



TOWN OF GROTON
Groton Conservation Commission

173 Main Street
Groton, MA 01450-1237
(978) 448-1106
Fax: 978-448-1113
e-mail: ngualco@townofgroton.org

September 26, 2018

Squannacook Greenways, Inc.
Attn: Peter Cunningham
44 Smith Street
Groton, MA 01450

RE: Order of Conditions – for the conversion of the railroad line to a rail trail,
MBTA Parcel (off Crosswinds Drive), (Groton Assessor's Parcel 203-19),
MassDEP#169-1180.

The Groton Conservation Commission voted to issue the enclosed original Order of Conditions at its regular meeting on September 25, 2018. The entire Order must be at the Middlesex Registry of Deeds prior to the start of work.

Proof of recording of the Order must be provided to the Commission before any work can begin. You may use Page 10 of the Order for this purpose. In addition, the Acknowledgment Form at the end of the Bylaw Special Conditions (last page of the Order) should be signed by you, as the applicant, and any contractors working on the project, and returned to the Commission. Furthermore, please submit to the Conservation Commission a signed letter granting permission for the Commission, the Town, or its agents to enter the property as stated in the Order.

As noted on Page 9 of the Order of Conditions, there is a ten-day appeal period. Please contact me if you have any questions about the Order.

Sincerely yours,

Nikolis Gualco
Conservation Administrator

Enclosure

cc: DEP Central Region Office (sent electronically)
Land Use Departments (sent electronically)

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:
 MassDEP File #:169-1180
 eDEP Transaction #:1050575
 City/Town:GROTON

A. General Information

1. Conservation Commission GROTON
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
 a. First Name PETER b. Last Name CUNNINGHAM
 c. Organization SQUANNACOOK GREENWAY
 d. Mailing Address 44 SMITH STREET
 e. City/Town GROTON f. State MA g. Zip Code 01450
4. Property Owner
 a. First Name PETER b. Last Name CUNNINGHAM
 c. Organization SQUANNACOOK GREENWAY
 d. Mailing Address 44 SMITH STREET
 e. City/Town GROTON f. State MA g. Zip Code 01450
5. Project Location
 a. Street Address CROSSWINDS DRIVE
 b. City/Town GROTON c. Zip Code 01450
 d. Assessors 203 e. Parcel/Lot# 19
 Map/Plat#
 f. Latitude 42.64549N g. Longitude 71.65777W
6. Property recorded at the Registry of Deed for:

| a. County | b. Certificate | c. Book | d. Page |
|--------------------|----------------|---------|---------|
| SOUTHERN MIDDLESEX | | 20765 | 412 |
7. Dates
 a. Date NOI Filed : 8/27/2018 b. Date Public Hearing Closed: 9/11/2018 c. Date Of Issuance: 9/25/2018
8. Final Approved Plans and Other Documents

| a. Plan Title: | b. Plan Prepared by: | c. Plan Signed/Stamped by: | d. Revised Final Date: | e. Scale: |
|--------------------|----------------------|----------------------------|------------------------|-------------------|
| "SRRT" GROTON BERM | M. CRAM | N/A | 07/19/2018 | 1/4 INCH = 1 FOOT |

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
 Following the review of the 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.

Check all that apply:

- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

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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.

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 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 interests of the Act, 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 310CMR10.02(1)(a). 25
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|--|---|---|---|
| 4. <input type="checkbox"/> Bank | <u> </u> a. linear feet | <u> </u> b. linear feet | <u> </u> c. linear feet | <u> </u> d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. square feet | <u> </u> d. square feet |
| 6. <input type="checkbox"/> Land under Waterbodies and Waterways | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. square feet | <u> </u> d. square feet |
| | <u> </u> e. c/y dredged | <u> </u> f. c/y dredged | | |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | <u> </u> a. square feet | <u> </u> b. square feet | <u> </u> c. square feet | <u> </u> d. square feet |
| | Cubic Feet Flood Storage <u> </u> e. cubic feet | <u> </u> f. cubic feet | <u> </u> g. cubic feet | <u> </u> h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | <u> </u> a. square feet | <u> </u> b. square feet | | |
| | Cubic Feet Flood Storage <u> </u> c. cubic feet | <u> </u> d. cubic feet | <u> </u> e. cubic feet | <u> </u> f. cubic feet |
| 9. <input type="checkbox"/> Riverfront Area | <u> </u> | <u> </u> | | |

