



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:
81-1235
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

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:

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

a. First Name John M. Corcoran & Co., LLC b. Last Name _____
c. Organization
100 Grandview Rd., Suite 203
d. Mailing Address
Braintree MA 02184
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

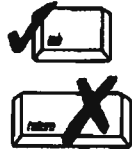
a. First Name _____ b. Last Name _____
GMS Realty, LLC
c. Organization
40 Waverly St.
d. Mailing Address
Framingham MA 01702
e. City/Town f. State g. Zip Code

5. Project Location:

1500 Main Street Weymouth
a. Street Address b. City/Town
Map 61 Block 627, Lot 25
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:
d. Latitude e. Longitude

Locus: 1500 Main St, Weymouth, MA



deputy



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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 Norfolk b. Certificate Number (if registered land) 86
 c. Book 16371 d. Page 86
7. Dates: 12/03/2018 01/22/2019 02/14/2019
 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 list
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped by 1"=
 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 type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input 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.

APPLICANT: John M. Corcoran & Co., LLC
LOCATION: 1500 Main Street, Weymouth
DEP FILE #: 81-1235

**Final Approved Plans and Other Documents (2 pages)
Residences at 1500 Main Street**

1. Plan Set. "The Residences at 1500 Main." Prepared for John M. Corcoran & Co, LLC. Prepared by Utile Architecture & Urban Design; CHA Companies and others. Signed and stamped by Kelly Killeen, PE, unless otherwise noted. Revision date January 15, 2019, unless otherwise noted.
 - 1.1. Cover Sheet, G0.00.
 - 1.2. Notes-Legend, C-001.
 - 1.3. Existing Conditions Plan (Sheet 1 of 2), C-002. Signed and stamped by William J. Dorgan, PLS.
 - 1.4. Existing Conditions Plan (Sheet 2 of 2), C-003. Signed and stamped by William J. Dorgan, PLS.
 - 1.5. Demolition-Erosion & Sediment Control Plan, C-004.
 - 1.6. Overall Site Plan, C-101.
 - 1.7. Site Plan, C-102.
 - 1.8. Grading & Drainage Plan (Sheet 1 of 5), C-201.
 - 1.9. Grading & Drainage Plan (Sheet 2 of 5), C-202.
 - 1.10. Grading & Drainage Plan (Sheet 3 of 5), C-203.
 - 1.11. Grading & Drainage Plan (Sheet 4 of 5), C-204.
 - 1.12. Grading & Drainage Plan (Sheet 5 of 5), C-205.
 - 1.13. Utility Plan, C-301.
 - 1.14. Landscape Key Plan, C-501. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.15. Landscape Plan, C-502. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.16. Landscape Plan, C-503. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.17. Landscape Plan, C-504. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.18. Landscape Plan, C-505. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.19. Landscape Schedule and Notes, C-506. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.20. Details-1, C-601.
 - 1.21. Details-2, C-602.
 - 1.22. Details-3, C-603.
 - 1.23. Details-4, C-604.
 - 1.24. Details-5, C-605.
 - 1.25. Details-6, C-606.
 - 1.26. Details-7, C-607.
 - 1.27. Details-8, C-608.
 - 1.28. Details-9, C-609.

APPLICANT: John M. Corcoran & Co., LLC
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- 1.29. Details-10, C-610. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.30. Details-11, C-611. Signed and stamped by Nicholas Schwartz, RLA.
 - 1.31. Resource Area Plan, C-801.
 - 1.32. Fire Truck Turning Exhibit, C-901.
 - 1.33. Lighting Plan, LT-100
2. Stormwater Report, The Residences at 1500 Main, Weymouth, MA. Prepared by CHA, November 2018.
 3. Notice of Intent, The Residences at 1500 Main, Weymouth, MA. Prepared by CHA, December 2018.
 4. Bordering Land Subject to Flooding Memorandum, The Residences at 1500 Main. From Anthony Vitale, P.E. to Mary Ellen Schloss, Weymouth Conservation Administrator. Revision date January 22, 2019.
 5. Memorandum, Waiver Request – Bordering Land Subject to Flooding, The Residences at 1500 Main. From Kelly Killeen, P.E. to Mary Ellen Schloss, Weymouth Conservation Administrator. Dated January 15, 2019.
 6. IVW/Buffer Zone Restoration & Tree Protection Plan, DEP File #81-1235. Dated January 18, 2019. Prepared by CHA Consulting, LLC. Includes the following:
 - 6.1. Letter from James B. Hall, PWS to Weymouth Conservation Commission.
 - 6.2. Wetland Restoration Plan, EX-1.
 - 6.3. Proposed Fence Exhibit, EX-2
 7. 1500 Main Street – Potential Vernal Pool Review (WFA/IVW). Letter from James B. Hall, PWS to Weymouth Conservation Commission. Dated December 19, 2019.
 8. Letter, Response to Review Comments, The Residences at 1500 Main. From Kelly Killeen, PE to Mary Ellen Schloss, Weymouth Conservation. Dated January 22, 2019.

