

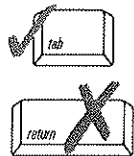
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
81-1176  
MassDEP File #  
eDEP Transaction #  
Weymouth  
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: Town of Weymouth  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

a. First Name Town of Weymouth b. Last Name (c/o Robert Luongo, Planning Director)  
c. Organization 75 Middle Street  
d. Mailing Address Weymouth  
e. City/Town MA f. State 02189 g. Zip Code

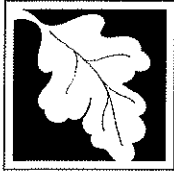
4. Property Owner (if different from applicant):

a. First Name Town of Weymouth b. Last Name  
c. Organization 75 Middle Street  
d. Mailing Address Weymouth  
e. City/Town MA f. State 02189 g. Zip Code

5. Project Location:

a. Street Address 87 Wharf St. and 0 Commercial St. b. City/Town Weymouth  
c. Assessors Map/Plat Number 87 Wharf St 19-172-2 and ..... d. Parcel/Lot Number 0 Commercial St. 19-173-1

Latitude and Longitude, if known: d m s d m s  
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):  
Norfolk  
a. County  
3792  
b. Certificate Number (if registered land)  
397  
c. Book  
d. Page  
7. Dates: 6-27-2016 7-13-2016 08-03-2016  
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):  
Back River Trail Extension (Sheets L1-L5)  
a. Plan Title  
Design Consultants, Inc. Paul C. Costello, P.E.  
b. Prepared By c. Signed and Stamped by  
6/27/16 1" = 50'  
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. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ 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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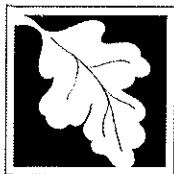
**B. Findings (cont.)**

**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) a. linear feet

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

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



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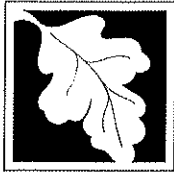
Weymouth

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**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	up to 16,300 a. square feet	up to 16,300 b. square feet		
22. <input checked="" type="checkbox"/> Riverfront Area	27,750 a. total sq. feet	27,750 b. total sq. feet		
Sq ft within 100 ft	23,000 c. square feet	23,000 d. square feet	(repair of landfill access road) e. square feet	f. square feet
Sq ft between 100-200 ft	4,750 g. square feet	4,750 h. square feet	(new trail) 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):

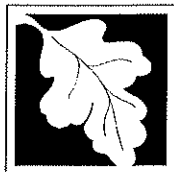
a. number of new stream crossings

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 \_\_\_\_\_ 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                      81-1176                      "
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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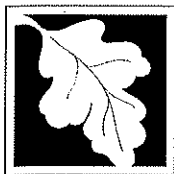
City/Town

**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;



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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):

**Conditions # 22 - 54**

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.



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

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Town of Weymouth 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:  
Town of Weymouth Code of Ordinances, Chapter 7, Section 301  

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):  
Conditions # 21 - 54

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

LOCATION: Town of Weymouth Landfill, 87 Wharf Street – Great Esker Park Trail Extension

DEP FILE #: 81-1176

### **Findings**

This project entails both maintenance of existing landfill infrastructure and new construction for proposed park improvements. Under maintenance, the applicant will repair damaged landfill drainage and will bring the existing landfill access roadway back to original, approved grades. Existing limits of the landfill access roadway will be maintained; the roadway will not be expanded toward the salt marsh. Maintenance work is located within Riverfront Area (approximately 23,000 square feet in the Inner Riparian Area) and Land Subject to Coastal Storm Flowage (approximately 16,300 square feet), as well as Buffer Zone to Salt Marsh.

The proposed new construction links Great Esker Park to a new trail through the landfill, and features dramatic views of the Back River. The trail expansion includes work within Riverfront, in the Outer Riparian Area (approximately 4,750 square feet).

