



**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  
Framingham Wetlands Protection Bylaw, Article V, Section 18

Provided by MassDEP:  
158-1407  
MassDEP File #

eDEP Transaction #  
Framingham  
City/Town

**A. General Information**

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

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



1. From: Framingham  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:  
Jonathan Reich  
a. First Name b. Last Name  
NSTAR Gas Company d/b/a Eversource Energy  
c. Organization  
247 Station Drive  
d. Mailing Address  
Westwood Ma 02090  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
See Page 13  
a. First Name b. Last Name  
c. Organization  
d. Mailing Address  
e. City/Town f. State g. Zip Code

5. Project Location:  
350 Irving Street & 54 Leland Street Framingham  
a. Street Address b. City/Town  
Map 122, Block 251 Lots 9 & 9B  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.26993 N -71.40481 W  
d. Latitude e. Longitude



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Middlesex
- |                   |  |
|-------------------|--|
| a. County         | b. Certificate Number (if registered land) |
| 31390/59637/59637 | 574/150/160                                |
| c. Book           | d. Page                                    |
7. Dates:      12/12/2016      12/21/16      12/27/2016  
                   a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
**See page 13**
- |                                      |                          |
|--------------------------------------|--------------------------|
| a. Plan Title                        |                          |
| b. Prepared By                       | c. Signed and Stamped by |
| d. Final Revision Date               | e. Scale                 |
| f. Additional Plan or Document Title | g. Date                  |

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |   |  |   |
|---|--|---|
| a. <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 type="checkbox"/> Fisheries                          | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



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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) 0  
 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                                 | <u>                    </u><br>a. linear feet | <u>                    </u><br>b. linear feet | <u>                    </u><br>c. linear feet | <u>                    </u><br>d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland          | <u>                    </u><br>a. square feet | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways | <u>                    </u><br>a. square feet | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
|  | <u>                    </u><br>e. c/y dredged | <u>                    </u><br>f. c/y dredged |   |   |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding   | <u>                    </u><br>a. square feet | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| Cubic Feet Flood Storage   | <u>                    </u><br>e. cubic feet  | <u>                    </u><br>f. cubic feet  | <u>                    </u><br>g. cubic feet  | <u>                    </u><br>h. cubic feet  |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding    | <u>                    </u><br>a. square feet | <u>                    </u><br>b. square feet |   |   |
| Cubic Feet Flood Storage   | <u>                    </u><br>c. cubic feet  | <u>                    </u><br>d. cubic feet  | <u>                    </u><br>e. cubic feet  | <u>                    </u><br>f. cubic feet  |
| 9. <input checked="" type="checkbox"/> Riverfront Area           | <u>3000</u><br>a. total sq. feet              | <u>3000</u><br>b. total sq. feet              |   |   |
| Sq ft within 100 ft  | <u>2000</u><br>c. square feet                 | <u>2000</u><br>d. square feet                 | <u>2000</u><br>e. square feet                 | <u>2000</u><br>f. square feet                 |
| Sq ft between 100-200 ft   | <u>1000</u><br>g. square feet                 | <u>1000</u><br>h. square feet                 | <u>1000</u><br>i. square feet                 | <u>1000</u><br>j. square feet                 |



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**B. Findings (cont.)**

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

|  | Proposed<br>Alteration  | Permitted<br>Alteration | Proposed<br>Replacement | Permitted<br>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                       | _____   | _____                   | _____ cu yd             | _____ cu yd              |
|  | a. square feet  | b. square feet          | c. nourishment          | d. nourishment           |
| 14. <input type="checkbox"/> Coastal Dunes                         | _____   | _____                   | _____ cu yd             | _____ cu yd              |
|  | a. square feet  | b. square feet          | c. nourishment          | d. 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 12/27/2019 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.



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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            158-1407            "
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.



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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;



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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 pages 13 through 18**

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- 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.