-END-



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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
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	_____ e. c/y dredged	_____ f. c/y dredged		
	28,345	28,345	52,515	52,515
	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	63,436	63,436	89,196	89,196
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
	Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet
	_____ j. square feet			



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B. Findings (cont.)

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. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} 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

APPLICANT: John M. Corcoran & Co., LLC
LOCATION: 1500 Main Street, Weymouth
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Additional Findings under the Mass Wetlands Protection Act and Weymouth Wetlands Protection Ordinance

The proposed project entails the construction, on a 5.54 acre site, of two mixed-use buildings and one residential building (five-stories each), along with associated parking areas, utilities and other site improvements. Parts of the project site have been previously developed with an industrial building and asphalt parking lot. There has been some dumping, primarily of construction wastes and landscaping debris, on the property.

The proposed project entails work within Bordering Land Subject to Flooding, in a mapped 100-year floodplain for which FEMA has not determined a Base Flood Elevation. The applicant conducted a study to determine the BFE and to quantify the proposed amounts of cut and fill for all elevations below the BFE. ("Bordering Land Subject to Flooding Memorandum, The Residences at 1500 Main", prepared January 15, 2019 and revised January 22, 2019.) The Conservation Commission has concurred with the study and the proposal for compensatory flood storage contained therein.

The Commission finds that the project meets the performance standards in the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.57 for work within Bordering Land Subject to Flooding.

The Weymouth Wetlands Protection Regulations, Section 3.05(3) require a waiver for alteration of Land Subject to Flooding, whether Bordering or Isolated. The Conservation Commission finds that the project, as conditioned herein, meets the standards for granting a waiver under the local regulations.

The Conservation Commission considered whether the Isolated Wetland on the property was jurisdictional as a vernal pool under the Weymouth Wetlands Protection Ordinance. The applicant's wetland scientist reviewed the site and determined that, based on its small size and hydroperiod, that the wetland did not provide suitable habitat for the breeding of obligate vernal pool species. The Order of Conditions requires measures to provide wildlife habitat within the buffer to the Isolated Vegetated Wetland and within the compensatory flood storage area.

-END-



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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 (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:
 a. square feet of BWV _____ 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 81-1235 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a **Bordering Vegetated Wetland**, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

Conditions # 22 - #67

- 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 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 Weymouth Code of Ordinances, Chapter 7, Section 301</u>	2. Citation
1. Municipal Ordinance or Bylaw	

- 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 - #67

APPLICANT: John M. Corcoran & Co., LLC
LOCATION: 1500 Main Street, Weymouth
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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, informing them of its requirements, and assuring that they comply with those requirements.
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.
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 or as specified in this Order, 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 applicant has stated that they intend to submit a Letter of Map Amendment (LOMA) to FEMA. A copy of the LOMA submittal shall be provided to the Conservation Commission (paper copy and electronic copy).