### **General Conditions**

21. The Commission's actions on this project are taken under the Weymouth Code of Ordinances Chapter 7, subject to compliance with the conditions and limitations imposed herein, and any work authorized hereafter shall be completed within three (3) years from the date of issuance of this Order. Any request for extension of this Order shall be made, in writing, not less than thirty (30) days before the expiration of this Order. An appeal of an Order issued under Weymouth Code of Ordinances Chapter 7, Section 301 may be taken in Superior Court.
22. No work may begin until the Commission has received certification from the Registry of Deeds or the Land Court or both, as appropriate, that this Order has been recorded in the line of title of the property.
23. A copy of this Order shall be kept on the work site at all times during construction. The applicant is responsible for providing a copy to all contractors and subcontractors, for informing them of its requirements, and for assuring that they comply with those.
24. These Conditions are intended solely as a permit to perform work within areas of the Commission's jurisdiction, and nothing contained herein shall be construed as pre-empting or precluding any other bylaw, ordinance or local regulation.
25. Members and agents of the Commission have the right to enter and inspect the property, as per M.G.L. Ch. 131, § 840, and Weymouth Town Code of Ordinances, Chapter 7, in order to evaluate and enforce compliance with this Order. The applicant shall submit data or information that the Commission deems necessary for that evaluation.

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

LOCATION: Town of Weymouth Landfill, 87 Wharf Street – Great Esker Park Trail Extension

DEP FILE #: 81-1176

26. This Order shall apply to all successors in interest, successors in control, and successors in title. **This Condition shall remain in perpetuity and shall not expire with the issuance of the Certificate of Compliance.**
27. Before making any change in the project as designed and specified in the plans listed above, the applicant shall inquire of the Commission, in writing, whether the change is so substantial as to require the filing of a new Notice, may be permitted as an amendment to this Order, or may be carried out under these Conditions as issued.
28. The Commission reserves the right to impose additional conditions or require the submission of additional information as necessary to protect the interests of the State and Local Wetland Protection Act.

#### **Pre-Construction Conditions**

29. All required local, state and federal permits shall be obtained before construction begins. A copy of the following documents shall be provided to the Commission if they are required for the project: the Stormwater Pollution Prevention Plan, the NPDES general construction permit, the Chapter 91 permit or license, the 401 Water Quality Certificate, and the Army Corps of Engineers permit.
30. Prior to the start of work, the applicant shall provide the Conservation Administrator with a set of revised plans. The following items shall be included in the plans as agreed to at the Conservation Commission hearing of July 13, 2016:
  - a. Specifications for rock material at landfill toe of slope adjacent to gravel access roadway (if not already specified on plans).
  - b. Repair/replacement of damaged drainage pipes as needed within the landfill toe of slope and gravel access roadway.
  - c. Specification for erosion controls (minimum 12-inch staked straw wattle).
  - d. Material stockpile locations (no stockpiling allowed on the gravel access roadway).
  - e. Treatment for slopes and bottom of proposed stormwater basin (e.g., conservation mix on slopes, wet mix on bottom, erosion control blanket if slopes steeper than 3:1).
  - f. Wetlands flags (with numbers) shown.
  - g. Elevation datum
  - h. Notes and legend
  - i. Gas vents/extensions to be painted green, or as otherwise agreed to.
31. If changes to the final plans or construction drawings are made in addition to those described under Condition #30, the Conservation Administrator shall be

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

LOCATION: Town of Weymouth Landfill, 87 Wharf Street – Great Esker Park Trail Extension

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provided with the plans/drawings and a description of changes within the Commission's jurisdiction. For changes deemed to be significant, the applicant shall notify the Commission and shall follow the procedures as described in Condition #27.

32. Prior to the start of active construction, the contractor shall provide their proposed construction sequence for the project and shall identify proposed measures for securing active work areas and preventing damage to wetland resource areas in the event of a major storm that has the potential to flood active work areas.
33. Prior to the start of work, the applicant shall provide the Commission with the name(s), address(es) and telephone number(s) of the person(s) responsible for ensuring on-site compliance with this Order and his or her alternate. This person shall be the Environmental Monitor for the project and shall be given authority to stop construction for erosion control or other environmental purposes.
34. Prior to construction or excavation, an erosion control barrier, consisting of a minimum 12-inch staked straw wattle, shall be installed at the edge of the existing gravel access roadway, as shown on the approved plans. Erosion controls shall be located approximately one to two feet beyond the existing gravel road such that: 1) sufficient room exists between the limit of work and erosion controls to prevent damage to or overtopping of the controls; and 2) disturbance and impacts to existing shrub growth is avoided to the extent possible. Controls shall be installed in accordance with the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas" (Mass. DEP, March 1997).
35. After installation of the erosion control barrier and/or such other environmental protection as shall be directed by the Commission, and prior to any other work, **the applicant and/or the project manager shall meet on the site with the Conservation Administrator to review the placement of the protection and the Order of Conditions issued for this project.**
36. Wetland flagging shall remain in place until the project has been completed and the Certificate of Compliance issued.
37. The Conservation Commission shall be notified 48 hours prior to the start of active work at the site. If there is a significant stop in construction activities, the applicant shall notify the Commission 48 hours prior to the resumption of construction work.