**WPA Form 5 – Order of Conditions**

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Framingham Conservation Commission hereby finds (check one that applies):  
Conservation Commission
  - 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:
 

|   |             |
|---|-------------|
| Framingham Wetlands Protection Bylaw, Article V | Section 18  |
| 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 Pages 13 through 18**

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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.

12/27/2016  
1. Date of Issuance

Please indicate the number of members who will sign this form.

5  
2. Number of Signers

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.

Signatures:

[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]

[Handwritten Signature]  
[Handwritten Signature]

by hand delivery on

12/27/2016  
Date

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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City/Town

**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.

Framingham

Conservation Commission

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

To:

Framingham

Conservation Commission

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

350 Irving St & 54 Leland St

Project Location

158-1406

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



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 &  
Framingham Wetlands Protection Bylaw, Article V, Section 18

Provided by MassDEP:

**158-1407**

MassDEP File #

eDEP Transaction #

### Special Conditions Under The State Wetlands Protection Act And Framingham Wetlands Protection Bylaw 350 Irving Street & 54 Leland Street Framingham, Massachusetts

#### Property Owner (A. 4.)

1. NSTAR Gas Company d/b/a Eversource Energy (350 Irving Street)
2. Debello, Sidney et al Trustees, Three-D Realty Trust (54 Leland Street)

#### Final Approved Plans and Other Documents:

1. *Notice of Intent – PCB Soil Excavation Former Manufactured Gas Plant Site 350 (300) Irving Street & 54 Leland Street Framingham, Massachusetts*; prepared by GEI Consultants; dated November 23, 2016.
2. *Supplemental Letter – Re: Notice of Intent – PCB Soil Excavation Former Manufactured Gas Plant Site 350 (300) Irving Street & 54 Leland Street Framingham, Massachusetts MassDEP NOI File# 158-1407*; prepared by GEI Consultants; dated December 15, 2016.
3. *Supplemental Letter – Re: Notice of Intent – PCB Soil Excavation – Soil and Water Management Plan Former Manufactured Gas Plant Site 350 (300) Irving Street & 54 Leland Street Framingham, Massachusetts MassDEP WPA NOI File # 158-1407*; dated December 20, 2016.
4. *Appendix A Restoration Plan – PCB Soil Excavated Area*; dated December 15, 2016

#### Findings of Fact:

The Project consists of the implementation of remedial activities at 350 (300) Irving Street and 54 Leland Street in Framingham, Massachusetts (the Site). The Site is listed by the Massachusetts Department of Environmental Protection (MassDEP) as a disposal site with release tracking number 3-0589. The permitted activities will be performed as a Release Abatement Measure (RAM) under the MCP.

The Project qualifies as a limited project under the Wetlands Protection Act (WPA) regulations at 310 CMR 10.53(3)(q). Permitted activities consist of excavation, transportation, and disposal of polychlorinated biphenyl (PCB) impacted soil, placement of clean, imported soil as backfill, and restoration of the work area. Portions of the work will occur within the Riverfront Area (RA) and the Framingham Wetlands Protection Bylaw (the bylaw) 125-foot buffer zone to freshwater wetlands and the state Wetlands Protection Act (WPA) 100-foot buffer zone to bordering vegetated wetland.

Work will consist of the excavation of approximately 35 cubic yards of PCB impacted soil from a 20-foot by 30-foot area within the southeast corner of the lot identified as 300 Irving Street. All PCB impacted soil will be disposed of at a TSCA-approved landfill. The name and location of the approved landfill shall be provided to the Conservation Commission and/or its Administrators at the pre-construction meeting (Special Condition 39). Excavated soil shall be placed by the excavation equipment directly from the excavation into lined roll-off containers. The roll-offs shall be placed in close proximity to the excavation and placed on plastic sheeting to

collect any spillage during the transfer of soil from the excavation to the roll-off (Special Condition No. 45). No stockpiling of contaminated soil is permitted (Special Condition No. 32). Loading of contaminated soil shall be postponed during precipitation events to limit contact of stormwater runoff with excavated soil (Special Condition 33).