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Pre-Construction Conditions

29. All required local, state and federal permits shall be obtained before construction begins.
30. A copy of the draft Stormwater Pollution Prevention Plan (required for the NPDES general construction permit) shall be provided to the Conservation Office for review and comment prior to the start of construction.
31. If construction drawings are prepared for the project that differ from the set of plans approved by the Commission under this Order, the applicant shall provide the Commission with the drawings and a description of changes within the Commission's jurisdiction. If changes are proposed from the approved plans cited by this Order, the applicant shall notify the Commission and shall follow the procedures as described in Condition #27.
32. Prior to the start of construction, the applicant shall provide to the Conservation Commission Administrator, for review and approval, a revised wetland and buffer zone restoration plan. The applicant provided a conceptual restoration plan during the public hearing (letter report titled "1500 Main Street – IVW/Buffer Zone Restoration & Tree Protection Plan," from Jay Hall, PWS to Weymouth Conservation Commission dated 1/18/19, with accompanying exhibits EX-1, Wetland Restoration Plan and EX-2, Proposed Fence Exhibit). The Conservation Commission agrees with the basic concepts of the proposed plan.

The revised plan shall incorporate the following elements, as discussed at the January 22, 2019 public hearing:

- a. Identification and preservation (to the extent feasible) of healthy, mature, native trees in the compensatory flood storage area. Trees may need to be preserved on "tree islands," depending on adjacent grading.
- b. Planting of woody vegetation within the compensatory flood storage compensation area. Native plants with wildlife habitat value shall be used. Shrubs and trees shall be planted at sufficient density to generate wildlife habitat value. A native seed mix shall be used as specified in the 1/18/19 plan.
- c. A proposed planting schedule that specifies the size of plantings, density of plantings, and number of plantings for each species.
- d. The disturbed area on the northern side of the IVW shall be restored as proposed. An erosion control blanket (preferably jute netting) shall be secured to slopes steeper than 3:1 prior to planting.

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- e. The 1/18/19 plan proposes to restore areas on the southerly wetland slope, adjacent to a residential property where yard wastes have been deposited and vegetation removed. This work shall be coordinated with the Conservation Administrator. The residents have expressed a preference for low-growing species on the slope.
 - f. Installation of conservation posts to mark the no-disturb buffer and to discourage the dumping of yard wastes from residential properties.
 - g. Removal of yard waste piles in or adjacent to the wetland, to be coordinated with Conservation.
 - h. Removal of trash/debris within the 100-foot buffer zone.
 - i. Construction of the fence, shown on EX-2, shall have a 12-inch opening at the bottom for wildlife crossing.
 - j. The plan/protocol for managing invasive plants should focus on the management of aggressive invasive plants that adversely affect ecology.
 - k. Wetland and buffer restoration areas shall be monitored for a period of at least two full years following planting. The applicant shall provide monitoring reports in the spring and fall of the two years following planting. The Commission reserves the right to require additional monitoring if restoration is not successful in two years.
33. Prior to the start of work, the Applicant or Contractor shall provide the Commission with the name, business phone number, email address, and mailing address of the person responsible for ensuring on-site compliance with this Order, and his or her alternate. This person shall be the Environmental Monitor for the site and shall be given the authority to stop construction for erosion control or other environmental purposes.
34. Prior to the start of work, the applicant shall submit a construction sequence and anticipated schedule for major project elements including wetland and buffer zone restoration work.
35. Prior to any clearing or tree removal in the rear of the site, the applicant's wetlands scientist shall meet on site with the Conservation Administrator to identify trees to be preserved within the compensatory flood storage area; trees to be protected shall be clearly marked. Minor adjustments to the location of erosion controls, temporary sediment basins or site fencing may be required to accommodate for preserved trees. Tree protection (tree wrap or tree fencing) shall be installed around trees designated for protection, prior to any construction or

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excavation within their root zone.

36. Prior to clearing, tree removal or other active work on the site, perimeter erosion controls and catch basin inserts shall be installed as shown on the approved plans (unless otherwise approved by Conservation). Controls shall be installed in accordance with the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas" (Mass. DEP, March 1997). The Conservation Commission reserves the right to require additional erosion and sediment control measures as needed to protect wetland resource areas and buffer zones. In particular, additional filter sock, silt fence, or other supplemental controls may be needed in areas with significant slopes or grading, to prevent overtopping of the 12-inch filter sock.
37. After installation of the erosion control barrier, and marking of trees to be preserved, and prior to any other work, **the applicant and/or the project manager and the contractor 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.
38. Wetland flagging shall be present, and shall be refreshed as needed, until the project has been completed and the Certificate of Compliance issued.

