



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
 and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
 103-0895
 MassDEP File #

eDEP Transaction #
 Bedford
 City/Town

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)

c. Book

d. Page

7. Dates:

01/26/2022

02/09/2022

02/14/2022

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 Attached Page 10.1 for Plans

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 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.



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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) _____ 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 checked="" type="checkbox"/> Bank	300 a. linear feet	300 b. linear feet	248 c. linear feet	248 d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	850 a. square feet	850 b. square feet	1650 c. square feet	1650 d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	18,779 a. total sq. feet	18,779 b. total sq. feet		
Sq ft within 100 ft	13,318 c. square feet	13,318 d. square feet	0 e. square feet	0 f. square feet
Sq ft between 100-200 ft	5,461 g. square feet	5,461 h. square feet	0 i. square feet	0 j. square feet



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
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



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
 and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
 103-0895
 MassDEP File #

eDEP Transaction #
 Bedford
 City/Town

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):

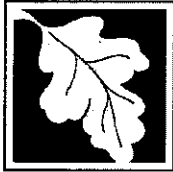
a. number of new stream crossings

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 _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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 103-0895 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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;



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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.



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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

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

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

See Attached Pages 10.0 to 10.5

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.



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Bedford Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

<u>Town of Bedford Wetlands Protection Bylaw</u>	
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached Pages 10.1 to 10.5

ORDER OF CONDITIONS

DEP File Number 103-0895

Reformatory Branch Trail Layout / Minuteman Bikeway Extension
Town of Bedford, Department of Public Works

Page 10.1

Project Description: The project is to extend the Minuteman Bikeway by making a 1,665-foot portion of Railroad Avenue accessible to bikes and constructing 8,800 feet of bikeway on the Reformatory Branch Trail, from Railroad Avenue to approximately 200 feet past Concord Road. As a part of the Railroad Avenue reconstruction, sidewalks, bike accommodations, new drainage, pavement markings, signs, and defined curb cuts will be constructed. Portions of the project are within resource areas, including Riverfront Area, and 100-foot buffer zones to BVW, IVW, and Floodplain.

Procedural History: The Notice of Intent was filed on January 26, 2022 under the Massachusetts Wetlands Protection Act and the Town of Bedford Wetlands Protection Bylaw. Legal notice of the public hearing was published in *The Bedford Minuteman* on February 3, 2022. The hearing was opened and closed on February 9, 2022. The Commission voted to issue an Order of Conditions and Variances.

Plans and Documents: Notice of Intent, "Minuteman Bikeway Extension, From Loomis Street to Concord Road," prepared by VHB, January, 2022;

Site Plan Set, "Massachusetts Department of Transportation, Highway Division, Plan and Profile of Minuteman Bikeway Extension," prepared by VHB, Joshua Trearchis, P.E., January 14, 2022;

Stormwater Report, "Minuteman Bikeway Extension," prepared by VHB, January, 2022.

Special Conditions: ("N/A" conditions do not apply)

The Commission finds that the following special conditions are necessary for the protection of the interests listed. These conditions are standard for most projects, however certain conditions specific to this project will appear bold or at the end of this section.

21. This Order of Conditions shall apply to any successor in interest, or successor in control of this property. The Commission shall be notified in writing at the time of any such transfer in title for all or part of the property that occurs prior to the issuance of a Certificate of Complacence. Prior to any transfer of title, the Order of Conditions shall be recorded at the Registry of Deeds or Land Court.

22. The project shall be performed according to the Notice of Intent, and records and plans submitted by the Applicant, as referenced above.

23. Any change made or intended to be made in the plans or documents shall require submission to the Commission for review. The Commission shall determine whether a change is substantial enough to require a new filing or Amendment to the Order.

24. The Commission hereby designates the Bedford Conservation Administrator as its administrative agent, with full powers to administer and enforce this Order.

25. The Commission must be notified immediately of any adverse environmental impacts that develop during the course of this project.

26. (N/A) The Operation and Maintenance Plan shall be attached to a fully executed Declaration of Restrictive Covenants or other document approved by the Commission and Bedford Town Counsel, and shall be recorded in the chain of title to the property at the Registry of Deeds and/or Land Court. Proof if

ORDER OF CONDITIONS

DEP File Number 103-0895

Reformatory Branch Trail Layout / Minuteman Bikeway Extension
Town of Bedford, Department of Public Works

Page 10.2

this action shall be provided to the Commission prior to the commencement of this project. Prior to conveyance of the property, the Commission shall be provided with written documentation that the prospective Grantee and Grantee's attorney have received a copy of the Declaration of Restrictive Covenants and the Operations and Maintenance Plan.

27. The Applicant or project proponent shall appoint an independent Environmental Site Supervisor from an environmental engineering/consulting firm with the primary responsibility of monitoring the implementation of the Order of Conditions and erosion and sedimentation control, and to provide liaison between contractors and the Commission. The Environmental Site Supervisor shall be accessible to the Commission on a 24-hour basis, and shall have the authority to take corrective action on the site on a 24-hours basis. The prospective appointment of an individual to this position shall be discussed at a regular meeting of the Commission and shall be subject to Commission approval.