Stockpiles of excavated soils below the 1 milligram per kilogram (mg/kg) threshold shall be placed on plastic and covered with plastic sheeting at the conclusion of work on each day (Special Condition No. 46). Crushed stone shall be placed across the designated service entrances to the site to control potential migration of soils into the street if not already covered with asphalt pavement (Special Condition No. 47).

Trucks shall not travel across the contaminated soil area (Special Condition No. 34). A professional experienced in remediation under the MCP shall be on-site representing the applicant at all times during work (Special Condition No. 50). The name and contact information of the supervising MA Licensed Site Professional (LSP) shall be provided to the Commission and/or its Administrators at the pre-construction hearing (Special Condition No. 40). Tree stumps removed from the PCB impact soil excavation area shall be placed in soil roll-offs along with the excavated soils and disposed of in-kind (Special Condition No. 51).

All laboratory analytical results from sampling events must be provided to the Commission and/or its Administrator (Special Condition No. 25).

Applicant's contractor and/or representative shall submit a detailed dewatering plan, including erosion and sedimentation control methods at the discharge point, to the Commission and/or its Administrator at the pre-construction meeting (Special Condition 41). Contractor and/or applicant's representatives shall be responsible for ensuring filtered water re-charges at a rate equal to or faster than the pumping rate (Special Condition 52). There shall be no discharge of dewatered groundwater to wetland resource areas either by direct or indirect discharge to wetland resource areas or existing drainage systems. A holding (frac) tank, designated for the sole purpose of containing dewatered material, shall remain on-site at all times for the duration of the project (Special Condition No. 53). Use of holding tank shall be at the discretion of the on-site L.S.P. Notice of dewatering activities must be given to the Commission and / or their representative within 24 hours (Special Condition 54).

Upon completion of excavation, altered Riverfront Area shall be stabilized with New England Conservation Wildlife mix at a rate of 1 pound per 1,750 square feet (Special Condition 55). The Commission and/or its Administrators may, at their discretion, require additional stabilization/erosion control measures be employed within disturbed Riverfront in the Spring of 2017. Additional stabilization methods may include, but are not limited to, additional seeding and/or the placement of jute mesh matting (Special Condition No. 56).

Riverfront Area altered as a result of this Project shall be restored within two years of the date of the issuance of this Order pursuant to 310 CMR 10.53(q)(2)(f.) unless issued an extension by the Commission or otherwise approved in a subsequent Order of Conditions. Restoration shall include the planting of 13 native, non-hybrid trees within the disturbed Riverfront Area. Planted mitigation trees shall be a minimum of 3-inch caliper and/or three feet in height (Special Condition No. 57).

**This Order of Conditions is contingent upon the Massachusetts Department of Environmental Protection (MassDEP) approval of the Release Abatement Measure (RAM) plan for the proposed PCB remediation activities.** This Order shall be rendered invalid in the event the RAM plan is not approved by the MassDEP. **Applicant and/or owner shall inform the Commission and/or its Agents, in writing, in the event the MassDEP's review of the RAM results in changes to remediation activity, scope, or methodology** (Special Condition No. 35). Changes to the RAM plan as described above may necessitate the obtainment of an Amended Order of Conditions.

## **Approved Alterations within Jurisdictional Areas**

Approved work within resource area is limited to 3,000 square feet of impact to Riverfront Area for removal of PCB impacted soil via excavation. The PCB removal area is also located within the bylaw 30-foot No Alteration Zone, the bylaw 125-foot Buffer Zone to freshwater wetlands, and the WPA 100-foot Buffer Zone to bordering vegetated wetland. Staging for the proposed remediation efforts will occur outside of jurisdictional zones.

