to a stormwater detention basin, prior to discharge to the BVW on Lot 1. Roof drainage on the three new lots is proposed to be directed to drywells. A low-flow and flood control structure is proposed at the driveway crossing of the waterway. Driveway drainage from Lots 1 and 2 are proposed to filter through a two-foot wide by one-foot deep gravel trench prior to discharge toward the BVW on Lot 2.

FINDINGS:

- 1 The project site consists of a single family dwelling, driveway, yard, wooded swamp with a small intermittent stream, with wooded upland northeast of the narrow part of the swamp.
- 2 BVW The proposed BVW alteration is minimized by locating almost all of the street construction in the upland, by proposing a common driveway at the BVW crossing, and by building approximately 170 linear feet of retaining walls along the BVW for the road and for the driveway crossing. In addition, the BVW is proposed to be crossed at the narrowest point.

The Commission finds that twice the area of BVW to be lost is proposed to be replicated in the same general area. The proposal can be conditioned to meet the Performance Standards at 310 CMR 10.55.

- 3 Bank and LUW In the Vegetation and Resource Area Study (Document B in the Notice of Intent) the applicants identified Bank and Land Under Water Body (LUW) within the BVW, but stated that the flow is intermittent and is fed primarily by a driveway drain pipe. The boundary of LUW is identified in 310 CMR 10.56 (2)(c) to be the mean annual low

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s.40-----DEP File Number: 270-248

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water level. Because the stream routinely experiences no flow, it is not LOW and is entirely Bank. Likewise, it is only one Bank (rather than two sides whose lengths would be added together when calculating length of alteration).

Document E in the Notice of Intent "Attachment to Notice of Intent Part IV: Mitigating Measures, Nugent Lane, Reading MA, November 23, 1992" states: "The existing bank does not provide any important wildlife habitat; a portion of the bank in this area has been significantly altered by past activities." Notwithstanding this statement, under 310 CMR 10.54 (3) the Commission must presume the Bank to be significant to the protection of wildlife habitat, or give grounds for finding otherwise, in a Notification of Non-Significance (Form 6 of 310 CMR 10.99). The Commission finds the cited statement insufficient grounds for such a finding. However, the Commission finds that the amount of Bank proposed to be altered is less than the threshold required to qualify as alteration of significant wildlife habitat, according to 310 CMR 10.54 (4)(a)5.

The Commission finds that the proposed Bank alteration can be conditioned to meet the Performance Standards at 310 CMR 10.54.

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

It is the determination of the Commission that the proposed work can be adequately conditioned to protect the interests of the Wetlands Protection Act, c.131, s.40.

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

- 1 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 for that evaluation.
- 2 Prior to any work on the site:
 - a. The Conservation Commission shall receive proof that the Order of Conditions has been recorded at the Middlesex South Registry of Deeds showing instrument number(s) of the recording.
 - b. The applicant shall inform the Reading Conservation Commission, in writing, of the names, addresses, business and home telephone numbers of both the project su-

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s40-----DEP File Number: 270-248

READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

- pervisor, 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.
- c. A pre-construction meeting shall take place between the contracting agent and the Conservation Commission for the purpose of reviewing the requirements of the Order of Conditions and establishing a general construction schedule.
- 3 Prior to any other activity on the site subject to the Commission's jurisdiction, a row of adjoining double-staked haybales and/or filter fence shall be properly installed on the upland side of the boundaries of all Bordering Vegetated Wetlands and elsewhere, as shown on cited Document #2. These shall be the limit-of-activity line, and (except at the ends of the driveway crossing of the BVW) shall remain in place until all work is completed to the satisfaction of the Conservation Commission. The Conservation Commission will be called to inspect the haybales and/or filter fence upon installation, and no other work will ensue until written confirmation from the Commission has been issued.
- 4 No activity except for the driveway crossing of the BVW shall occur beyond (on the downhill side of) the limit-of-activity line, within any wetland or bank, without the express written authorization of the Commission. This Condition shall remain in perpetuity, and shall not expire with the issuance of a Certificate of Compliance.
- 5 Replication of wetlands, and any stormwater control structures such as detention areas and conduits, shall be constructed prior to other construction on the site. Two progress reports per growing season (June and October) for at least two years (until success has been shown) shall be provided to the Commission to monitor the relative success of the wetland replication area.
- 6 A copy of this Order of Conditions, as well as construction plans, shall be on site upon commencement and during any site work for contractors to view and adhere to. 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. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