#### **Construction-Related Conditions**

38. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to replace or repair

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

LOCATION: Town of Weymouth Landfill, 87 Wharf Street -- Great Esker Park Trail Extension

DEP FILE #: 81-1176

perimeter erosion controls, erosion control matting, stone riprap, filter berms or any other devices planned for use during construction. Stockpiling of all materials shall be outside the gravel access roadway.

39. The erosion control barrier shall be inspected and maintained for the duration of the project; repairs and replacement shall be made as needed to assure its proper functioning. The erosion control barrier shall be inspected daily in active work areas when contractors are on-site. The full length of the barrier shall be inspected at least weekly and after every runoff-producing precipitation event.

Accumulated sediments shall be removed as soon as possible from the front of the erosion controls; in no instances shall sediments be allowed to accumulate above one-half the height of the barrier. The Conservation Commission reserves the right to require additional erosion control protection measures as needed to protect the resource area until the site is permanently stabilized.

40. Workers at the site shall be told of the purpose of the erosion control barrier and instructed to protect it from damage, including by tools or machinery. No work shall be permitted beyond the erosion control barrier and no machinery shall be closer to the resource area than the erosion control barrier. The erosion control barrier shall be removed after work is completed on all portions of the project and all bare ground has been stabilized.
41. Existing catch basins shall be protected to prevent accumulation of construction-related debris within the basins. Site entry and exit locations shall be maintained in a condition which will prevent tracking or flowing of sediment onto roadways.
42. The existing limits of the gravel access roadway adjacent to the salt marsh shall be maintained; the roadway shall not be expanded toward the salt marsh.
43. Vegetation on the salt marsh side of the gravel access roadway shall not be removed or damaged during construction, except in very limited situations as necessary for installation of erosion controls.
44. There shall be no stockpiling of soil or other materials on the gravel access roadway. Stockpiling locations shall be identified on the revised plans.
45. Old silt fence from the prior landfill project shall be removed from the salt marsh and buffer zone, in a manner that prevents damage to the salt marsh.
46. If dewatering is necessary during construction, the Conservation Administrator shall be notified. Dewatering shall be conducted in a manner that prevents discharge of turbid water to wetland resource areas. Unless otherwise directed by the Commission or its Administrator, excess water shall be pumped to a filter bag,

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

LOCATION: Town of Weymouth Landfill, 87 Wharf Street -- Great Esker Park Trail Extension

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lined haybale corral, sedimentation basin and/or sedimentation tank, located in an upland area at least 50 feet from a wetland edge or riverfront area.

47. At no time during or after construction shall fill or other materials be placed, slump into or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and walls and shall immediately notify the Commission if slumping, erosion or encroachment occurs.
48. If unforeseen problems occur during construction which may affect the statutory interest of the Wetlands Protection Act or the Town of Weymouth's Wetlands Protection Ordinance, upon discovery by either the Conservation Commission, its agent, or the applicant, 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, resulting actions and timeframes shall be documented in writing. If necessary, the Conservation Commission may require new calculations, to be approved by the Commission or its agent, to support the new findings and corrective measures.
49. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and either (a) loamed and seeded in accordance with USDA Soil Conservation Service Guidelines for permanent stabilization, or (b) stabilized in another way approved by the Conservation Commission. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures acceptable to the Commission.
50. Servicing of equipment (including, but not limited to, fueling, changing, adding or applying lubricants or hydraulic fluids) shall be done in excess of one hundred (100) feet distance from the salt marsh. Such equipment must be maintained to prevent leakage or discharge of pollutants. Overnight storage of equipment must be a minimum of one hundred (100) feet from the salt marsh.
51. Erosion control blankets shall be used on newly created slopes that are equal to or steeper than a 3:1 slope. Physical controls (such as rip-rap slopes) shall be used for slopes equal to or steeper than a 2:1 slope.