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| | | | | |
|--------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | g. square feet | h. square feet | i. square feet | j. square feet |

Coastal Resource Area Impacts:

| Resource Area | 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> | <u> </u> | <u> </u> | <u> </u> |
| | a. square feet | b. square feet | | |
| | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | 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 | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | a. square feet | b. square feet | c. c/y nourishment | d. c/y nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | a. square feet | b. square feet | c. c/y nourishment | d. c/y nourishment |
| 15. <input type="checkbox"/> Coastal Banks | <u> </u> | <u> </u> | | |
| | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | <u> </u> | <u> </u> | | |
| | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | <u> </u> | <u> </u> | | |
| | a. square feet | b. square feet | | |
| | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | 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 | | | |
| | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| | c. c/y dredged | d. c/y dredged | | |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | <u> </u> | <u> </u> | | |
| | a. square feet | b. square feet | | |

22. Restoration/Enhancement (For Approvals Only)

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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 & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

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.
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 exceed the issuance date of the original Final Order of Conditions.
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.
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"

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[or 'MassDEP']

File Number : "169-1180"

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 Mass DEP.
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.
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 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 Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 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

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- 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.
- 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 19(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 Pollutant 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.
- 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

**Massachusetts Department of Environmental
Protection**

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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.

- 1) 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:

SEE SPECIAL CONDITIONS UNDER THE WETLANDS PROTECTION ACT

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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 Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw GROTON
WETLANDS
PROTECTION
BYLAW

2. Citation CHAPTER 215

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:
SEE SPECIAL CONDITIONS UNDER THE GROTON WETLANDS PROTECTION BYLAW

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

9/25/2018
1. Date of Original Order

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

4
2. Number of Signers

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.

Signatures:

[Signature]
[Signature]
[Signature]

[Signature]
O. CATHROP

by hand delivery on

by certified mail, return receipt requested, on

September 26, 2018

Date

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.

ATTACHMENT TO WETLANDS PROTECTION ACT ORDER OF CONDITIONS

SPECIAL CONDITIONS

#169-1180

Address – MBTA Parcel, off Crosswinds Drive

Map: 203; Parcel: 19

Applicant – Squannacook Greenways, Inc.

FINDINGS: This Order of Conditions is written under and subject to the Massachusetts Wetlands Protection Act M.G.L. Ch. 131 §40, as amended.

This project involves the construction of an approximately 3.7-mile stone dust trail on an abandoned railroad right-of-way owned by the Massachusetts Bay Transportation Authority (MBTA). This Order of Conditions applies to the approximately 575 feet of parcel 203-19 along the MBTA line immediately east of the Townsend-Groton town line. The proposed rail trail will be 10 feet wide, comprised of 4-6 inches of compacted stone dust and will have a 5-foot maintained vegetated buffer area on either side of the trail for a total width of 20 feet.

PLANS: The work shall conform to the following plans and documents, unless otherwise specified in this Order:

- a) Notice of Intent filed by: Squannacook Greenways, Inc.
- b) Plan entitled “SRRT Groton Berm”, drawn by M. Cram, dated 07/19/2018.
- c) Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, EEA Number 15876, dated August 10, 2018.
- d) Letter from Natural Heritage and Endangered Species Program, NHESP File No.: 03-13131, dated June 1, 2018.
- e) Department of Environmental Protection, Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails.