NGL Ch. 131 §40-----DEF File Number: 270-248

READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

- 7 Any departures from, or changes to the plans, specifications, and submitted data, other than as described in this Order of Conditions, which will result in any effect upon the interests of the Act or of Section 5.7, 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 or Notice of Intent 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.
- 8 Foundations for all structures shall be located in conformance with the plans approved by this Order. An "as-built" plan prepared by a professional civil engineer or land surveyor, registered by the Commonwealth, shall be submitted to the Commission prior to construction of any structure on said foundations. Certified plot plans are acceptable. Said construction shall not proceed unless written approval of the Commission is received. Notwithstanding this paragraph, any proposed change in location shall be considered a departure from the plans described in this Order.
- 9 If any unforeseen problems occur during construction which affects any of the statutory interests of the Act or the Reading General Bylaws, upon discovery, the applicant shall notify the Reading Conservation 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 The applicant, including any successor in interest or successor in control, 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 shall be implemented by the applicant.
- 11 Proposed vegetated side-slopes shall have a finished grade no steeper than three horizontal feet : one vertical foot.
- 12 As soon as possible all disturbed upland areas shall be brought to final grade, and shall be permanently stabilized within 30 days of that time by loam and seeding or other measures acceptable to the Conservation Commission. 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. Where necessary, the loam and seeding shall be held in place with silt netting.

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

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- 13 Any dewatering activities on the project in which water will be released to any drainage 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 Commission prior to commencing.
- 14 Construction refuse and debris shall be disposed of promptly and properly. The Commission may require that the applicant provide documentation of such proper disposal. The construction site shall be maintained in a clean condition at all times.
- 15 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.
- 16 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 governed by this Order. The applicant 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.
- 17 This Order shall apply to all successors in interest and successors in control. This condition shall remain in perpetuity and shall not expire with the issuance of a Certificate of Compliance.
- 18 In conjunction with the transfer of interest or control of any portion of the area governed by this Order, the applicant shall submit to the Commission a statement signed by the person receiving said portion, that states that they have received a copy of this Order.
- 19 With respect to all special conditions except 4, 7, and 20 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.
- 20 A Request for a Certificate of Compliance shall require a 31-day notice to the Commission. Accompanying the applicant's request for a Certificate of Compliance shall be:

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s40-----DEP File Number: 270-248

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- a. A written statement by a registered professional engineer certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth what deviations, if any, exist.
- b. Water quality certification from the Massachusetts Department of Environmental Protection, Pollution Control Division.
- c. Two sets of as-built plans (1" = 40' scale) stamped by a registered professional engineer showing:
 1. All structures, buildings, impervious surfaces, and existing grading.
 2. Any other elevations or distances the Commission may specify to ensure compliance with this Order.
- d. The Book and Page number(s) of the recorded Order of Conditions, if not already submitted.

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

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READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

FINDINGS - READING GENERAL BYLAWS, SECTION 5.7

The Reading Conservation Commission has conducted an on-site visit, 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
Storm Damage Prevention
Public or Private Water Supply
Groundwater
Water Pollution
Erosion control
Wildlife

- 1 Zone of Natural Vegetation The plan does not provide a twenty-five foot minimum ZNV along the existing and proposed BVW. In particular: roadway construction, roadway storm drainage collection and discharge, driveway and associated yard grading on Lots 1 and 2 are all proposed within the minimum ZNV. A waiver is necessary for a minimum distance for the proposed roadway access and BVW crossing. The applicant agreed to extend the retaining walls and to allow the adjacent areas within the minimum ZNV to be established as ZNV, to compensate for the aforementioned loss of ZNV.
- 2 Stormwater Drainage The applicants propose a detention area within the ZNV on Lot 1 with 4+ inches depth of retention, to mitigate the effects of the "first flush" from the smaller, frequent storm events. A control structure is also proposed in the driveway crossing, with a 2-1/2 inch diameter inlet at grade in the waterway and with a 12 inch overflow at the 100 year storm elevation.

