



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
READING WETLAND PROTECTION BYLAWS SECTION 7.1

Provided by MassDEP:

MassDEP File #

270-0709

eDEP Transaction #

Reading

City/Town

A. General Information (cont.)

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

Middlesex South

#0187452, DOC # 818670

a. County

b. Certificate Number (if registered land)

20441

506

c. Book

d. Page

7. Dates: 9/12/2012

11.28/2012

March 19, 2019

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):

2. Site Plan

a. Plan Title

Oak Consulting Group, LLC.

Paul F. Avery III. #34975

b. Prepared By

c. Signed and Stamped by

November 2, 2012

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

20110000



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		



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B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

800 sq ft

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

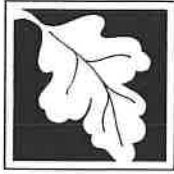
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided 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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. 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.
8. 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.



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

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. 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 270-0709 "
11. 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.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 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.
15. 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.
16. 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.
17. 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.



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

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the “Project”) is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attachment



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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):
 - 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 Bylaw, Section 7.1- Wetland 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. Signatures

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

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

March 14, 2019
 1. Date of Issuance
 five (5)
 2. Number of Signers

Signatures:

Chinkee Scambr
Patricia Lovelace
[Signature]
Kenneth
Paul J. Hay

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

March 21, 2019

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, 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

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

To:
Reading
 Conservation Commission

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

Lots 125 & 126 Azalea Circle 270-0709
 Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

 County Book Page

for: Property Owner

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

 Book Page

In accordance with the Order of Conditions issued on:

 Date

If recorded land, the instrument number identifying this transaction is:

 Instrument Number

If registered land, the document number identifying this transaction is:

 Document Number

 Signature of Applicant

Attachment to Order of Conditions
Kay Street Reading Realty Trust LLC
Map 23, Lots 125 & 126 Azalea Circle
DEP# 270-0709

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 on Azalea Circle, Assessor's Map 23, Lots 125 & 126 submitted on October 1, 2018 with attachments, by Kay Street Reading Realty LLC, Applicant.
2. Site Plan C-001 entitled "Existing Conditions Plan, Map 23, Lots 125 & 126 in Reading, Massachusetts", dated July 9, 2018, revised through February 13, 2019, stamped and signed by Paul F. Avery III. #34975, prepared by Oak Consulting Group, LLC.
3. Site Plan C-002 entitled "Grading Drainage and Utilities Plan, Map 23 Lots 125 & 126 in Reading, Massachusetts", dated July 9, 2018, revised through February 13, 2019, stamped and signed by Paul F. Avery III. #34975.
4. Site Plan C-003 entitled "Site Plan, Map 23 Lots 125 & 126 in Reading, Massachusetts", dated July 9, 2018, revised through February 13, 2019, stamped and signed by Paul F. Avery III. #34975.
5. Site Plan C-004 entitled "Site Plan Details, Map 23 Lot 125 & 126 in Reading, Massachusetts", dated July 9, 2018 revised through February 13, 2019, stamped and signed by Paul F. Avery III. #34975.
6. Site Plan entitled "Previous Development Comparison Plan, Map 23 Lot 125 & 126 in Reading, Massachusetts", dated July 9, 2018, stamped and signed by Paul F. Avery III. #34975
7. Order of Conditions Map 23 Lot 125 Azalea Circle DEP file number 207-0609.
8. Order of Conditions Map 23 Lot 126 Azalea Circle DEP file number 207-0608.
9. Stormwater Management Report completed by Oak Consulting Group, dated July 2018 Revised December 2018.
10. FEMA Flood Insurance Rate Map, Town of Reading, Massachusetts, Community Panel Number 25017C0314 E, effective June 4, 2012.
11. Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map, dated August 1, 2017, by MA Natural Heritage and Endangered Species Program.
12. Figure 2, Town of Reading, MA, Zone II and Zone III Areas, dated July 8, 1996, by Weston and Sampson, showing Aquifer Protection District

Attachment to Order of Conditions
Kay Street Reading Realty Trust LLC
Map 23, Lots 125 & 126 Azalea Circle
DEP# 270-0709

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13. Site visit report by Reading Conservation Commission dated October 23 and November 13, 2018.
14. Memorandum dated October 23, 2018, from Ryan Percival, Town Engineer, to Conservation Commission.
15. Memorandum dated February 27, 2019, from Alexander Rozychi, Town Engineer, to Conservation Commission.
16. Letter to Mr. Charles Tirone from Vito Politano. dated January 7, 2019