SPECIAL CONDITIONS - Please review the General Conditions on previous pages:

Pre-Construction

20. This Order of Conditions regulates activities proposed in the Notice of Intent within the 100-foot Buffer Zone and/or Resource Area or Riverfront Area (Bank, Bordering Vegetated Wetland, Land Under Water Bodies and Waterways, Bordering or Isolated Land Subject to Flooding) as defined in 310 CMR 10.04 (Definitions) of the Wetlands Protection Act. No wetland resource area is proposed to be, or permitted to be, altered under this Order of Conditions.
21. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.

22. The Conservation Commission must be notified five working days prior to commencement of any activity that would impact the Wetlands Protection Act.
23. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. Within ten (10) calendar days inclusive of the transfer of ownership of the subject parcel, in whole or in part, including lots or buildings conveyed under individual deeds, the Conservation Commission shall be notified in writing of the name and address of the new owner. Within ten (10) calendar days inclusive of such transfer, a written, notarized affidavit shall be filed with the Conservation Commission by the new owner, stating that he or she has read and understood the Order of Conditions and all terms applicable to the project site and intends to comply with all provisions of the Order.
24. The applicant shall submit evidence of recording (receipt) this Order of Conditions at the Middlesex County Registry of Deeds in Cambridge within 21 days or prior to commencement of work, whichever comes first. (see also General Condition #9)
25. If applicable, prior to the commencement of activities, the Applicant shall provide the Commission with a copy of the NPDES Stormwater Prevention Pollution Plan (“SWPPP”) as well as copies of written inspection reports required by EPA’s Construction General Permit throughout the duration of construction activities for the record file.
26. Prior to the commencement of any work on site, the Applicant shall submit to the Conservation Commission for approval a detailed Sequence of Construction with a timetable and details to be completed before other work begins on site. The Applicant shall also include the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order.
27. Prior to any work on site the Applicant or his agents shall meet with the Commission or its agent on the site to review the proposed work and measures designed to mitigate any impact on wetlands and to ensure that all of the Conditions of this Order are understood.
28. The erosion controls required in General Condition #18 above shall delineate the limits of disturbance. Heavy equipment shall not traverse the limits of disturbance, and vegetation shall not be removed from the area to remain undisturbed in perpetuity.
29. Best Management Practices for Controlling Exposure to Soil during the Development as described by the Department of Environmental Protection (and provided as Appendix H in the Notice of Intent) shall be followed accordingly to ensure no inadvertent environmental alteration, degradation, or contamination occurs as result of the conversion of the existing railroad line to a recreation trail.
30. Sedimentation and erosion control devices shall be placed according to standards set in the *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*. Placement shall be directed on the site by the Design Engineer and, in order to accomplish maximum control of products of erosion, hay bales must be staked and entrenched. Silt

fencing must be of sufficient porosity to pass detained water without allowing suspended sediments to pass through the fence.

31. The Conservation Commission reserves the right to require additional erosion control or storm damage prevention controls if deemed necessary.
32. There shall be no erosion or siltation of the wetlands. A row of hay bales/straw wattles and silt fence shall be butted and staked between the area of work and the wetlands as indicated in Appendix E in the Notice of Intent. The hay bales/straw wattles and silt fence shall be in place prior to the commencement of work and shall remain in place until all disturbed areas have been properly stabilized.
33. Erosion control devices may be modified based upon experience at the site. All such devices shall be inspected, cleaned, or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
34. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized as described in "SRRT Groton Berm, dated 07/19/2018" (e.g., stone dust trail, crushed stone). Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
35. Subsequent to stabilization, disturbed areas will be covered with salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until final grading is completed.
36. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding. *[This condition should be specific to an erosion control and construction sequence established during the public hearing and submitted as part of the approved plans submitted and approved by the Commission.]*
37. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
38. All stockpiles of soils existing for more than one day shall be surrounded by a row of siltation controls (i.e., straw wattles, hay bales, entrenched silt fence) and shall be covered.
39. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission or its agent has authorized their removal.
40. This document and the approved plans shall be included in all construction contracts and subcontracts for the proposed work and shall supersede any conflicting contract requirements. It shall also be kept on file at the job site at all times during construction.

