

Department of Planning and Community Development

1 JFK Memorial Dr.  
Braintree, MA 02184  
781 794-8230



Mayor Joseph C. Sullivan

Braintree Conservation Commission

Heather Charles Lis, Chair  
Donald Murphy, Vice-Chair  
Alan Weinberg, Clerk  
Joyce Albrecht  
Kevin Bears  
Diane Francis  
Gail Poliner-Feldman

Staff: Kelly Phelan

March 6, 2018

BSC Partners LLC  
521 Mount Hope St.  
North Attleboro, MA 02760  
Attn: Scott Lacy

RE: Order of Conditions  
8-641 128 Town St. Petersen Pool Indoor Sports Complex

Dear Mr. Lacy,

Please find attached the Order of Conditions issued by the Conservation Commission for your project. Conditions have been issued to ensure the project will not significantly alter the resource area. The Commission expects that you will comply with all of the Conditions of Approval, a number of which require you to furnish additional information to the Commission prior to, during and after construction. Please be sure that your contractor reviews and understands information contained in this Order.

In accordance with M.G.L. Chp. 131 Sec. 40, prior to start of any work, you must record the Order at the Norfolk County Registry of Deeds or Land Court. A copy of said recording showing book and page number is to be furnished to the Commission. Also please contact me prior to the start of work to address all of the pre-work conditions.

Should you have any questions or require additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Phelan".

Kelly Phelan



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

Provided by MassDEP:  
 8-641  
 MassDEP File #  
 eDEP Transaction #  
**Braintree**  
 City/Town

**A. General Information**

Please note:  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

1. From: Braintree  
 Conservation Commission
2. This issuance is for (check one):  
 a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

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



a. First Name BSC Partners LLC & Town of Braintree b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
521 Mount Hope St.  
 d. Mailing Address \_\_\_\_\_  
North Attleboro MA 02760  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
Town of Braintree (School Department)  
 c. Organization \_\_\_\_\_  
1 JFK Memorial Drive  
 d. Mailing Address \_\_\_\_\_  
Braintree MA 02184  
 e. City/Town f. State g. Zip Code

5. Project Location:

128 Town St. Braintree  
 a. Street Address b. City/Town  
1042 2  
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: \_\_\_\_\_ d. Latitude \_\_\_\_\_ e. Longitude \_\_\_\_\_



**8-641 128 Town St. /BSC Partners LLC  
List of Approved/Record Plans**

**Notice of Intent Set Petersen Pool Indoor Sports Complex**

<b>Sheet</b>	<b>Final Rev. Date</b>	<b>Stamped by</b>
Existing Conditions (As Built Plan) Sheets 1 & 2	2/05/2018	Joyce Hastings, PLS
Plan of Land	2/05/2018	Joyce Hastings, PLS
Layout & Materials	2/05/2018	Daniel Campbell, PE
Grading & Utilities (3 sheets)	2/05/2018	Daniel Campbell, PE
Grading & Utilities Plan and Profile	2/05/2018	Daniel Campbell, PE
Erosion Control (2 sheets)	2/05/2018	Daniel Campbell, PE
Landscape Key Plan	1/27/2017	John Carter, RLA
Planting Plan (2 sheets)	8/10/2017	John Carter, RLA
Landscape Notes & Details	1/27/2017	John Carter, RLA
Typical Details (4 sheets)	2/05/2018	Daniel Campbell, PE



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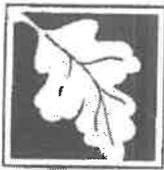
**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 1 a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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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	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. 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.

23.  Restoration/Enhancement \*;

a. square feet of BVW

b. square feet of salt marsh

24.  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 for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
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 three years from date of issuance 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.



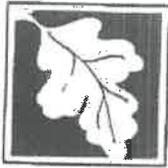
**Massachusetts Department of Environmental Protection**  
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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.
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            8-641            "
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.



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

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8-641

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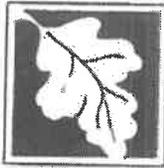
#### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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.
- 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.
- 19. The work associated with this Order (the "Project")
  - (1)  is subject to the Massachusetts Stormwater Standards
  - (2)  is NOT 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;

*Handwritten notes:*  
2. d  
end of proj det phase



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

- 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.
- 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 attached**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

## Department of Planning and Community Development

1 JFK Memorial Dr.  
Braintree, MA 02184  
781 794-8230



Mayor Joseph C. Sullivan

### Braintree Conservation Commission

Heather Charles Lis, Chair  
Donald Murphy, Vice-Chair  
Alan Weinberg, Clerk  
Joyce Albrecht  
Kevin Bears  
Diane Francis  
Gail Pollner-Feldman