Construction-Related Conditions

39. 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.
40. The Conservation Administrator shall be notified at the following milestones:
 - a. Start of clearing/tree removal
 - b. Start of infiltration system construction
 - c. Start of wetland and buffer restoration work
 - d. Start of grading for compensatory flood storage area.
41. A Registered Professional Engineer (PE) shall oversee construction of the stormwater management system as needed in order to provide final certification that the system has been constructed in compliance with the approved plans and this Order of Conditions. Unsuitable material below leaching areas shall be removed to natural ground material in accordance with Engineer and Geotech recommendations.

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42. 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 perimeter erosion controls, erosion control matting, stone riprap, filter berms or any other devices planned for use during construction.
43. During construction, erosion control measures shall be taken as shown on the Demolition-Erosion & Sediment Control Plan (Sheet C-004 of the approved plan set), the final Stormwater Pollution Prevention Plan and this Order. Workers at the site shall be told of the purpose of the erosion control measures and instructed to protect them from damage, including by tools or machinery. The Conservation Commission reserves the right to require additional erosion and sediment control measures as needed to protect wetland resource areas and buffer zones.

Erosion and sedimentation control measures shall be maintained for the duration of the project; repairs and replacement shall be made as needed to assure their proper functioning. Erosion and sedimentation control measures shall be inspected by the applicant or his/her representative 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 erosion control barrier shall be removed after work is completed on all portions of the project and all bare ground has been stabilized.

44. Prior to filling, excavation, or other heavy earth work, a construction entrance shall be installed to prevent tracking of sediments onto the roadway. Site entry and exit locations shall be maintained in a condition which will prevent tracking or flowing of sediment onto the public roadway. Street sweeping shall be performed as needed to remove sediments that have entered the roadway.
45. With the exception of approved wetland/buffer restoration work (Condition #50) and approved work to remove debris or adjust grading in accordance with Condition #51, no work shall be permitted beyond the perimeter erosion controls and no machinery shall be closer to the resource area than the erosion control barrier.
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, lined haybale corral, sedimentation basin and/or sedimentation tank, located in an upland area at least 50 feet from a wetland edge.
47. Any selective cutting or removal of trees conducted as part of work permitted in this Order shall include the complete removal of stumps, branches and limbs to a

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permissible disposal site. Burial on site is not allowed.

48. Stockpiling of soil and other erodible materials shall be kept outside the 100-foot wetland buffer; no stockpiling of soil or other materials shall occur within the 50-foot wetland buffer. Stockpiles shall be protected with perimeter controls or tarps.
49. Wetland and buffer zone restoration work shall be conducted in accordance with the final approved restoration plan.
50. During or prior to the start of construction, the applicant shall provide additional surveyed elevation contour data in the vicinity of the IVW in order to confirm the exit direction of outflow from the IVW as described in the BLSF memo. Conservation and the applicant shall review the contour data and existing site conditions in order to determine whether adjustments to grading would be beneficial to promote outflow (e.g., removal of fill piles near area marked in the BLSF memo as the "Lowest Exit Overflow Boundary"). Conservation reserves the right to require adjustments to grading in this area as needed to allow for outflow from the wetland. Grading work here, if any, shall be coordinated with the buffer restoration plans. Erosion control measures shall be taken as needed to protect wetland resource areas.
51. As an extra precautionary measure to prevent potential backflow of floodwaters into the proposed drainage system during an extreme flood event, the Weymouth Engineering Division has recommended, and the applicant has agreed, to install a check valve on the drainage pipe outlet.
52. 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.
53. If unforeseen problems occur during construction which may affect the statutory interests 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.
54. 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

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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.

55. 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 delineated resource areas as shown on the plans referenced herein. Such equipment must be maintained to prevent leakage or discharge of pollutants. A spill kit shall be kept on site for response to accidental spills or leakage. Overnight storage of equipment must be a minimum of one hundred (100) feet from such delineated resource areas.
56. Concrete washout stations shall be located outside the 100-foot wetland buffer zone.
57. 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, unless otherwise approved by Conservation.

