



Commonwealth of Massachusetts  
 Town of Wrentham  
**Conservation Commission**  
 79 South Street, Wrentham, MA 02093

TEL: (508) 384-5417  
 FAX: (508) 384-3174



**ORDER OF CONDITIONS**  
**WRENTHAM WETLAND PROTECTION BYLAW**

The Wrentham Conservation Commission ("the Commission"), pursuant to the authority granted to it under Article 7.31 of the Bylaws of the Town of Wrentham (the Wrentham Wetland Protection Bylaw), hereby makes the following findings and decision with respect to the Notice of Intent described below:

**I. DESCRIPTION DEPSE 351-1169**

**APPLICANT:** Daniel Serber, NextGrid, Inc

**PROPERTY LOCUS:** 80 Washington Street

**OWNER:** G.M. Vachon Realty, LLC & Gary F. Snow, Trustee Heldon Realty Trust

**TITLE REFERENCE:** Norfolk County: Book 34968 Page 559

Certificate No. (if registered):

**ASSESSORS MAP/LOT** Map P10 Block 1 Lot 1

The Notice of Intent for this project was filed on 08/25/21

The Hearing for this Notice was closed on 02/10/22

The Order of Conditions/Denial was issued on 03/01/22

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**II. RELATED PROCEEDINGS UNDER G.L. c. 131, Sec. 40**

This Order of Conditions is issued in conjunction with the Order of Conditions issued pursuant to G.L. c. 131, Sec. 40, the Wetlands Protection Act ("the Act"), under DEP Wetlands File No. **DEPSE 351- 1169** with such Superseding or Final Orders of Conditions as may be issued by the Department of Environmental Protection in the same, matter, and shall be recorded therewith. All General Conditions and Special Conditions included in the Order of Conditions issued under the Act and recorded herewith are incorporated by reference herein.



**Town of Wrentham  
Order of Conditions  
Article 7.31  
General Bylaw for Wetland Protection**

DEP# SE-351- 1169

DENIAL

Location: 80 Washington Street

Map: P-10 Block: 1 Lot: 1

Recorded at Registry of Deeds: Book: 34968 Page: 559

Applicant: Daniel Serber, NextGrid, Inc.

Address: PO Box 7775, San Francisco, CA 94120

Property owner if different: G.M. Vachon Realty, LLC

ISSUED BY THE WRENTHAM CONSERVATION COMMISSION on 03/01/22

Signatures:

\_\_\_\_\_  
Leo E. Immonen

\_\_\_\_\_  
Julie Garland

\_\_\_\_\_  
Dianne Demarais

\_\_\_\_\_  
Maria Jomides

\_\_\_\_\_  
Richard Bassett

\_\_\_\_\_  
Delana Reardon

\_\_\_\_\_  
Seth M. Jensen

\*\*\*\*\*

Detach on dotted line and submit to:

Wrentham Conservation Commission, 79 South St., Wrentham, MA 02093 prior to commencement of work.

Wrentham Conservation Commission: - DEPSE 351-1169

Please be advised that the Order of Conditions has been recorded at the Norfolk Registry of Deeds and has been noted on the chain of title of the affected property in accordance with Special Condition 13 on \_\_\_\_\_ (date).

Book \_\_\_\_\_, Page \_\_\_\_\_

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

If registered land, the document number which identifies the transaction is: \_\_\_\_\_

Signature \_\_\_\_\_ Applicant/Representative.

The Wrentham Conservation Commission has denied, by a vote of 6 to 0, to issue a Special Orders of Conditions for the proposed Solar Array at 80 Washington Street, DEP# SE-351-1169, under the authority of:

- The Wrentham Wetlands Protection Bylaw (the Bylaw), Article 17.31 of Town of Wrentham General Bylaws, and
- The Massachusetts Wetlands Protection Act (the Act), M.G.L. Chapter 131, Section 40,

The Owner<sup>1</sup> proposed construction of a solar array on the hillside of a 28-acre property. The Project, if approved, would have altered 107,500 square feet of the wetland buffer zone and come no closer than 50-feet to the nearest Resource Area. The Wrentham Conservation Commission (the Commission) received and evaluated the following documents in forming their decision regarding the proposed Project for Work at the 80 Washington Street Solar Array Property:

