

**DEP # 315-1200**  
Location: **Burns Ave. and Union Street**  
Applicant: **Wallstreet Development Corp.**  
Plan: **The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
Plan Date: **02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

**Finding:** Issued under the Wetland Protection Act Only for a 32 unit 40B residential development. The wetland resource areas were approved under a previous Order of Conditions (DEP #315-1120).

The Conservation Commission looked at the 13,614 s.f. of riverfront area previously determined to be degraded under DEP 315-1120 when additional information was provided by the peer reviewer, BETA Consulting. BETA's report indicated that the site had characteristics of a non-degraded riverfront area as well as some degraded riverfront. It was clear that the site has pockets of waste material consistent of a historic dump site that meet the requirements of degraded river front and pockets of plant and animal life with top soil consistent with a healthy riverfront area, and then areas where the two are combined making it a difficult site.

The definition of the degraded river front area was discussed extensively during the public hearings. The discussion centered on how to create a healthier riverfront area and how the degraded portions of the riverfront area impacted the interests of the Act. The Commission's final decision to allow redevelopment of 10,730 s.f. of riverfront area was based on the applicant's removing the waste materials from the site and the Applicant's proposal to restore a portion of the riverfront area, to develop the least amount of riverfront area not degraded, to restore 25-feet of the 100-foot buffer zone adjacent to the BVW associated with the Traphole Brook and for the Applicant to submit a plan for invasive species removal in the riverfront area.

## **SPECIAL CONDITIONS**

1. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. This form should be returned to the Commission prior to the commencement of work.
2. Any Order not recorded by the Applicant before work commences may be recorded by the Commission at the Applicant's expense.
3. Prior to any work commencing, a sign shall be displayed showing **DEP File No. 315-1200**, not placed on a living tree.
4. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.

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5. The Conservation Commission designates the Conservation Agent with full powers to act on its behalf in administering and enforcing this Order.
6. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
7. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. The project engineer and contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction.
8. Seven (7) business days prior to the beginning of any work on the site associated with this Order of conditions, the Applicant shall set up a pre-construction meeting with the Conservation Agent and the general contractor. At this time the general contractor shall provide the Conservation Agent contact information and all the names, addresses and telephone numbers of the sub-contractors who will be doing the work on the site.
9. To assure an immediate response to the Commission/Agent, the Applicant shall provide the Walpole Conservation Commission/Agent with the name and a 24-hour phone number of the on-site construction supervisor who will be responsible to coordinate the construction and ensure compliance with this Order.
10. Any substantial changes made in the above-described plan(s), unless specified otherwise in this Order, which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under M.G.L. Chapter 131, section 40, shall require the Applicant to inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the Applicant shall be considered changes and the above procedures shall be followed.
11. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its Agent, or the Applicant, such problem shall require immediate notification to the Commission and an

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immediate meeting shall be held between the Commission or its Agent, the Applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

12. Upon completion of this project, the Applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance.
  - a. DEP Request for Certificate of Compliance form 8.
  - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and as conditioned by this Order of Conditions.
  - c. A letter from Ecotec, or if not available an approved professional, certifying compliance with the Restoration and Planting Details (SUP-C) and any other Restoration and Planting conditions within this Order.
  - d. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
13. Perpetual Conditions shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.
14. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
15. It is the responsibility of the Applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
16. Should issuance of additional permits result in a change in the project, the provisions of Condition #10 applies, regarding the process for plan changes.
17. Any future work within wetland resource areas, or buffer zones will require that a new Notice of Intent or Request for Determination of Application be filed with the Commission.

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## **FLAGGING**

18. Prior to commencement of any work including clearing of vegetation, the approved wetland boundaries shown on the approved plan shall be clearly flagged with surveyor's tape in the field and shall remain in place during construction.
19. Prior to commencement of any work, including clearing of vegetation, the limit of work lines as approved on the final plans shall be clearly staked "limit of work", inspected and approved by the Conservation Agent and orange construction fence established along the boundary:
  - a. Boundary of the Riverfront area (not degraded) and not to be altered by permanent or temporary activity as shown on SUP-B;
  - b. Boundary of the BVW wetland flags A-1 through A-19 as shown on SUP -B
20. All flags used for the above purposes shall be of a color different from other flagging used on the site.

## **RESTORATION AND PLANTINGS**

21. **The Restoration and Planting Details Plan SUP D** revised date 9/25/2019, shall be amended to identify the area of invasive species management and a detailed species-specific invasive species control plan shall be provided for the initial vegetation removal and a long-term control plan, including methods used for control, frequency of inspection and treatments, and reporting to the Commission.
22. The Conservation Agent shall be **notified 72 hours** prior to excavating the area within 25-feet of wetland Flags A-1 through A-19.
23. It shall be the responsibility of the applicant to retain a Botanist, Biologist, Wetland Scientist or other individual with qualifications and a minimum of five years experience in similar wetland resource area restoration to oversee the implementation of the Restoration and Planting Details SUP-C Plan of the 2,882 s.f. of restored riverfront area, the approx. 9,000 s.f. of restored plantings adjacent to wetlands (Flags A-1 through A-19), restoration of floodplain adjacent to Pickerel Brook and the invasive species removal plan for the remaining riverfront area.