41. The applicant and any agents or contractors shall sign the attached "Acknowledgment of Order of Conditions" and return it to the Conservation Commission prior to the commencement of work.
42. Any contractor employed to execute the activities within the Buffer Zone and/or Resource Area must be provided with a copy of this Order and thereafter will be held jointly responsible for any violation and the penalties under law for such violation.
43. Members and agents of the Conservation Commission have the right to enter and inspect the premises 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 Commission for that evaluation.
44. The applicant must submit to the Conservation Commission a letter signed by the property owner and/or lessee granting permission for the Commission, the Town, or its agents to enter the property referenced in this Order to monitor compliance with this Order of Conditions or to conduct work necessary to bring the property into compliance with the conditions stated in this Order. Said entry to conduct work would only occur in the event that the property owner is unable or unwilling to perform the necessary work himself within a reasonable time period after a request by the Commission.
45. By acceptance of this Order, the owners indemnify and hold harmless the Town and its residents for any damage attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any form of water damage.
46. Any changes, additions or omissions, including those due to review by other boards, in the plans identified in Condition #13 above, unless specified otherwise in this Order, shall require the applicant to inquire of the Conservation Commission in writing whether the change is substantial enough to require the filing of a new Notice of Intent. Only those changes which have no potential adverse impact to the interests of the Act and those which will reduce direct alteration to the resource area will be considered.

During Construction

47. As described in the letter NHESP File No.: 03-13131, all work shall be performed between November 7 and March 15. If this is not possible, the applicant shall submit a Blanding's Turtle Protection Plan to NHESP for approval. The applicant shall then provide the Conservation Commission receipt of receiving an approved Plan and provide a summary of said Plan.
48. All equipment shall be operated and maintained so as to comply with the Wetlands Protection Act, M.G.L. Ch. 131, s.40; the Town of Groton Wetlands Protection Bylaw, and this Order of Conditions. Hazardous materials, including but not limited to gasoline, motor oil, hydraulic fluid, etc. shall not be stored nor shall heavy equipment be serviced or parked overnight within 100 feet of wetlands during construction.

49. Any de-watering of trenches or other excavations required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharges from de-watering activities shall be filtered through haybale sediment traps, silt filter bags or other means approved by the Commission or its agent.
50. If the Commission feels that the applicant does not understand the Order of Conditions, it may request engineering/progress reports be required to be submitted by the applicant.
51. The areas of construction shall remain in stable condition at the close of each construction day. Erosion controls shall be monitored at this time and maintained or reinforced if necessary.
52. All stumps, brush, waste, and debris shall be removed from the construction site unless incorporated into the site as mulch. Construction refuse, including the removed rail lines and ties, shall be disposed of promptly and properly and the construction site shall be maintained in a clean condition. Records as to the destination of all materials to be removed from the site; including stumps, brush, waste, debris excess fill, loam and peat shall be kept and supplied to the Commission if requested.
53. A copy of the records for the disposal of rail ties associated with the portion of the rail trail covered under this Order shall be provided to the Conservation Administrator.
54. Excavated material shall not be stockpiled within the 100-ft Buffer Zone or Area Subject to Protection under the Act.
55. In order to limit any impedance to wildlife movement across the landscape, the applicant shall remove all erosion and sedimentation controls as soon as the surrounding areas are stabilized.

Post Construction

56. All disturbed areas shall be properly stabilized as described in the Notice of Intent (see Conditions #34). Any plantings shall be native, non-invasive species. Exotic or invasive plants of concern are those listed by the Massachusetts Department of Agricultural Resources (MDAR) on the Massachusetts Prohibited Plant List (<http://www.mass.gov/eea/agencies/agr/farm-products/plants/massachusetts-prohibited-plant-list.html/>) or by the Massachusetts Invasive Species Advisory Group (MIPAG) at (<http://www.massnrc.org/mipag/>).
57. Upon completion of the project, the Applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance per General Condition #12:
 - a. A Request for a Certificate of Compliance (DEP WPA Form 8A).
 - b. A written statement certifying that the work has been completed in compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). A statement to the effect that the project is “substantially” compliant (or a similar statement) will not be sufficient. Any discrepancies shall be noted.