- *Washington Street Solar Array, 80 Washington Street, Wrentham, MA, Permitting Plans*, Fuss & O'Neill, Inc., Quincy, MA, February 7, 2022, 23 sheets.
- *Long-Term Operation and Maintenance Plan / Long-Term Pollution Prevention Plan, Washington Street Solar Array, 80 Washington Street Wrentham, MA*, Fuss & O'Neill, Quincy, MA, February 7, 2022, 53 pages (pdf).
- *Notice of Intent, WPA Form 3, 80 Washington Street*. Signed Feb 7, 2022, 14 pages.
- *Washington Street Solar Array...* (Revised Stormwater Management Report), Fuss & O'Neill, October 8, 2021.
- *Example Work Sites*, email Communication between Conservation Agent, Darryl Luce and Dan Serber, Project Manager for NextGrid, October 7, 2021
- *Final Town of Wrentham Water System Master Plan*, Environmental Partners Group, LLC, Quincy, MA. November 2021.
- *Water Supply Master Plan Presentation to the Wrentham Board of Selectmen*, January 4, 2022.

**The Wrentham Conservation Commission bases this denial on the following Findings:**

With respect to the Massachusetts Wetlands Protection Act and Wrentham Wetlands Protection Bylaw the jurisdictional areas protected include: bordering vegetated wetland in the watershed of the Taunton River. The Commission believes that impacts to these areas would, given the disposition of the submitted Plans and experience of the applicant, negatively affect Crocker Pond, the two Town drinking water wells<sup>2</sup> that lie downstream, the aquifer that supplies those wells and the surface water source for the City of Attleboro.

**PROJECT CONSTRAINTS AND CONSIDERATIONS:**

Terrain: The area of the Project has steep, forested slopes that display no gullying or signs of overland flow indicating that precipitation is slowly infiltrated. It is covered by a mature hardwood forest and the forest floor consists of more than a 6-inch thick mat of forest duff.

<sup>1</sup> Capitalized terms are defined at the end of these Orders of Conditions unless they are defined within this text or the Act or Bylaw.

<sup>2</sup> Well 6 (Zone I) lies within 1,200 feet and Well 4, 1-mile.

There is the potential for adverse stormwater effects from runoff once the original forest cover is removed and the soil disturbed. The proposed Project features large surface water collection devices that transmit runoff quickly to basins 50-feet from wetlands with overflow and discharge features to the buffer zones. No non-native, invasive species were found during site walks.

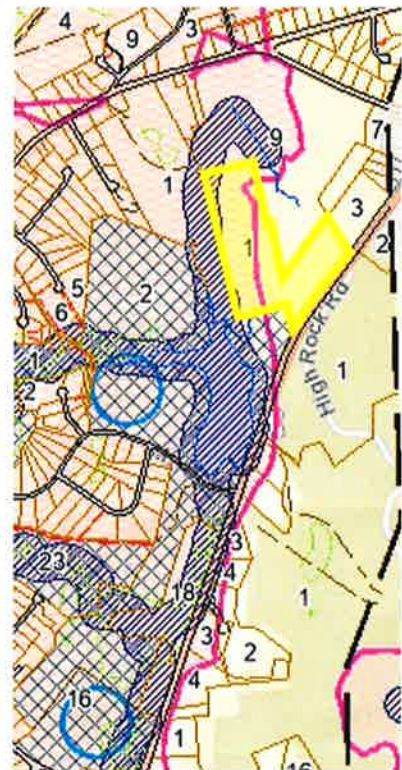
- The Commission finds the proposed Project would do irreparable damage to the environment. The Commission finds the value of maintaining the existing forested slope exceeds the value of the proposed Project to the local environment. Maintaining the current hydrology with the existing forested environment protects:
  - The Town of Wrentham’s DEP Zone I Wellhead Protection Area for Well #6 which lies 1,200-feet from the Site.
  - Wrentham’s DEP Zone II Wellhead Protection Zone for both drinking water Wells 4 and 6. The Zone II Area underlies the Site.
  - The City of Attleboro’s surface water supply and its Zone A Surface Water Protection Area that borders the Site.
  - Wrentham and downstream communities by providing a resilient environment to the increasing impacts of climate change.

Rivers Act: The Rivers Protection Act does not apply to these Orders.

50-foot No-Build: The applicant has met the requirements by staying out of the 50-foot buffer.

Compensation / Replication Areas: none were proposed.