FINDINGS:

1. The site is located on Lots 125 & 126 of Assessor's Map 23, Lot 125 & 126 are undeveloped lot with 40,781 square feet of land. A Notice of Intent was originally filed for this property in February 1991 the lot is a combination of two previously defined parcels, referred to in the original Notice of Intent 270-442 as "Lot 36" and "Lot C-2". A second Notice of Intent was filed on September 12, 2012 for 2 dwellings on 2 separate lots. The commission approved both applications but work never commenced and both Orders of Condition expired. Currently there is no valid Order of Conditions under the WPA or the local Bylaw. As such, the applicant submitted a new NOI under the WPA and Local Bylaw. Lot 125 & 126 is owned by real estate entity Kay Street Reading Realty LLC.
2. Lot 125 & 126 slope downward from south to north. Contain upland forest on the south side and Bordering Vegetated Wetlands (swamp) on the north side. An intermittent stream channel runs within the wetland through the lots, flowing in an easterly direction. The Bordering Vegetated Wetland boundary delineation on Lot 125 & 126 is hereby confirmed as shown by flags #WF1 through WF17 (Flag WF14 A was added, Flages WF18 & 19 Moved up 2 feet, Flag 17 moved up 2 feet) on the Notice of Intent site plans (Documents #2- #6). The wetland is also identified as a floodplain with 100-year flood elevation of 85' NGVD. Because the NOI site plans are based on the Reading Sewer Datum, the 100-year flood elevation is 190.65' on the site plans. This contour is shown on the site plan and labeled "100yr flood plain". The site is not in the Aquifer Protection District, is not in estimated habitat on the NHESP map, and is not near any certified vernal pools.
3. The work proposed under this Order of Conditions includes construction of a single family home with an accessory apartment, roof runoff infiltration system, retaining walls, pervious pavement parking area, utilities, grading, and landscaping. A deep sump catchbasin and drywell will capture, treat and recharge stormwater runoff from the driveway. The catchbasin will help remove suspended solids from runoff and thus prolong the life of the drywell infiltration system.

Attachment to Order of Conditions
Kay Street Reading Realty Trust LLC
Map 23, Lots 125 & 126 Azalea Circle
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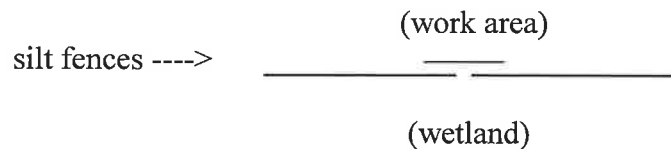
4. The proposed house foundation and retaining walls on Lot 125 & 126 will be located 35 feet from the Bordering Vegetated Wetland boundary and thus provide the minimum setback under Section 3.D of the Reading Wetlands Protection Regulations. The Applicant will retain all trees within the 25 foot Zone of Natural Vegetation. The Applicant also proposes a mixture of native planting within a 365 square foot area between 25 and 35' BVW that will provide food and shelter as well as a buffer to the wetland for any ongoing human disturbance associated with the new home. Within the area of disturbance an additional 435 square feet of native planting is proposed to provide buffer to the ZNV. A total of 800 square feet will be planted with a mixture of 38 or more native shrubs. Care must be taken during construction and planting to prevent damage to the roots, bark, and limbs of the trees to be saved. All planting must survive three years from the date planted or they must be removed and replaced with healthy like kind native plants.
5. This Order applies to all areas and work that are in wetland resource areas or the 100-foot Buffer Zone, or that add storm drainage to a discharge point in said resource area or Buffer Zone.
6. 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.
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 contracting agent and the Conservation Administrator or Commission for the purpose of reviewing the requirements of the Order of Conditions and establishing a general construction schedule.