The Applicant or project proponent shall provide the Commission with correspondence between the Contactor and the Applicant, documenting the responsibility of the Environmental Site Supervisor to direct immediate response to actions on site prior to, during and immediately after significant rainfall events. The Environmental Site Supervisor shall be authorized to stop work at any time to prevent imminent or ongoing and unapproved alterations to resource areas when discovered and to direct necessary actions to limit further impacts. The responsibilities of the Environmental Site Supervisor shall continue from the start of work until site work is completed and stabilized.

28. Monthly written reports outlining the project's progress, any deviations from the approved plans, unpermitted impacts on resource areas or buffer zones, and any other notable information shall be submitted by the Environmental Site Supervisor to the Commission, who shall visit the site on a weekly basis.

29. The Applicant or project proponent shall provide all concerned parties with a copy of this Order of Conditions, to include the contractor, all sub-contractors concerned with earth-moving, grading, landscaping, mitigation measures, erosion and sediment control, or other aspects of the project, who shall also be responsible for compliance of this Order. The Order of Conditions and site plans referenced in the Order shall remain on site at all times throughout the course of this project, at those locations where work conditioned by the Order is to take place or is in process.

30. The Commission shall be notified at least 14 working days prior to the start of work. If the start of work is subsequently delayed, the Commission shall be so notified. The notification to the Commission shall be submitted in writing, shall include a request for pre-construction site visit and shall confirm that all pre-construction requirements have been met.

31. Prior to the start of work, the contractor shall meet with representatives of the Applicant or project proponent and the Commission in order to develop a mutual understanding of the environmental protection program described in the Notice of Intent and Public Hearing process, and to review the requirements of this Order. At this time, the contractor shall provide the Commission with a construction schedule governing the project, and the project proponent shall provide proof that the Order of Conditions has been recorded at the Registry of Deeds. At the time of this meeting, grading and limit of work staking shall be in place, and wetland boundary flags shall be clearly visible. Erosion and sedimentation control

measures as proposed in the Notice of Intent or required by this Order shall be viewed on site and subject to approval by the Commission at the meeting.

32. Wetland flags and flag numbers shall remain in place for the duration of the project. Damaged or destroyed flags shall be replaced and their location inspected by the Commission. The method by which missing flags are located shall be subject to the approval of the Commission.

33. (N/A) Permanent granite or concrete markers shall be installed vertically in the ground at wetland flags to be determined by the Commission at the pre-construction site visit. The bounds shall be maintained permanently in the chosen locations at least 2 feet above grade.

34. The limit of work shall be defined, at a minimum, by a row of filter sock and silt fence as indicated on the approved site plan. Filter sock and silt fence shall be replaced when deteriorated or if soils within the buffer zone are not permanently stabilized within one year of the start of work.

35. Filter tube and silt fencing installation shall be conducted without creating disturbed surfaces or introducing additional fill material. All filter tube and silt fencing shall be inspected each work day or weekly otherwise and sediments shall be removed with hand tools if their accumulation compromises proper sedimentation control. Filter tube and silt fencing shall not be removed without approval of the Commission, however, filter tube and silt fencing must be removed per the direction of the Commission prior to the issuance of a Certificate of Compliance.

36. Filter tube and silt fencing shall be inspected prior to a forecasted rainfall event of significant duration or intensity. Subsequent to each such event, the filter tube and silt fencing shall be inspected and repaired, to include removal of sediments within one week of the event and prior to the next forecasted event. Filter tube and silt fence shall remain in place until all work has been completed and soil stabilized completely and until the Commission has approved their removal.

37. (N/A) Discharge from dewatering operations shall take place outside of the 100-foot buffer zone, 100-year floodplain, drainage ponds and swales, or in a location to be approved by the Commission and within the limit of work within siltation basin constructed of straw bales and lapped geotextile fabric. Discharge from the basins shall be filtered through silt sacks. The Commission and the Environmental Site Supervisor shall inspect such basins prior to their use. Should the basins prove unable to mitigate the effects of velocity and turbidity in the discharge, the Commission and Environmental Site Supervisor may halt the operation. In no case shall products of dewatering be discharged directly into wetland resource areas or the 25-foot buffer zone.

38. Refueling, washing, or other maintenance of vehicles and equipment and storage of hazardous materials shall not take place within 100-foot buffer zone, the 100-year floodplain, or within the watersheds to basins or swales. A hazardous materials storage and handling plan shall be submitted to the Commission prior to any site preparation work to include tree removal.

39. Prior to Construction, the Applicant or project proponent and Contractor shall provide the Commission with a written statement documenting the source of all fill to be brought onto the site. The statement shall include the constituents of the fill which may not include remanence of asphalt, glass, wire, concrete, metal, brick, wood, plastic, junk, garbage, trash, etc., or other construction, demolition, or excavation debris.