## **Special Conditions**

### **General Requirements**

20. The **findings of fact** are incorporated as a special condition and given equal status as a special condition of this Order.
21. **All Conditions (Sec. C. above) Under Massachusetts Wetlands Protection Act apply** under the Framingham Wetlands Protection Bylaw.
22. The Commission or Agent of the Commission reserves the **right to require additional conditions if deemed necessary** to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00) and/or the Framingham Wetlands Protection By-Law (Article V, Section 18), or regulations promulgated thereunder.
23. **This document shall be included in all construction contracts**, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, **the contractor will be held jointly liable for any violation** of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this order.
24. This Order and a copy of approved drawings and **plans shall be available at the project site** at all times for easy reference.
25. All laboratory analytical results from sampling events must be provided to the Commission and/or its Administrator.

## **Prohibitions and Violations**

26. **No work, storage, or alterations of any kind are permitted before, during, or after construction within the 30 foot No Alteration Zone** (defined in Section III. C. of the Framingham Wetland Regulations) up-gradient from the edge of wetland Resource Areas, unless otherwise approved at public hearings by the Conservation Commission and demarcated on the Plan of Record.
27. **If unforeseen problems** occur during construction which may affect the statutory interests of the Wetlands Protection Act, the Bylaw or regulations promulgated thereunder, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its Agent, the Applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.
28. Any **damage** caused as a result of this project to any wetland resource areas, shall be the responsibility of the Applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation by the Agent of the Commission.
29. **Work shall be halted** on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions.

30. **Violation of any condition may result in fines** (Section VI of the Framingham Wetland Regulations) and other enforcement actions.
31. **Any changes to approved plans desired by the Applicant or Contractor must first be approved by the Conservation Commission or Agent of the Commission.**
32. No stockpiling of contaminated soil is permitted.
33. Loading of contaminated soil shall be postponed during precipitation events to limit contact of stormwater runoff with excavated soil.
34. Trucks shall not travel across the contaminated soil area.

### **Conditions Prior to Construction**

35. **Applicant and/or owner shall inform the Commission and/or its Agents, in writing, in the event the MassDEP's review of the RAM results in changes to remediation activity, scope, or methodology.**
36. Within thirty (30) days of the issuance of this Order of Conditions, the applicant, property owner, project representative, or other applicable party must record the original copy of the Order with the Registry of Deeds. Proof of recording is required to be submitted to the Commission or Agent of the Commission prior to the Pre-construction Meeting and commencement of work.
37. The applicant, representative, contractors and sub-contractors associated with this project shall sign an **Order of Conditions Acknowledgement Form**, stating that they have received and understand this Order of Conditions. **This Form shall be submitted to the Commission during the pre-construction site visit.** Should any of the aforementioned parties change after submitting said Form, then a new **Order of Conditions Acknowledgement Form** must be signed and submitted to the Agent of the Commission.
38. Prior to the commencement of any activity on this site, other than the marking of locations for erosion controls, there shall be a **Pre-Construction Meeting** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent. Please contact the Conservation Commission office at (508) 532-5460 at least seventy-two (72) hours prior to any activity to arrange for the pre-construction meeting. The meeting shall:
  - a. Ensure that the requirements of the Order of **Conditions are understood**;
  - b. Check **administrative requirements** (DEP file number sign, recording info, contact information, etc.);
  - c. Adjust, if necessary, the **erosion control line**.
39. All PCB impacted soil will be disposed of at a TSCA-approved landfill. The name and location of the approved landfill shall be provided to the Conservation Commission and/or its Administrators at the pre-construction meeting.
40. The name and contact information of the supervising MA Licensed Site Professional (LSP) shall be provided to the Commission and/or its Administrators at the pre-construction hearing.
41. Applicant's contractor and/or representative shall submit a detailed dewatering plan, including erosion and sedimentation control methods at the discharge point, to the Commission and/or its Administrator at the pre-construction meeting.
42. Based on the Agent's judgment rendered at the pre-construction site visit, a sedimentation barrier may be required and, if so, shall serve as the **limit of work. No alterations shall be permitted beyond the installed siltation barrier.**



43. 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.
44. The **erosion controls** shall be properly installed as shown on the Plan of Record. **All erosion controls shall be invasive free (salt marsh hay, straw wattles, or other invasive-free product).** 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. Silt retention fabric must be staked and entrenched at least six (6") inches for maximum siltation control prior to any construction or site preparation.