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24. The Applicant shall provide to the Conservation Commission prior to construction a detailed plan of the Buffer Restoration Area (shown on SUP-C) including proposed final grades to the wetlands line, specification of the soil replacement and topsoil of at least 30% clean organic material.
25. Trees shown on SUP-C planted for the Restoration Plantings shall be a minimum of 4'-6' (measured from the ground level up) in size.
26. Any plants re-moved, revised, or reduced in size from the planting schedule shown on SUP-C shall be submitted in writing for approval by the Conservation Commission including the statement on SUP-C "for species greater than 4-feet in height or spread, the total number can be reduced by 25%".
27. The plantings shall be performed between spring and fall or as recommended by the wetland Specialist.
28. **The ash, metal, concrete and other non-natural debris from here on known as "waste materials"** removed from the degraded riverfront area, buffer zone and the floodplain where restoration will occur shall be replaced with clean fill similar in nature to adjacent areas of clean fill and topped with at least 6-inches of topsoil with at least 30% clean organic material. This shall be verified by the Wetland Specialist.
29. Post-construction grades of the restored riverfront area and restored floodplain shall be restored to pre-construction grades.
30. All plantings shall be reviewed and a report provided by September 1 by the wetland specialist to the Conservation Commission after one year of planting and annually thereafter until Certificate of Compliance is issued.
31. The Report shall include: inventory of plants, health of plants, number of die-offs and species (if any) of die-offs with photos and recommended in-kind replacements of die-off stock.
32. Replacement stock shall be planted within one month of findings of the report.
33. The restoration plantings shall begin in the first spring or fall season at the commencement of the project. The intent of this condition is to begin the mitigation planting at the beginning of the project and not to wait until the end.

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34. Any variation to the planting plan shall be submitted for approval to the Conservation Commission.
35. The Town of Walpole Conservation Commission will be notified 72 hours in advance of the commencement of the restoration plantings.

## **EROSION CONTROL**

36. The location of the erosion controls shall be staked in the field according to the surveyed plan prior to installation.
37. Erosion controls shall be placed in a manner to avoid damage to the root system of vegetation located down grade from the limit of work.
38. Prior to the commencement of construction of the site, erosion and sedimentation control measures as shown on the plan shall be implemented and maintained in effect throughout the entire construction phase, and until the site has been stabilized. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission.
39. All erosion control measures shall be maintained until the engineer and a member or Agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures.
40. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line.
41. All debris, fill and excavated material shall be stockpiled outside the 100-foot wetland buffer zone, and at a location to prevent sediment from entering the wetland resource area. Siltation controls shall be provided as necessary around the stockpiles.
42. A stockpile of erosion control materials approved by the Conservation Agent shall be on site at all times for emergency or routine replacement and may include materials required to repair or

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replace silt fences, and erosion control tubes, Siltsacks™, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

43. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
44. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding. If mulch is used it shall be clean and certified free of invasive species.
45. In proximity to resource areas, site grading and construction shall be scheduled during the dry season whenever possible, to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation into the wetland.
46. All waste materials, **as defines in condition #28** shall be removed from the entire site and disposed of in a manner that complies with federal, state, and local laws and regulations.

## **CONSTRUCTION MANAGEMENT**

47. A copy of this Order of Conditions and the referenced **plans** shall be on the site upon commencement and during any site work for contractors to view and adhere to.
48. A draft SWPPP shall be submitted to the Conservation Commission for review and comment.
49. All equipment shall be operated, so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging. Construction equipment shall be parked overnight, maintained and fueled outside the wetland buffer zone. Any exceptions shall require approval by the Commission/Agent.

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50. All waste material (**defined in condition #28**) on the entire site and waste products produced during construction such as but not limited to: grubbed stumps, slash, construction materials, coal ash, metals etc. shall be removed from the site in accordance with all local, state and federal law and regulations.
51. All equipment washouts, i.e., cement trucks, plasters, masons, painters, without limitation shall be accomplished outside the buffer and riparian zone and properly disposed of off site. Disposal shall be done weekly or as needed.
52. Only clean fill shall be used on the site i.e., clean topsoil free of invasive species, free of masonry, stumps, asphalt, coal ash or waste material other than that which is below paved surfaces.
53. No oils, fuel, grease cartridges or other pollutants shall be stored in the buffer zone, unless as specified in this Order of Conditions. Containers from these materials shall be disposed of properly.
54. A fuel or hydraulic oil spill kit shall be maintained at all times on site, per Walpole Fire Department specifications. In the event of a spill, the Applicant shall take immediate measures to contain such spill and shall notify the Walpole Fire Department.
55. The street shall be maintained in a clean condition free from dirt and debris in order to keep siltation from entering the storm water system during construction.
56. Prior to the close of each work day the perimeter of the site shall be walked and inspected for loose construction debris. All debris shall be removed by the end of the day.