Significant natural resources & Features: The area contains significant wetlands and waterways to include Crocker Pond. The map at right is from the Wrentham Assessors Map with DEP data superimposed through the website’s mapping function. The map is oriented with North at the top, Route 1 angling downward from right to left and Route 140 at the top. The Work site is highlighted in yellow and Crocker Pond lies just to the southwest. The blue circles are the DEP Zone I Wellhead Protection Areas for two of Wrentham’s drinking water wells. The Zone II Aquifer Protection Area is shown as a pink, cross-hatched area bordered by a thicker pink line. The Zone A Surface Water Protection Area is shown as dark blue, diagonal lines. Water flows from Crocker Pond southward on the west side of Route 1 to the Taunton River and is a significant resource for the City of Attleboro’s water supply.



- The Commission finds that the proposed Project does not allow for adequate infiltration into the groundwater supply in the Zone II Aquifer Protection Area. The submitted Plans show large channels that collect and send stormwater runoff rapidly to basins that then discharge the stormwater to Crocker Pond. At present, this water slowly infiltrates the ground. Groundwater supply issues are a recent concern as the members had attended presentations on the Wrentham Water Master Plan.

The solar array will likely be highly visible from the Crocker Pond Recreation Area. In addition to the hardwood forest, there are stone walls along the boundary of the project with abutters. As part of the building buffer envelopes, these walls will not be altered.

Other Considerations:

1. Construction Experience: The Owner lacks construction experience in this setting. The Commission had asked for similar project examples that the Owner had performed. None were offered that met the specifications of a steep, forested topography. Initially, a site in Sterling, Massachusetts had been offered but was withdrawn for unknown reasons. Other sites were offered but did not meet the Commission's criteria of a forested, high-slope landscape. It is noteworthy that news articles regarding solar projects elsewhere in Massachusetts had damaged wetland Resource Areas and required enforcement actions by the State.<sup>3,4</sup>
  - The Commission finds the Owner's experience is not sufficient to execute this Project without unintended consequences to the down-gradient wetlands, water resources, and Interests in the Act and Bylaw.
2. Water Supply Protection: The Project is at the upper end of the watershed for Crocker Pond. One of the Town's drinking water wells is at Crocker Pond and another a short distance downstream. Crocker Pond is co-owned by the City of Attleboro, which helped Wrentham purchase the property in the 1960's to protect the watershed for its drinking water supply.
  - The Commission finds that the Project will potentially cause degradation of the City of Attleboro's Water Supply.
  - The Commission finds that the proposed Project reduces significantly the infiltration to the ground for the drinking water pumped from the Crocker Pond and Thurston Street wells.
3. In this instance the Owner has chosen to require a future Contractor to prepare at least two, additional sets of plans prior to Work beginning. The Commission must then review and modify or approve these plans, integrating those Plans with those submitted for this application introducing complexity and lack of information as to the execution of the Project. Because no Work is allowed until approval, it is likely that the Contractor will press for a quick review and thus complicating oversight.
  - The Commission finds that the highly detailed and complex plans is evidence that such a project does not belong on such a sensitive site.

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<sup>3</sup> Daily Hampshire Gazette, AG sues solar array developer over environmental damage in Williamsburg. April 29, 2020.

<sup>4</sup> Daily Hampshire Gazette, State fines Eversource, builder up to \$310,000 for solar project runoff in Southampton. April 15, 2021.

4. **Project Monitoring:** The terrain and experience of the Owner are relevant in that a Consultant, able to be present at the Project at varying times through the week, is essential to ensure that the Project follows the Orders and Plans to ensure that the Work area remains stable and the Interests in the Act and Bylaw protected. It is likely that the Consultant will be needed on a flexible basis but early in the project visiting the site at a rate of twice a week. It is expected that the Consultant will submit written reports and stay in frequent touch with the Commission’s Oversight Project Manager.
- The Commission finds that a Consultant is required to perform specialized monitoring of the Work performed by the Owner and any Contractors.