**Attachment to Order of Conditions
Kay Street Reading Realty Trust LLC
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5. Prior to any other activity on the site, a row of adjoining double-staked haybales or filter fence or both shall be properly installed on the upland side of the boundaries of all Bordering Vegetated Wetlands and Floodplains, and elsewhere as shown on plans that are made part of this Order. The drip lines of all trees to be saved shall also be protected with visible fencing or other suitable markers. The erosion barriers and tree protection barriers shall be the limit-of-work line, shall be labeled as the limit of work line, and shall be maintained in place until all work is completed to the satisfaction of the Commission. The Conservation Administrator/Commission shall be called to inspect the limits upon installation, and no other work shall commence until the inspection has taken place.
6. To allow wildlife movement, long sections of filter fence or haybales shall be installed in 50-foot sections, leaving a one-foot gap between them. The gap shall be protected from siltation by placing a six-foot section of fence or bales across it on the uphill side and one foot away from it, so there is an overlap of about three feet on either side:



7. No activity shall occur beyond the limit-of-work line, on any Land Subject to Flooding, or within twenty-five feet of any other resource area with the exception of invasive removal and mitigation planting, without the express written authorization of the Commission.
8. All stormwater control structures shall be constructed prior to paving or roofing the impervious areas that discharge into them. The applicant shall provide temporary stormwater management structures as needed to prevent sediments from clogging the drainage structures during the remainder of construction. The Commission shall be notified prior to the placement of crushed stone backfill around drainage structures. The Commission or authorized agent shall be present as the material is backfilled on the site.
9. Total impervious cover shall not exceed the area shown on the approved site plans. Notwithstanding the preceding sentence, any proposal to exceed the maximum impervious area shall require plans for full mitigation of any additional stormwater runoff impacts and shall be considered a departure from the plans referenced in this Order.
10. The foundation for the house shall be located in conformance with the plans, including conforming to top of foundation elevations, 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

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any structure on said foundations. Certified plot plans are acceptable, however, top of foundation elevations shall be shown on the plans. Said construction shall not proceed unless written approval of the Commission or Administrator is received. Notwithstanding this paragraph, any proposed change in location shall be considered a departure from the plans described in this Order.

11. The proposed Native plants shall be located away from the roots of the trees to be saved north of the house. The final location of each shrub shall be determined in the field by the Commission or its representative in conjunction with the Applicant.
12. 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.
13. A professional wetland scientist shall submit a vegetation monitoring report on all the native plantings and invasive removal activity on the site of the replication area and the 1 to 1 tree replacement policy, every July during construction period and for 2 years following the issuance of the Certificate of Compliance. The report will include at a minimum: health of all vegetation planted in compliance with this order; density of all vegetation planted in compliance with this order; density of invasive species within areas specified in this order for control of invasive species; identification of any additional significant establishment of invasive species; and either explanation that the action permitted by this order did not contribute to the additional invasive species or proposed plan to control the spread of invasive species.
14. 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.
15. The owner shall immediately correct any erosion problems that occur on the site. If any additional erosion and sedimentation controls are found to be necessary by the owner, the Commission, or the Conservation Administrator, the applicant shall install additional sediment controls.
16. Any 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.
17. As soon as possible, all disturbed upland areas shall be brought to final grade, and shall be permanently stabilized by loam and seeding or other measures acceptable to the Commission. Where necessary, the loam and seeding shall be held in place with jute netting. Bare ground and disturbed areas that can not be permanently revegetated within thirty 30 days after disturbance shall be temporarily stabilized by a method

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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.

18. The owner or the future owners cannot cut healthy native trees with a DBH greater than 4 inside the 25 foot Zone of Natural Vegetation or its 10 foot Buffer Zone without authorization from the conservation commission. This restriction shall survive the issuance of any Certificate of Compliance. The deed of conveyance from the grantor to the grantee of Lots 125 & 126 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.
19. Any dewatering activities associated with the project shall make use of a stilling basin or similar device to remove sediment before the water is released. The stilling basin shall not be closer than 100' from bordering vegetated wetlands and shall consist of at least haybales, filter fence, and crushed stone. The Commission shall approve the stilling basin specifications prior to commencing any dewatering.
20. All stockpiled materials shall be located at least 75' from bordering vegetated wetlands. Excess earth shall be removed from the site and properly disposed of within 20 days after excavation.
21. Construction refuse and debris shall be contained within a dumpster and 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.
22. 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.
23. 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.
24. 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 and copies of Documents # 2, #3, #4, #5, and #6. The new owner shall sign a written acknowledgement that he or she has received the Order and Documents and agrees to comply with them. The applicant and/or the new owner shall submit the

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acknowledgement to the Commission, along with the name, address, phone number and other contact information of the new owner.