## **UTILITY WORK**

57. The Conservation Agent shall be **notified at least 72 hours** prior to the work adjacent to Pickerel Brook.
58. During the utility construction in the area of Pickerel Brook a Register Professional Engineer (“engineer”) and a wetland specialist shall be on site specifically to observe and direct construction in terms of maintaining the stability of the bank to Pickerel Brook.



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59. If the engineer or wetland specialist observes a threat to the stability of the bank, or any other area associated with the Pickerel Brook, then immediate action including stopping the activity shall occur to stop the observed threat.
60. The engineer shall notify the DPW, Conservation Agent and the Town Engineer immediately of the event and follow up the notification with a written description of the event and actions taken.

## **POST CONSTRUCTION**

61. All construction debris shall be removed from the site and disposed of in accordance with all applicable laws and regulations.
62. The Order of Conditions shall be valid for three (3) years. Extensions may be requested in a yearly basis thereafter, and requested 30 days prior to expiration.

## **STORMWATER MANGEMENT SYSTEM**

63. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed as currently depicted in the Notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
64. The stormwater management system shall be constructed as shown on the approved plans, final revision **signed and dated 09/25/2019**.
65. An **As-built plan** of the infiltration basin shall be provided to the Conservation Commission and reviewed by the Town Engineer no later than **30 days after completion of final grades**.
66. If corrections are to be made to the design of the infiltration basin they shall be made within three months after providing the As-built plan unless approved otherwise by the Conservation Commission.
67. The infiltration Basin shall not be used for construction period Stormwater management.

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68. The infiltration basin shall be ringed with erosion controls upon completion.
69. The planting bed and plantings along the buffer zone as shown on SUP-C shall be done during the first spring or fall planting in conjunction with the construction of the infiltration basin.
70. The infiltration basin bottom shall be cleaned of any silts, aerated, and a final inspection made prior to issuance of a Certificate of Compliance.
71. The infiltration units shall be inspected and clean prior to the issuance of a Certificate of Compliance. Documentation of cleaning shall be provided to the Conservation Commission.
72. All catch basins shall be cleaned prior to issuance of a Certificate of Compliance. Documentation of cleaning shall be provided to the Conservation Commission
73. The Conservation Agent and the Town Engineer shall be notified 48 hours prior to the installation of the infiltration units.
74. The installation of the infiltration units shall comply with the Town Engineer's requirements and manufactures instructions for each unit specified.
75. A soil test shall be made at the location of the roof infiltration system and observed by the town engineer prior to installation. Any additional information shall be provided to the Conservation Commission.
76. Any variation in the specified unit model, size, or manufacture of the stormwater structures shall be provided to the Conservation Commission in writing for approval.
77. The Operation and Maintenance Plan shall be attached the Order of Conditions and recorded at the Norfolk Registry of Deeds.

## **CONTINUED CONDITIONS**

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78. An Annual Stormwater Management Inspection Reports with a log of maintenance and cleanings shall be provided to the Conservation Commission every year no later than December 30. \*\*\***Continued Condition**
79. The Stormwater Management Inspection report shall include the name and phone number of the party responsible for compliance with this Order of Conditions. \*\*\***Continued Condition Report Required**
80. If the stormwater management system is not functioning as required under the DEP Stormwater Management Standards the Conservation Commission may take enforcement action to remedy the situation. \*\*\***Continuing condition**
81. The maintenance of the stormwater management system and catch basins shall occur without further Commission approval. \*\*\*
82. Use of fertilizers shall comply with 330 CMR 31.00 and revisions. \*\*\***Continuing condition**
83. Irrigation system shall be water sense devises to prevent being used when raining.  
\*\*\***Continued condition**
84. Catch basins shall be labeled “No waste, drains to waterway”\*\*\***Continued condition**
85. No car washing and/or automotive maintenance shall be allowed on site. This information shall be posted somewhere on site for residents to see.\*\*\* **Continued condition**

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86. To be signed by the contractor and subcontractor who will be one site that they have read and understand the above conditions:

I \_\_\_\_\_, representing \_\_\_\_\_

have read and will conform to these conditions.

\_\_\_\_\_  
Contractor's Signature

Address \_\_\_\_\_

Phone and email \_\_\_\_\_