The Interests protected by the Wetlands Protection Act and the Wrentham Wetlands Protection Bylaw were not rebutted by the applicant, who offered no evidence to rebut them.

| INTERESTS IN THE MASSACHUSETTS WETLANDS PROTECTION ACT   | INTERESTS IN THE WRENTHAM WETLANDS PROTECTION BYLAW  |
|--|--|
| <ul style="list-style-type: none"> <li>- Protection of public and private water supply.</li> <li>- Protection of groundwater supply.</li> <li>- Flood control.</li> <li>- Storm damage prevention.</li> <li>- Prevention of pollution.</li> <li>- Protection of land containing shellfish.</li> <li>- Protection of fisheries.</li> <li>- Protection of wildlife habitat.</li> </ul> | <p>Wrentham’s Bylaw include the eight Interests in the Act and adds:</p> <ul style="list-style-type: none"> <li>- Erosion and sedimentation control.</li> <li>- Protection of surrounding land and other homes and buildings.</li> <li>- Water pollution control.</li> <li>- Agriculture.</li> <li>- Recreation.</li> <li>- The historic and natural scenic character of wetland resource areas, watercourses, lakes and ponds.</li> </ul> |

The Commission had drafted Special Orders of Conditions (the Orders) that it believed necessary to perform the Work if approved. However, the extent and complexity of the proposed Project, coupled with the issues identified in the Findings, led the Commission to believe that the proposed Project would not protect the Interests in the Act or Bylaw. Following the draft Order of Conditions 21 – 35 that were drafted are two additional sections: the calculation for the bond amount in Condition 22, FINANACIAL ASSURANCE FOR WORK, and another for terms and acronyms used in the Orders, ACRONYMS AND DEFINITIONS. The draft Orders considered and rejected by the Commission because of the denial:

**PRIOR TO ANY WORK**

21. **Read and Understand these Orders of Conditions.** The Owner and Contractors shall read and comply with these Orders, perform the Work as described on the Plans. Failure to comply with these Orders is a violation that may subject the Owner and Contractors to fines, criminal charges, and civil action. A copy of these Orders and the Plans must be kept on the Property in a location known to all workers.



22. **Post the Bond:** The Owner shall post funds through a bond, tripartite agreement, or passbook savings account with the Town named as co-holder in the amount of \$163,700. The purpose of the bond is to ensure that adequate stabilization of the Property may be performed by the Commission if the Owner fails to act. The calculation of the bond is shown in the Findings Section of these Orders. Seven days after the Commission notifies the Owner to perform actions to protect any Resource Area, and the Commission believes that the Owner has not acted to prevent erosion and sedimentation, the Commission shall use the funds to stabilize the Property. The bond, or bond amount remaining after any necessary action by the Commission, will be released once the Certificate of Compliance has been issued.
23. **Record the Orders at the Registry of Deeds:** The Owner shall provide the Commission with proof of filing of these Orders with the Norfolk County Registry of Deeds. If proof is not received within 30 days, the Commission may file this Order with the Registry of Deeds and no Certificate of Compliance will be issued until the Commission is reimbursed for all related costs. These Orders are valid for three years following the date of issuance unless an extension is requested by the Owner and granted by the Commission.
24. **Plan Changes:** If, for any reason, the Plans for the Project change after the date of approval, the Owner shall submit the proposed changes to the Commission for review and approval or modification.
25. **Notice of Understanding:** Before Work begins, the Owner shall send a signed and dated letter to the Commission containing the following:

The following statement: "I (Owner's name) have read and understood the Orders of Condition and agree to comply with them. I also agree to notify any contractors, subcontractors, or purchasers of property of all Orders of Conditions on the property and supply the Plans to those parties as needed. If I sell the subject property prior to the issuance of a Certificate of Compliance, I will send a letter to the Commission informing them of the name of the new owner."
26. **Construction Oversight:** The Commission, in its Findings, has determined that the Work requires Oversight by a Consultant that inspects the Work and reports to the Commission. The Owner shall deposit sufficient funds with the Commission to hire that Consultant pursuant to Massachusetts General Law Chapter 44 Section 53G for the purpose of monitoring Work that is within the Commission's jurisdiction or may affect such areas. The Consultant shall be supplied, by the Owner, with copies of the Plans and be provided access to all portions of the Project sufficient to ensure compliance with these Orders.
  - a. **Conduct of Oversight:** The Commission has developed a Scope of Work (SOW) for its Consultant to follow. The Commission will provide a copy of that SOW to the Owner on request as well as any Work Plans that the Consultant develops with the exception of those elements the Consultant deems to be confidential business information.