Staff: Kelly Phelan

**Order of Conditions - Special Conditions**  
8-641 128 Town St. (Map 1042, Plot 2)

### FINDINGS

This Order of Conditions permits development of a recreational sports facility with an 87,710 square foot building, associated parking areas and site and utility work on a portion of the Braintree High School lot. The building and parking areas are out of the 100 foot buffer zone to Bordering Vegetated Wetlands but the stormwater management system for the project discharges within the buffer zone. Also, construction of the sewer line and tie in to the sewer main occurs within the buffer zone. As such, the Commission has jurisdiction to review the project to ensure compliance with the Massachusetts Stormwater Standards. The Commission retained an independent engineer who reviewed the project for compliance with the Stormwater Standards. After a lengthy review process, which included reducing the building footprint from 157,160 square feet to 87,710 and modifications to the stormwater management system, the independent engineer confirmed compliance with the Stormwater Standards.

The Commission finds that the proposed activities will have no significant adverse impact on Resource Areas provided the following special conditions are followed in order to contribute to the protection of the interests identified in 310 CMR 10.00 & Braintree Wetland Bylaw.

### GENERAL

21. \_\_\_\_\_ Prior to the start of any work, the applicant/owner [Applicant] and the general contractor shall meet with staff from the Department to review this Order.
22. \_\_\_\_\_ Prior to the start of any work, the Applicant shall provide to the Department:

a.) the name, address and business phone number of the individual who shall be responsible for all activities on site

b.) proof that "Dig-Safe" has been notified at least 72 hours prior to the start-up of any site work (i.e dig safe number shall be provided).

23. A copy of this Order shall be kept on site and shall be incorporated into all construction contracts and subcontracts dealing with Authorized Activity.

24. The Applicant shall be responsible for the routine upkeep of the site during construction. Upon completion of all site and construction work, the site shall be cleared of all remaining debris and construction materials.

25. Petroleum products used in the maintenance of construction equipment shall be collected and disposed of at an approved disposal site.

#### **EROSION & SEDIMENTATION CONTROLS**

26. \_\_\_\_\_ Prior to the start of work, the erosion control shall be installed in accordance with the approved Erosion Control plan (including "Notes" for silt sacks, stabilized construction entrance, etc.). The Conservation Agent shall be contacted to conduct a site inspection to verify the appropriate installation of the erosion control measures.

27. The erosion control shall be continually maintained throughout construction and shall not be removed until permanent stabilization of the site has been established. Upon completion of the project, erosion control material shall be properly disposed of or recycled.

28. All disturbed areas shall be immediately and permanently revegetated following the completion of construction in said areas. If adverse weather precludes immediate revegetation, the Applicant shall stabilize disturbed areas with a 3" to 6" cover of mulch or other soil erosion control measure acceptable to Department staff.

29. The Applicant shall immediately control any erosion problems that occur on site and shall notify the Department of said problems. Any additional erosion and sedimentation controls found to be necessary by the Applicant, the Commission or Department staff shall be implemented by the Applicant, including construction tracking pads at entrances and sweeping sediment from roadways daily or as needed.

#### **DRAINAGE**

30. Drainage and infiltration shall be constructed in accordance with the record plans. Any change to the record plans shall require the applicant to inquire of the Conservation Commission whether the change is significant enough to require the filing of a new Notice of Intent.

31. \_\_\_\_\_ Prior to the start of work, the applicant shall submit to the Planning and Community Development Department, for review and approval, a revised Drainage Operation and Maintenance Plan that addresses drainage system maintenance and the commitments/responsibilities of both the Town of Braintree and the Applicant relative to the dual responsibilities for long term maintenance and operation.

2.2  
2.2

32. The drainage system shall be maintained in accordance with the above noted approved Operation and Maintenance Plan. Inspection and maintenance records shall be provided to the Commission upon request. This condition shall survive the expiration of this Order and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

2.2  
2d  
2.2

33. \_\_\_\_\_ Prior to the start of any work, the applicant's engineer shall have submitted to the Planning and Community Development Department a Stormwater Period Pollution Prevention Plan (SWPPP) and National Pollution Discharge Elimination System (NPDES) permit. The SWPPP shall have been amended to list the project site operator as the BSC Partners, LLC until the site work is entirely completed, with the Town the responsible party thereafter as recommended by Town Engineer in his memo of 7/28/17.

2.2

34. \_\_\_\_\_ Prior to the start of any work, the applicant's engineer shall submit a dewatering plan. The dewatering plan shall be approved by the Town staff of the Engineering, Conservation and Planning Board.