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

Paragraphs 1, 2, 3, 6, 11, and 12 under the General Conditions outlined on page 5-2 above, and all subsequent stated plans and conditions stated above shall be applied to the Reading General Bylaws, Section 5.7, as well as the following specific conditions:

- A-1 The proposed headwalls for the roadway and driveway shall be extended to the north on lots 1 and 2 to provide an undisturbed area along the adjacent BVW having a width of a minimum of twenty-five (25) feet. The twenty-five foot wide Zone of Natural Vegetation (ZNV) shall remain undisturbed on

DATE OF ORDER: 04-18-93

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

NGL Ch. 151 s40-----DEP File Number: 270-248

READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

Lots 1 and 2 north of the crossing, except to allow a single, maximum fifteen foot wide, driveway, plus headwalls. The driveway shall be located to result in the minimum amount of disturbed area in the ZNV. No disturbance, including grading or removal of vegetation, shall be allowed in the ZNV on the north side of the crossing, except within the limit of the driveway and headwalls.

- A-2 The detention area and the driveway and road slope areas proposed to be graded within twenty-five feet of the wetlands on the south side of the crossing shall be loamed and seeded with a perennial mix or planted with native species until a successful vegetative cover is established, and shall be maintained in an undisturbed, naturally vegetated state.

The upland area within twenty-five feet of the Replacement Area, if disturbed, shall also be loamed and seeded with a perennial mix or planted with native species until a successful vegetative cover is established. It shall be maintained in an undisturbed, naturally vegetated state.

The maintenance portion of this Condition shall remain in perpetuity, and shall not expire with the issuance of a Certificate of Compliance.

- A-3 Pipes or rebar shall be driven to ground level every twenty feet along the full length of the upland limit of the ZNV. Visual markers such as shrubs, fence or walls acceptable to the Commission shall be placed and maintained along the ZNV at least every fifty feet.
- A-4 Notwithstanding the preceding Condition, the stormwater control structures, pipe, rip-rap, retaining walls and roadway and driveway within the twenty-five foot Zone of natural Vegetation and within the wetlands may be maintained but not enlarged.
- A-5. 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.
- A-6. The work authorized above 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 addi-

DATE OF ORDER: 04-16-93

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PROJECT: 511 Pearl Street - Nugent Lane Subdivision

MGL Ch. 131 s40-----DEP File Number: 270-248

READING GENERAL BYLAWS, SECTION 5.7-----File Number: 1992-24

tional 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.

- A-7. Prior to any work governed by this Order, a performance surety (cash or equivalent, tri-party agreement, bond or letter of credit running to the Town of Reading) shall be provided, which may be calculated by the Town Engineering Division, and must be in all respects satisfactory to the Town Counsel and the Commission. Said surety shall be conditioned on the satisfactory completion of all work required by this Order, shall be signed by a party or parties satisfactory to the Town Counsel and the Commission, and shall be released after a Certificate of Compliance has been issued. In the event that this Order expires, and after written notification to the applicant of the Commission's intention, the Commission may apply the surety toward the satisfactory completion of the work required by this Order, or restoration of affected lands or properties. This Condition is issued under the authority of the Town of Reading General Bylaws, Section 5.7.
- A-8 Notwithstanding the previous Condition, the Commission may withhold for two growing seasons or two years - whichever is longer - ten percent of the performance surety after a Certificate of Compliance has been issued, to ensure and apply toward compliance with any continuing Conditions or restorations of affected lands or properties.

Issued By Reading Conservation Commission

Signature(s) M. Clifton Proctor
James E. Bille
James H. Anthony
Jennifer K. Sachman
Jean M. Nickerson
Edwin J. Loschi

This order must be signed by a majority of the Conservation Commission.

On this 28th day of April 19 93, before me personally appeared Edwin J. Loschi, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Harold Victor Huber
Notary Public Harold Victor Huber

May 14, 1993
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To Reading Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at: 511 Pearl Street "Nugget Lane"

File Number DEP # 270-240 has been recorded at the Registry of Middlesex South and
RGB# - 1992-24
has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19____.

If recorded land, the instrument number which identifies this transaction is _____

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

Signature _____ Applicant