- b. Consultant Funding: The Commission will pay its Consultant through funds provided by the Owner. When 75% of the funds have been expended, the Commission will notify the Owner of the need for additional funds. Once funds are 90% expended, the Commission will issue a Task Stop Order to its Consultant.
  - c. Task Start/Stop Orders: The Commission will issue a Task Start Order to the Consultant when the funds have been made available. No Work may begin on the Property until a Task Start Order has been issued to the Consultant by the Commission. A Task Stop Order, if due to the Owner refusing or unable to provide funds to the Commission for the Consultant, shall also require the Owner's Contractor to stop Work and stabilize all areas within the buffer zone, or that may adversely impact the Buffer Zone, within 72 hours. Task Stop Orders will also be issued once the Commission believes that the Project is complete and that no damage to Resource Areas will occur.
27. **Preparation for Work**: The Plans describe the measures the Owner shall perform prior to any Work. A summary of the efforts the Contractor or Owner must perform include:
- a. Prepare and submit a *Stormwater Pollution Prevention Plan* in fulfillment of Federal requirements, to the Commission for review and approval or modification.
  - b. Prepare and submit a *Detailed Construction Phasing and Logistics Plan* for each of the phases shown on the Plans, to the Commission for review and approval or modification.
  - c. Place all limit-of-work barriers and erosion and sedimentation control devices as shown on the Plans and as described in any Plans developed for phasing of the Project.
  - d. Have a professional engineer, or land surveyor, certify the correct installation of the limit-of-work barriers and erosion and sedimentation control devices installed in Order #27c., as shown on the Plans. That professional shall send to the Commission a letter or email attesting to the correct placement.
  - e. After the Commission or its Agent approves of the limit-of-work and erosion and sediment controls, the Contractor shall conduct a pre-construction meeting with Town officials and Consultants responsible for permitting and Oversight to discuss next steps and the conduct of the Work.
  - f. All earth-moving and tree clearing Contractors shall be notified of the requirements of the Federal Migratory Bird Act and comply accordingly.

Once the Owner has complied with the actions described in Orders 21 to 27, above, Work may begin on the Project.

## WORK

28. The Owner shall maintain all erosion control barriers and limit-of-work fence during all Work. The only discharges allowed are those that are controlled as shown on the Plans. No discharge within 50-feet of a Resource Area that leaves sediment greater than 1/4-inch in any location or standing water greater than 250 NTU is allowed. The areas



outside the areas where Work is approved are to remain unaltered. No actions, to include placing of brush, debris or fill, or removing trees, other vegetation, or soil is allowed on the wetland side of the barrier or any limit-of-work barrier.

29. The Owner shall perform proper Resource Area protection practices as described in the Plans to include:
- a. All erosion and sedimentation control devices and limit-of-work barriers are inspected on a daily basis to ensure that they will prevent erosion and sedimentation. Any damaged components shall be repaired within 48 hours. Maintain a daily log on the Property that records these actions. The individual that performs these actions should be identified in this record.
  - b. Allow no stormwater flows from any altered area in a concentrated, channel that is not depicted on the Approved Plans.
  - c. Any disturbed ground within the buffer zone or within 50-feet of any stormwater structure is stabilized with erosion control blankets or jute netting within 48 hours.
  - d. Prevent the introduction of invasive plant or insect species in accordance with good horticultural practice within the parameters established by these Orders. Stands of invasive plants on the permitted property that extend onto other properties, to the extent practicable, shall be eliminated with permission of the abutting property owners.
  - e. During the months from February to May, inclusive, erosion control barriers shall be modified at least every 100-feet, by means approved by the Commission, to allow amphibians and reptiles to pass.
30. **Inspections:** The Owner shall employ appropriately trained and equipped inspectors to conduct inspections for invasive plants and insects, slope stability, and stormwater infrastructure as noted in the Long-Term Operation and Maintenance Plan. The Owner must submit the resumes to include the training and education of the inspectors to the Commission for approval or disapproval as well as a list of equipment and standards those inspectors will follow. Oversight of these inspections shall occur as follow:
- a. **During Construction:** The Owner shall notify and invite the Commission or its designated representative to attend any of the inspections that occur during Work.
  - b. **After Construction:** The Owner shall notify and invite the Commission or its designated representative to attend any of the inspections in January, April, June and September for a three-year period following completion of Work.
  - c. **Goals, criteria, response and reporting:** The Owner shall submit inspection forms for review and approval or modification by the Commission prior to use. The Commission requires these forms and focus for inspections on three components of the Project:
    - i. **Invasive species:** The goal is to ensure that the Property is, and remains, free of invasive species. Inspections shall note the type, location and prevalence of any invasive plants identified on the state Invasive and Noxious Weeds list: <https://www.mass.gov/doc/invasive-plant-list/download> or any invasive insects: <https://blog.mass.gov/blog/science/august-is-forest-pest-awareness-month->