Post-Construction Conditions

58. Post-construction monitoring of the wetland and buffer restoration areas shall be conducted as per the final approved restoration plan.
59. Prior to issuance of a Certificate of Compliance, the applicant shall submit to the Conservation Commission a duly executed maintenance contract providing for the cleaning and maintenance of all catch basins, water quality inlets and retention/detention ponds shown on the plans. Said contract shall specify at minimum:
 - a. Company or individual responsible for all work
 - b. Frequency of all cleaning and maintenance
 - c. Scheduling of cleaning and maintenance
 - d. Use or disposition of all excavated materials
60. The maintenance or repair of stormwater management structures and supporting drainage systems, other than those in the public way, shall be the responsibility of the applicant/property owner and shall be conducted in accordance with the approved Operations and Maintenance Plan and this Order of Conditions. The design capacity, stormwater management treatment capacity and structural integrity of these facilities must be maintained over time. Records of cleaning shall be made available to the Conservation Commission upon request. **This condition, and condition #19 of this Order, is ongoing and shall not expire**

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with the issuance of a Certificate of Compliance.

61. Prior to discharge of stormwater to the post-construction stormwater management system, the applicant shall provide the certifications required under General Condition #19(b) of this Order. Prior to occupancy of Buildings B and C, the applicant shall provide to the Conservation Office an as-built plan or progress print showing locations of building footprints, hardscapes, retaining walls and fences within the Conservation Commission's jurisdiction, and an estimated schedule for the filing of Requests for Partial and/or Final Certificates of Compliance (COCs) for the project.

All Conditions in the Order must be complied with prior to the issuance of a Final COC, except that the Commission may, in its discretion, issue a Final COC prior to acceptance of the final monitoring report required under Condition #32(k) if the Commission finds that, based on site inspections and monitoring report submittals: 1) restoration work has been conducted and is in compliance with the Order; 2) a Final COC is needed to accomplish refinancing, meet existing financial obligations or sale; and 3) a performance guarantee has been provided sufficient to ensure the remainder of work necessary to fulfill a Final COC.

62. The Request for a Certificate of Compliance shall be submitted on WPA Form 8A and 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 include location of all drainage structures and pipes, along with invert elevations, pipe slope, pipe size and pipe composition. Size and model of proprietary water quality inlet structures must be shown. Rip-rap locations, wetland flags, and permanent site fencing must also be shown on the final as-built plan.
 - c. An Operation and Maintenance Compliance Statement for the Stormwater facilities, as per Condition #19(c), if applicable.
 - d. The final, or most recent, monitoring report for the wetland and buffer restoration areas.
 - e. The appropriate local filing fee.

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63. There shall be no underground storage of fuel or other hazardous substance within 100 feet of a wetland resource area. **This Condition is ongoing and will not end with the issuance of a Certificate of Compliance.**
64. Under no circumstances shall snow be dumped or deposited into any wetland area or stormwater management feature. If onsite stockpiling is required, plowed snow shall be stockpiled on paved areas upgradient of catchbasins. **This condition is ongoing and will not end with the issuance of a Certificate of Compliance.**
65. No rock salt (sodium chloride) or other deicing chemical shall be used within 100 feet of a wetland resource area without the prior written consent of the Commission. **This Condition is ongoing and will not end with the issuance of a Certificate of Compliance.**
66. No herbicides or pesticides within 100 feet of a wetland resource area will be allowed and only low-nitrogen or low-phosphorus fertilizers will be allowed and shall be used in moderation. **This condition is ongoing and will not end with the issuance of a Certificate of Compliance.**
67. No dumping of any debris or leaves and grass clippings into the wetland area will be allowed. **This Order is ongoing and will not end with the issuance of a Certificate of Compliance.**

-END-



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:
81-1235
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.

02/14/2019
1. Date of Issuance

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

4
2. Number of Signers

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

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

Signatures:
Thomas Tanner [Signature]
Scott Dowd [Signature]
George Loring [Signature]

John Reilly [Signature]
Frank Singleton [Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date _____

02/14/2019
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
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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:

1500 Main Street
Project Location

81-1235
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