35. \_\_\_\_\_ Prior to the start of any work associated with the installation of the drainage system, the applicant and their site contractor shall have submitted to the Planning and Community Development Department a schedule of milestone inspections. Said inspections shall be performed by the independent, peer review engineer or, if determined by the Planning Board, inspections to be performed by the Braintree Engineering Department. The appropriate engineer shall provide written reports to the Planning Board and Conservation Commission of the site inspections with 24 hours. All drainage shall be installed prior to the start of any construction associated with the building.

36. \_\_\_\_\_ Prior to the start of any work associated with the installation of the drainage system, field tests, witnessed by SPGA peer engineer, shall be performed within the area of the infiltration basin to verify the saturated hydraulic conductivity of the in-situ soils. One of the methods noted in Chapter 3 of the Massachusetts DEPS Stormwater manual shall be used. Documentation of such shall be provided to the Commission.

37. \_\_\_\_\_ Staff shall be notified no less than 48 hours prior to the evaluation of the test pits.

38. If the soil in the locations proposed for infiltration is not suitable for infiltration it shall be removed to a depth of at least two feet below the bottom of the infiltration system and

replaced with suitable material to ensure that stormwater will infiltrate. Documentation of such shall be provided to the Commission.

39. \_\_\_\_\_ **Prior to the start of work associated with the installation of the cross country drainage and proposed sewer connection,** the applicants shall have submitted to the Planning and Community Development Department an installation plan. Said plan shall provide existing and proposed grades along with a cross profile sheet showing all pipes, manholes (drainage and sewer) with elevations and the required off- setbacks from the two utilities. In addition a detail of the typical drain manhole shall also be provided. This plan will be utilized with the inspection process for the drainage as outlined in condition #35.

40. \_\_\_\_\_ **Prior to the start of work associated with the installation of the cross county drainage and sewer line, including the connection to the sewer main** a detailed plan shall be provided to include the location of tree and brush clearing, dewatering and restoration of vegetation in disturbed areas, particularly the sewer connection to the sewer main.

41. **At the completion of the drainage system installation,** the applicants shall submit an As-Built Plan of the drainage system including cross-country connections and including all field changes, to the Planning and Community Development Department and the Engineering Department.

42. \_\_\_\_\_ A Massachusetts Registered Professional Engineer shall witness the installation of the infiltration systems to ensure they are properly installed and shall submit a stamped, signed letter to the Commission certifying that the units have been properly installed and will function as designed.

43. Prior to directing any stormwater to the infiltration units and water quality (CDS) units, the system shall be installed in full operating condition and inspected as noted in condition 42.

44. \_\_\_\_\_ Upon completion of all drainage components, the project engineer shall provide verification that there is no increase in the peak rate of runoff from the site for the 2, 10, 25 and 100 years storm events. The area to be included in these calculations shall be the original area used to determine the pre-development peak rate of runoff. The engineer shall identify all areas used to derive runoff calculations.

#### **AS-BUILT PLANS**

45. \_\_\_\_\_ Prior to the start of work, the Applicant shall submit to the Department a cash bond in the amount of \$4000 to guarantee the submission of As-Built plans and the request for a Certificate of Compliance. Should this Order of Conditions lapse for more than 60 days without the submission of an As-Built plan and the issuance of a Certificate of Compliance, said cash bond shall be forfeited to the Town of Braintree.

46. The Request for a Certificate of Compliance shall be accompanied by:

A. One paper copy of an As-Built shall be submitted at a scale no greater than 1"=50'. Said plan shall show the following for the site:

- property lines, easements with dimensions, benchmark and datum, grades at 2' contours
- location, dimension and elevations of all buildings and structures, retaining walls, roads, driveways and parking areas and utility structures
- location and dimension of the drainage system, including size, type, rim and invert grades
- location of water bodies, wetlands [including any replication or restoration], wetland buffer and floodplain.

B. If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such professional certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order.



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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 Braintree 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:

Braintree Wetland Bylaw

Ch. 12.20

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 attached



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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.

3/07/2018  
1. Date of Issuance  
4  
2. Number of Signers

Signatures:

*Heather C. Liz* *Heatherchan Lis*  
*Alan Weinberg* **ALAN WEINBERG**  
*Paul Polner Feldman*  
*Diane S. Francis*  
*Karen J. Francis*

by hand delivery on  
Date 3/07/2018

by certified mail, return receipt requested, on  
Date

**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 for 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.

Conservation Commission \_\_\_\_\_

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

To:

Conservation Commission \_\_\_\_\_

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

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 \_\_\_\_\_