- stay-on-the-lookout-to-help-massachusetts-trees/ and as designated by the Conservation Commission. The response to any non-native, invasive species shall be a proposal submitted to the Commission within 7 days of the inspection to eradicate the invasive species in a proper and timely manner.
- ii. **Slope stability:** The goal is to ensure that the slope remains fully vegetated. Inspections shall document any area where bare soil may be eroded. Any such areas will be stabilized by appropriate vegetation, to include sod if weather does not permit planting of seeds. In areas of potential erosion, the Owner shall use appropriate materials to keep soil in place and practices to encourage the growth of plants.
  - iii. **Stormwater Infrastructure:** The goal is to ensure that all structures and conveyances that store or transmit stormwater perform their designed function, attenuating runoff and reducing or eliminating sediment and the transport of suspended particles. The inspections shall assess the performance during and after storm events and any deficiencies must be reported to the Commission within 48 hours.

## WORK COMPLETION

31. **Phase and Project Completion:** When Work is complete in any area of phased construction or for the entire Project, all debris removed, all surfaces stabilized as shown on the Plans, and the Contractor believes the phased area or Property to pose no potential for erosion, notify the Commission in writing for an inspection. If the Commission determines that the phase or Property is stable, it will issue a written determination that the erosion control devices and limit of work fence for that phase or the Project may be removed. Prior to any Certificate of Compliance, the following standards must be met:
  - a. The vegetation inside the Buffer Zone must be monitored for three years after the Project is Completed to ensure that it is sufficient to keep the ground surface stable.
  - b. There must be no non-native invasive plant or insect species present in the buffer zone or an obvious presence outside of the Buffer Zone, on the Property, for a period of 3 years.
  - c. After 3 years of monitoring of the Site as described in the Operations and Maintenance Plan, to include any extensions, have passed, the Owner may apply for a Certificate of Compliance.

## OTHER PROVISIONS

32. **Inspections:** Members and Agents of the Commission shall have the right to enter and inspect the property to evaluate and ensure the compliance with these Orders and performance standards stated in this Order, the Act, the Bylaw, and 310 CMR 10.00. The Owner must notify the Commission of any Inspections as set forth in the Operations and Maintenance Plan and invite them to accompany the inspector until a Certificate of Compliance is issued. The Commission or its Agents may acquire any information,

measurements, photographs, observation, and/or materials or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

33. **Ownership Transfer:** This Order shall apply to any successor in interest or successor in control of the Owner. Upon the transfer of the Property, the new owner shall provide an affidavit to the Commission, signed and dated by the purchaser, that states “I (the purchaser) am aware of these Orders and any superseding Order of Conditions and agree to abide by said Order of Conditions including the right of the Commission to inspect said property for compliance with these Orders.”
34. **Continuing Conditions:** These Orders include actions that should be followed after the Certificate of Compliance to be a steward of the Town’s environment. These actions include:
- a. The Owner should consult with the Commission, prior to the application of any herbicides, pesticides or fertilizers (containing greater than 5% phosphorus) at the Property.
  - b. Do not import soil to the Site or introduce plants that are on the state Invasive and Noxious Weeds list: <https://www.mass.gov/doc/invasive-plant-list/download>.
35. **CERTIFICATES OF COMPLIANCE** are required for all applications. The following are the requirements for a Certificate of Compliance:
- a. All Work set out in the Orders or subsequent amendments approved by the Commission must be complete. All erosion control devices must be removed once all surfaces are stable.
  - b. The Certificate of Compliance shall be requested using the appropriate State form and be accompanied the items in c. and d., below, prepared by a licensed professional engineer.
  - c. The Certificate of Compliance Request Letter must contain or state the following items:
    - i. That all Work is complete at the Project, specifically noting any changes or exceptions and why that work was modified or not completed. Alterations beyond the permitted work shall be quantified as to impact.
    - ii. That all areas within the Buffer Zone and any work within the Resource Areas are stable.
    - iii. That the Work performed satisfies all Orders and if not, why.
    - iv. Contact information (phone, address and email) for the person requesting the Certificate of Compliance and the Owner of the property.
  - d. The Certificate of Compliance Request must also contain an as-built plan. This plan must contain the following items:
    - i. Be at the same scale as the approved plan.
    - ii. Meet the plan standards for the Wrentham Conservation Commission.
    - iii. Show and label all Resource Areas and buffer zones on the original plan and any replication or compensation areas.
    - iv. Show the limit of Work that was performed within the buffer zone and describe its condition on the plan with contours to show terrain at a 1-foot interval and groundcover by shading or other means. Photos of the Work may also be submitted.