### **Conditions During Construction**

45. Excavated soil shall be placed by the excavation equipment directly from the excavation into lined roll-off containers. The roll-offs shall be placed in close proximity to the excavation and placed on plastic sheeting to collect any spillage during the transfer of soil from the excavation to the roll-off.
46. Stockpiles of excavated soils below the 1 milligram per kilogram (mg/kg) threshold shall be placed on plastic and covered with plastic sheeting at the conclusion of work on each day.
47. Crushed stone shall be placed across the designated service entrances to the site to control potential migration of soils into the street if not already covered with asphalt pavement.
48. The applicant shall inspect and maintain all erosion controls including silt sacs within the catch basins on a weekly basis and after every storm event of a ½ inch of rain or more.
49. The applicant is responsible **for the containment and proper relocation/disposal** for all unearthed soils, clays and other organic debris as well as the construction waste associated with this project.
50. A professional experienced in remediation under the MCP shall be on-site representing the applicant at all times during work.
51. Tree stumps removed from the PCB impact soil excavation area shall be placed in soil roll-offs along with the excavated soils and disposed of in-kind
52. Contractor and/or applicant's representatives shall be responsible for ensuring filtered water re-charges at a rate equal to or faster than the pumping rate.
53. A holding (frac) tank, designated for the sole purpose of containing dewatered material, shall remain on-site at all times for the duration of the project.
54. Notice of dewatering activities must be given to the Commission and / or their representative within 24 hours.

### **Final Site Stabilization and Removal of Erosion Controls**

55. Upon completion of excavation, altered Riverfront Area shall be stabilized with New England Conservation Wildlife mix at a rate of 1 pound per 1,750 square feet.
56. The Commission and/or its Administrators may, at their discretion, require additional stabilization/erosion control measures be employed within disturbed Riverfront in the Spring of 2017. Additional stabilization methods may include, but are not limited to, additional seeding and/or the placement of jute mesh matting.

57. Riverfront Area altered as a result of this Project shall be restored within two years of the date of the issuance of this Order pursuant to 310 CMR 10.53(q)(2)(f.) unless issued an extension by the Commission or otherwise approved in a subsequent Order of Conditions. Restoration shall include the planting of 13 native, non-hybrid trees within the disturbed Riverfront Area. Planted mitigation trees shall be a minimum of 3-inch caliper and/or three feet in height.
58. Once the site has been stabilized, the Applicant/Owner/Assign shall **remove and properly dispose of all erosion controls.**
59. Vegetation planted as part of mitigation, replication or restoration and in accordance with approved plans, shall be monitored and maintained for a period of two growing seasons and 75% of the plantings shall survive. If less than 75% of species planted survive, then they shall be replaced at the discretion of the Conservation Commission or Agent of the Commission.

### **Conditions related to Certificate of Compliance**

60. Upon completion of construction and final stabilization, the Applicant/Owner/Assign shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - a. A completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request);
  - b. A stamped as-built plan and letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations from the approved plans, and their potential effect on the project. A statement that the work is in “substantial compliance” with no detailing of the deviations shall not be accepted.
61. Once items from 60a. and 60b. are submitted in full compliance, the Applicant, Contractor or Consultant shall schedule a site visit with the Conservation Administrator(s) to verify compliance with this Order of Conditions and affiliated documents.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

158-1407

Provided by DEP

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

**A. Request Information**

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

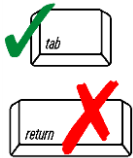
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**B. Instructions**

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

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





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

**Request for Departmental Action Fee  
Transmittal Form**

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

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DEP File Number:

158-1407

Provided by DEP

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. 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.