- c. Silt fencing must be removed prior to applying for a Certificate of Compliance, providing the area is properly stabilized.

In Perpetuity

The following special conditions shall extend beyond the issuance of a Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

58. Activities associated with the operation and maintenance of the trail within areas under the jurisdiction of the Groton Conservation Commission, besides the use of hand tools (e.g., trimming overgrown vegetation), shall require additional oversight by the Commission.
59. Area shall be kept clean and trash removed as necessary in perpetuity.

**ATTACHMENT TO WETLANDS PROTECTION BYLAW ORDER OF CONDITIONS
SPECIAL CONDITIONS**

#169-1180
Address – MBTA Parcel, off Crosswinds Drive
Map: 203; Parcel: 19
Applicant – Squannacook Greenways, Inc.

FINDINGS: This Order of Conditions is written under and subject to the Groton Wetlands Protection Bylaw, Ch. 215 of the Code of the Town of Groton, as amended.

This project involves the construction of an approximately 3.7-mile stone dust trail on an abandoned railroad right-of-way owned by the Massachusetts Bay Transportation Authority (MBTA). This Order of Conditions applies to the approximately 575 feet of parcel 203-19 along the MBTA line immediately east of the Townsend-Groton town line. The proposed rail trail will be 10 feet wide, comprised of 4-6 inches of compacted stone dust and will have a 5-foot maintained vegetated buffer area on either side of the trail for a total width of 20 feet.

BYLAW SPECIAL CONDITIONS - Please review the General Conditions and Special Conditions on previous pages:

1. This Bylaw Order of Conditions hereby incorporates by reference and affirms all conditions set forth in the Massachusetts Wetlands Protection Act Order of Conditions issued simultaneously by the Conservation Commission for this project.
2. This Order of Conditions must be recorded in its entirety (all 18 pages) at the Middlesex 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; and recording information (Registry book and page numbers or Land Court certificate number) must be submitted to the Conservation Commission in writing, before any work approved in this Order commences.
3. All activities on this property shall comply with the provisions of the GROTON Wetlands Protection Bylaw and Regulations.

Prior to Construction

4. Prior to the commencement of any activity on this site, the applicant must submit to the Conservation Commission a letter signed by the property owner and/or lessee granting permission for the Commission, the Town, or its agents to enter the property referenced in this Order to monitor compliance with this Order of Conditions or to conduct work necessary to bring the property into compliance with the conditions stated in this Order. Said entry to conduct work would only occur in the event that the property owner is unable or unwilling to perform the necessary work himself within a reasonable time period after a request by the Commission.

During Construction

5. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the 100-foot Buffer Zone or Adjacent Upland Resource Area.
6. The project and all associated activities shall be in full compliance with the Groton Stormwater Management-Low Impact Development (LID) Bylaw.

In Perpetuity

The following special conditions shall extend beyond the issuance of a Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

7. The applicant and any future successors/owners of the property are required to notify buyers or trail work/maintenance crews of conditions which shall continue beyond the Order of Conditions, in perpetuity.

END

ACKNOWLEDGMENT OF ORDER OF CONDITIONS

DEP FILE #169-_____

I, _____, hereby acknowledge that I have read and am familiar with the approved plans and the Order of Conditions, DEP File #169-_____, issued to _____ by the Groton Conservation Commission on _____ for the project located at _____.

Signature Date

Check as appropriate: _____ Landowner _____ Applicant
_____ Contractor _____ Agent (attorney, P.E., R.L.S.)

Please sign and return to the Groton Conservation Commission, Town Hall, 173 Main St. Groton, MA 01450, prior to the commencement of work. If you have any questions or comments you may call 978-448-1106 or use the space provided below.

Please list the telephone numbers and/or e-mail addresses for all parties who sign:

DO NOT RECORD THIS PAGE.