- v. Show all impervious surfaces and point discharges for storm water or any other water flows that have changed from the original Site conditions.
- vi. Note any required elements set forth in the Orders (i.e., bounds) or any items that were a part of the Plan within the Buffer Zone.
- e. Certificates of Compliance will be issued within 28 days of the request, providing the above criteria have been met.

## END OF DRAFT ORDERS OF CONDITIONS

### FINANCIAL ASSURANCE FOR WORK

To ensure protection of the Interests in the Act and Bylaw a bond is established to ensure stabilization of the site and prevent damage to the Interests cited if the Owner fails to act.

| Calculation of Bond                                  |                        |                        |           |
|--|------------------------|------------------------|-----------|
| Activity   | Rate                   | Amount                 | Cost      |
| Erosion Control Barrier                              | \$12/linear foot.      | 1,600 ft.              | \$19,200  |
| Erosion Control Barrier on steep slopes <sup>1</sup> | \$24/linear foot.      | 2,500 ft.              | \$45,000  |
| Grading inside the buffer zone                       | 20¢/ft <sup>2</sup>    | 7,500 ft <sup>2</sup>  | \$1,500   |
| Grading on slopes <sup>2</sup>                       | 30¢/ft <sup>2</sup>    | 10,000 ft <sup>2</sup> | \$3,000   |
| Grading on steep slopes                              | 50¢/ft <sup>2</sup>    | 90,000 ft <sup>2</sup> | \$45,000  |
| Winter stabilization (sod) <sup>3</sup>              | \$1.25/ft <sup>2</sup> | 40,000 ft <sup>2</sup> | \$50,000  |
| Total Bond   |                        |                        | \$163,700 |

<sup>1</sup> A steep slope is greater than or equal to 5% (a 5-foot vertical difference in 100-foot horizontal) over any slope distance greater than 10 feet.

<sup>2</sup> Slopes less than steep are those that are less than 5% and have a continuous run of 100-feet or more.

<sup>3</sup> Sod application. The area to apply sod will include all areas within 50-feet of the resource area. The Commission will take the bond and arrange for sod to be placed should the applicant fail to stabilize the work areas as described in these Orders of Conditions. In this case sod would only be applied in the area outside of the stormwater basins.

### ACRONYMS AND DEFINITIONS

**Agent:** The Commission's Agent or others appointed by the Commission to act on its behalf.

**Consultant:** A firm or individual in the employ of the Commission for oversight of the Project under MGL Chapter 44, Section 53G.

**Contractor:** A firm or individual in the employ of the Owner to work on the Project.

**NTU:** Nephelometric Turbidity Unit, a measure of suspended particles in a water sample.

**Oversight:** Actions taken by the Commission to ensure the Work on the Project is done according to the Orders of Conditions and protect the Interests in the Act and Bylaw.

**Owner:** The persons or institutions responsible for, or actual owners of, a Site where the Work is performed. This may include the Applicant or other designated representatives as shown on the Notice of Intent unless the Commission and DEP are otherwise notified.

**Perimeter Controls:** From the Work area, moving towards any Resource Area or property boundary, shall consist of the erosion and sediment control devices shown on the Approved Plans and a high-visibility Limit-of-Work Fence.

**Plans:** The plans and any documents approved by the Commission for the Work, as cited in the bullets in these Orders.

**Project:** The area approved for Work to occur.

**Property:** Shall include all properties as described in the Notice of Intent.

**Scope of Work:** A description of the tasks that the Consultant will perform as Oversight.

**Task Start Order:** Direction from the Commission that the Consultant is to begin Oversight as described in the Scope of Work.

**Task Stop Order:** Direction from the Commission for the Consultant to stop work as described in the Scope of Work and stop all billing.

**Work:** Work is any activity on the Property that alters the vegetation or ground surface.

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END