ORDER OF CONDITIONS

DEP File Number 103-0895

Reformatory Branch Trail Layout / Minuteman Bikeway Extension

Town of Bedford, Department of Public Works

Page 10.4

40. No materials including but not limited to gravel, soil, boulders, brush, logs, stumps, slash, asphalt debris and construction samples, shall be stored or buried within the 100-foot buffer zone. All such excess materials shall be removed from the site prior to the completion of the project.
41. Any material, to include displaced soil, which accumulates at the base of the straw bale/silt fence line or migrates beyond the line, shall be removed by the contractor within the same working day.
42. Any exposed soil within the 100-foot buffer zone shall be immediately mulched with straw until seeding can take place. The straw shall be spread uniformly in a blanket of sufficient thickness to completely hide the soil from view. All slopes with a steepness greater than 3:1 shall be stabilized with erosion control biodegradable matting, with specifications subject to the approval of the Commission.
43. Vegetation shall be established on all disturbed soil surfaces and approved by the Commission prior to the issuance of a Certificate of Compliance.
44. Prior to the issuance of a Certificate of Compliance, the Applicant shall provide the Commission with an as-built plan prepared by a Registered Professional Engineer showing roads, utilities, buildings, stormwater management structures, grading, elevations, 100-year floodplain, wetland resource area boundaries, riverfront area, wetland flag locations, permanent wetland bounds, the 25-foot protected buffer, snow storage area, mitigation plantings, and easements that may apply.
45. Snow storage shall be allowed only as shown on the final plan. In no case may snow be plowed into or deposited within the 100-year floodplain, 100-foot buffer zones to Bank, Land Under Waterway, Bordering or Isolated Vegetated Wetlands, retention/detention basins, or swales.
46. No application of herbicides, pesticides, and inorganic chemical fertilizers will be permitted on this site within 25 feet of wetland resource areas.
47. With the exception of post-construction hydroseeding, no blanket applications of herbicides, pesticides, or inorganic chemical fertilizers will be permitted on this site within 100 feet of wetland resource areas. Lime or organic slow-release fertilizer may be used.
48. No salt or deicing chemicals may be used, except in combination with sand, with the salt or deicing chemicals not exceeding 10% of the mixture.

Variances:

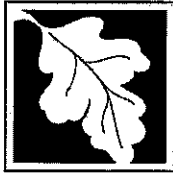
The project proposes work and alterations within wetland resource areas, and within the 25 and 50-foot buffer zones to resource areas. The Applicant requested that the Commission grant variances from the standards established by the Bylaw for Buffer Zone (2.2.2.1a and 2.2.2.1b), Buffer Strip and 50-foot Buffer Zone (2.2.2.2).

The Commission may waive the application of these standards when it receives a written request for a variance from the proponent, and it determines that such variance is necessary to accommodate an Overriding Public Interest - an overriding community, regional, state or national public interest. The proponent shall have the burden of demonstration that there is no reasonable alternative design of the project

that would minimize any alteration of protected resource areas, and that the activity serves an overriding public interest.

The Commission unanimously agreed that the project presents an overriding community, regional, and state interest and voted to issue vacancies for the stated work as:

1. The project proposes safe, non-motorized, transportation improvements to be utilized by the general public.
2. The project proposes linking such routes already in existence throughout Bedford and neighboring communities therefore expanding the regional transportation network.
3. The project proposes improved recreational opportunities such as walking, running, biking, nature & wildlife viewing, etc., to be utilized by the general public.
4. Signifying public interest at the state level, the project is proposed as part of the Massachusetts Department of Transportation Fiscal Year 2023 Transportation Improvement Plan.



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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.

02/14/2022

1. Date of issuance

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

Four

This Order must be signed by a majority of the Conservation Commission.

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.

Bedford Conservation Commission

Signature

Allan Wirth

Printed Name

Signature

Steven Hagan

Printed Name

Signature

Lori Eggert

Printed Name

Signature

Deb Edinger

Printed Name

Signature

Frank Richichi

Printed Name

Signature

Stacey Katz

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

02/14/2022

Date



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
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
103-0895
MassDEP File #

eDEP Transaction #
Bedford
City/Town

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.



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
 and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
 103-0895
 MassDEP File #

eDEP Transaction #
 Bedford
 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.

Bedford
 Conservation Commission

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

To:

Bedford
 Conservation Commission

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

Project Location _____ 103-0895
 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 _____

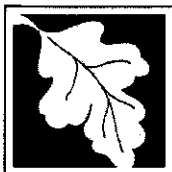
If recorded land, the instrument number identifying this transaction is:

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
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

103-0895

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address	Bedford	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 _____

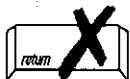
Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

4. DEP File Number:

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



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



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

DEP File Number:

103-0895

Provided by DEP

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

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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.