#### **Post-Construction Conditions**

52. Stormwater management features (detention area to the northwest of the new paved trail, and catch basins at the new parking area) shall be maintained as needed to ensure their proper functioning. Landfill infrastructure, including drainage and the gravel maintenance access roadway, will continue to be maintained under the existing DEP-approved 2007 Operations and Maintenance

APPLICANT: Town of Weymouth (c/o Robert Luongo, Planning Director)

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**Agreement. This condition is ongoing and shall not expire with the issuance of a Certificate of Compliance.**

53. Upon completion of the project, or any discrete phase thereof, the applicant may request a Partial or Final Certificate of Compliance. The applicant must obtain a Certificate of Compliance before the building is occupied, and all Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied by the following items:
- a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this Order of Conditions and setting forth what deviations exist, if any;
  - b. Six sets of as-built site plans prepared by a registered land surveyor or a registered professional engineer showing those activities for which the Certificate of Compliance is sought. The as-built plans shall show final layout and elevations of proposed improvements and shall include wetland flag locations.
54. Following completion of the project and issuance of the Final Certificate of Compliance, the Town of Weymouth should also file for a Final Certificate of Compliance for the Order of Conditions issued for the landfill cap construction (DEP File #81-780). The Conservation Commission notes that Condition #40 of that OOC (#81-780) required that after capping and closure of the landfill was completed, a conservation restriction be put on the "the 17 acre property limiting use to passive recreation and conservation." As part of the trail improvements, the Town of Weymouth will be subdividing the landfill property and permanently preserving as open space the park portion of the property. Because the former incinerator will be excluded from the area to be preserved, the Commission has agreed that the total area to be preserved will not equal 17 acres.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

**81-1176**

MassDEP File #

eDEP Transaction #

**Weymouth**

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.

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

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

**08/03/16**

1. Date of Issuance

**5**

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Steven DeGabriele

Scott Dowd

George Loring

Thomas Tanner

*Thomas E. Tanner*

John Reilly *John P. Reilly*

☒ by hand delivery on

**08/03/16**

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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

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MassDEP File #

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Weymouth

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.

Town of Weymouth

Conservation Commission

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

To:

Town of Weymouth

Conservation Commission

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

87 Wharf St.

Project Location

81-1176

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk

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**

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

DEP File Number:

81-1176

Provided by DEP

**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

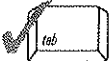
Phone Number

Fax Number (if applicable)

4. DEP File Number:

81-

**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**

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

DEP File Number:

81-1176

Provided by DEP

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**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.

## ORDER OF CONDITIONS

Now that the Weymouth Conservation Commission has issued an Order of Conditions for your proposed work in or near a wetland, the following steps must be taken before any work begins.

- 1) No work may begin until 10 working days after this Order of Conditions is issued.
- 2) Before work can begin, **this Order of Conditions must be recorded at the Norfolk County Registry of Deeds. The recording information must then be submitted to the Conservation Commission.** Without this no work can begin, nor can a Certificate of Compliance under any circumstances be issued.
- 3) A sign, approximately 18" X 24", displaying the exact wording of General Condition #9 must be erected in a visible location at the site while the work is going on. This will inform interested parties that your project is being done with the approval of the Conservation Commission and the Department of Environmental Protection (DEP).
- 4) All erosion controls approved by the Commission must be installed as per approved plan and inspected by the Conservation Administrator at the pre-construction meeting before any other work is started.
- 5) **This Order of Conditions is valid for three years from the date of issue.** If additional time is needed, you must request, in writing to the Commission and at least 30 days before the expiration date, an Extension of your Order of Conditions. If the Order of Conditions expires without an approved Extension before completion of the project, you will be required to re-file a new Notice of Intent.

## CERTIFICATE OF COMPLIANCE

When the entire project is completed, including landscaping, you must submit a *Request for Certificate of Compliance* (WPA Form 8A) to the Commission. If the project had plans prepared by an Engineer or Surveyor, you must have an Engineer or Land Surveyor inspect the property. The Engineer or Land Surveyor must then submit a letter to the Commission verifying that the work has been completed in accordance with the plans and Order of Conditions, and noting any deviations. Failure to obtain a Certificate of Compliance will lead to delays if the property is sold or used as collateral. "As-built" plans must be provided if so required by the Order of Conditions.

## ITEMS NECESSARY BEFORE A CERTIFICATE OF COMPLIANCE CAN BE ISSUED

- 1) The Order of Conditions has to have been recorded at the Registry of Deeds
- 2) Receipt of a *Request for Certificate of Compliance* (WPA Form 8A)
- 3) Two (2) copies of "As-Built Plans"
- 4) Letter from Engineer or Surveyor
- 5) Check for \$50.00 payable to the Town of Weymouth