25. The Commission designates the Conservation Administrator as its administrative agent with full powers to act on its behalf in administering and enforcing this Order, except the Administrator shall not approve Plan Changes or Certificates of Compliance. In addition, if a Certificate of Compliance has been issued, the Administrator may sign off on any Certificate of Occupancy. If a Certificate of Compliance has not been issued, the Administrator shall not sign off on any Certificate of Occupancy unless the Commission has voted to authorize such sign-off.
26. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of Lots 125 & 126 shall maintain the pavement and drainage system in accordance with the following schedule:
 - a. Pavement shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt and at least three other times annually.
 - b. Snow shall be plowed onto vegetated areas to encourage infiltration during subsequent thawing periods. Sediments shall be removed from snow storage areas in the early spring.
 - c. Paving and curbing shall be maintained in good condition to channel surface runoff into the storm water treatment system.
 - d. Vegetation shall be maintained in healthy condition to prevent erosion and sedimentation in the drainage system and wetland resource areas. These areas shall be inspected in the spring and fall, and repaired or replaced as needed.
 - e. Accumulated sediments and floatable wastes shall be removed from the catch basin at least four times per year. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin which becomes damaged shall be repaired or replaced immediately upon discovery.
 - f. Any drain pipe that becomes damaged shall be repaired or replaced immediately upon discovery.
 - g. Roof gutters shall be equipped with leaf guards and shall be cleaned at least twice a year to minimize the introduction of leaves and other debris into the infiltration chambers. The chambers shall be equipped with clean-out /inspection ports. The chambers shall be inspected at least four times per year during and after storms for signs of clogging such as water ponding on the surface above the infiltration bed, backing up in the downspouts, or failing to leave the chambers by infiltration more than 72 hours after a storm. If the system becomes clogged, it shall be repaired or replaced to restore its function.

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- h. The Reading Conservation Commission and the Conservation Administrator shall have the right to enter the site to inspect for compliance with these conditions.
27. 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 following:
- a. A written statement by a registered professional civil engineer certifying compliance with this Order of Conditions and its approved referenced plans and setting forth what deviations, if any, exist.
 - b. Two prints and one tif file of as-built plans (1" = 40' or 1" = 20' scale) stamped by a registered professional civil engineer showing all structures, buildings, impervious surfaces, drainage structures, topography, and any details or distances the Commission may specify to ensure compliance with this Order.
 - c. The Registry of Deeds Book and Page number(s) of the recorded Order of Conditions, and Certification number, if not already submitted.

NARRATIVE FOR READING GENERAL BYLAWS, SECTION 7.1

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 7.1:

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, 17 and 18 under the General Conditions on pages 4 through 5 of this Order and all Documents, Findings and Special Conditions on pages 10 through 16 of this Order. Work shall also conform to the following Additional Conditions:

LIST OF ADDITIONAL CONDITIONS - R.G.B. Section 7.1:

A-1 Lot 125 & 126, as shown on the referenced plan (Document # ___ 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 a natural forested condition: ... the 25 foot zone of natural vegetation and the stone or concrete bounds marking the 25 foot zone of natural

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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 Lots 125 & 126 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.

A-2 Prior to other work on the site, permanent visible stone or concrete bounds or equivalent shall be set at least two feet into the ground at turning points and otherwise at forty foot intervals, along the 25-foot offset line from the wetlands on the property. These bounds mark the Zone of Natural Vegetation and limit-of-work line, and shall be maintained in perpetuity. This Condition shall be stated in any deed or other Registry of Deeds document conveying any ownership or interest in this property. If said document cites a plan, the plan shall identify the markers "Conservation Zone of Natural Vegetation and limit-of-work line markers". This Condition shall remain in perpetuity and shall not expire with the issuance of the Certificate of Compliance.

A-3 Prior to any work governed by this Order, a performance surety (cash or certified check, tri-party agreement, bond, or letter of credit running to the Town of Reading) shall be provided in the amount of \$10,000.00 or such lesser amount as may be calculated by the Town Engineering Division. Said surety shall be satisfactory to the Town Counsel and the Commission in all respects. 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 party or parties 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. If the surety is forfeited, Town employees and agents may enter the site to perform such work and shall be held harmless.

A-4 Notwithstanding the previous Condition, The Commission will withhold for one calendar year beyond the completion of the entire project the performance surety also the Commission may withhold for two additional calendar years ten percent of the performance surety after the Certificate of Compliance has been issued to ensure and apply toward compliance with any continuing Conditions or restoration of affected lands or properties.

