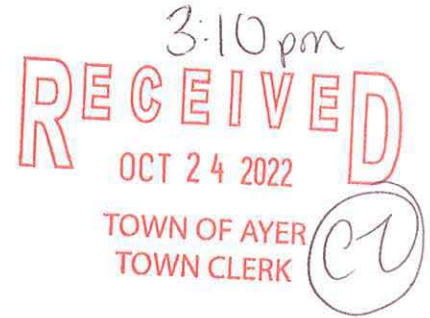


Town of Ayer CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
Phone 978-772-8220 ext. 143 ♦ Fax 978-772-8208 ♦ concom@ayer.ma.us



MEETING AGENDA (In Person) Thursday, October 27, 2022



7:00 PM GENERAL BUSINESS / OPEN SESSION

- Approval of Meeting Minutes for October 13, 2022
- Public Input

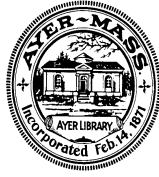
Request for Certificate of Compliance – DEP File number 100-0387 Willow Road Development, LLC

Request for COC – DEP File number 100-0288 MCO & Associates Willow Road Development

CONSERVATION OFFICE AND MEMBER UPDATES

9:00 PM ADJOURN

Next Scheduled Meeting: 7 PM, November 10, 2022



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for **10/13/2022**

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: YES

7:00 PM – Open Meeting

- **Confirmation of Agenda**

- G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously.

- **Approval of Meeting Minutes**

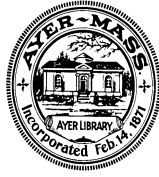
- G. Bacon moved to approve the minutes for 9/22/2022 as amended; M. Phillips 2nd.
 - Motion approved unanimously.

- **Public Input**

- Resident Marion Stoddart thanked the Commission for all the effort it has put into drafting its Conservation Recommendation to the Planning Board.

- **Discussion: Conservation Recommendation to Planning Board for Stratton Hill Preliminary Subdivision Plan**

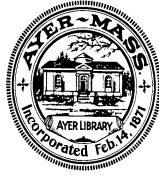
- Per the Ayer Zoning Bylaw (2018), Section 10.1, Open Space Residential Development (OSRD), the Conservation Commission is tasked with providing a Conservation Recommendation to the Planning Board, based on the applicant's submission of a Conservation Analysis and plans.
 - Matt Burne, of BSC Group, was engaged by the Commission to perform a third-party peer review.
 - Members of the Commission and H. Hampson conducted site visits as well, on 7/9/2022 and 8/5/2022.
 - In addition, H. Hampson and two members of the Commission (J. Amaya and J. Gugino), along with the Town Planner and representatives of the Planning Board, participated in a Zoom meeting with Lauren Glorioso, of the Natural Heritage & Endangered Species Program (NHESP), on 9/26/2022 in order to clarify questions around the status of the joint (Groton/Ayer) Conservation Management Permit (CMP) issued by NHESP in 2005.
- The draft Recommendation document was reviewed with minor changes or corrections made.
- Since criticism has been raised by a resident at previous meetings about the Conservation Analysis's lack of turtle data specific to Ayer, J. Gugino clarified NHESP's position on this.
 - The original data was gathered for the 2005 CMP at NHESP's request, and NHESP intentionally had data gathered from the Groton side of the parcel as they felt the data was stronger there.



Town of Ayer Conservation Commission

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Minutes for **10/13/2022**

- NHESP was therefore able, in the 2005 CMP, to have 75% of the Groton-Ayer parcel's land set aside as protected open space, as mitigation for the impact of development on rare or threatened species.
 - In 2005, this included the Blanding Turtle and the Yellow Spotted Turtle.
- NHESP informed the applicant on at least two occasions, and later the Town, that the herpetofaunal data report was not to be made public (to safeguard the turtles) and therefore should not have been attached to the Conservation Analysis that was submitted to the Planning Board and passed on to ConCom.
 - Regarding this topic, per M. Phillips question, it was decided that if the Planning Board were, after receiving the Commission's Recommendation, to request further professional ecological study of the parcel in Ayer, they would be advised to make sure that any data gathered on rare/threatened species would not be made public, in keeping with NHESP's advisement.
- In addition, Ms. Glorioso was asked on 9/26 whether updated data gathered in Ayer was necessary and Ms. Glorioso responded that NHESP had no need of further data to 'tell them that an animal was present that they already know is present.'
- Also in the same Zoom call, Ms. Glorioso reiterated that NHESP would not be able to require 75% open space protection now, were the CMP to be redone, and that the 2005 joint CMP provides the most robust land protection possible.
- It was noted by H. Hampson and J. Gugino that, per the Planning Board's recent meeting on 10/11, the applicant has already made efforts to revise their plans in order to have no houses located on the Long Pond/furthest east side of the loop road.
 - While not confirmed, the applicant's representatives (Attorney Collins and Engineer Dillis) also said they were trying to relocate stormwater structures from that side (i.e. the forested slope to Long Pond south of the powerlines/Right-of-Way) as well.
- Ms. Stoddart asked for additional details as to how Long Pond could be protected from stormwater flow on that side of the development, mentioning the possibility of a permanent berm or other vegetation.
 - H. Hampson said stormwater decisions would be solidified when the project reaches the definitive plan stage before the Planning Board.
 - Ms. Stoddart was also reassured that the slope to Long Pond that was in question is highlighted in the Recommendation for no disturbance, leaving old as well as new growth (since 2008 when the project was abandoned) intact – which would provide a substantial natural vegetative barrier.
- Anne Gagnon, of Mass. Fish & Wildlife, asked whether a point raised at previous meetings by a resident had been addressed regarding stormwater runoff currently coming off Stratton Hill and allegedly flowing directly into Sandy Pond.
 - J. Gugino, who lives in the neighborhood, said runoff does not directly enter Sandy Pond from the site.
 - It is currently just rainwater runoff with sediments.



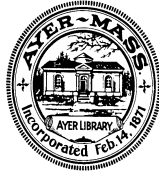
Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for **10/13/2022**

- Much of the sediment is held back by the lip of Wright Road, and the water that does cross Wright Road then flows down Standish Avenue, approximately 1/10 of a mile, before crossing over grass, then gravel, and only then into a pipe that discharges into the pond.
 - For the Commission, this distance constitutes natural filtration, and the Commission doesn't consider that it therefore has jurisdiction.
- In addition, H. Hampson said there is no application before the Commission under the Wetlands Protection Act (WPA) that would give it review oversight.

However, H. Hampson also said this matter has now been referred to the Department of Public Works (DPW).

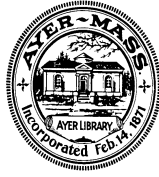
 - If and/or when the development of this site starts up again, then stormwater will have to be controlled from leaving the site – but this is something that will be under the jurisdiction of the Planning Board and DPW, not ConCom since the runoff area is not buffer zone or resource area per the WPA.
- **VOTE:** There being no further questions, G. Bacon moved to approve the Conservation Recommendation as amended, then to be submitted to the Planning Board for their review; M. Phillips 2nd.
 - Per the Chair's request for a Roll Call vote, motion was then approved unanimously 5-0.
- Once H. Hampson has received the amended document, she will use J. Schmalenberger's signature stamp on the final copy, forward it on to the Town Planner and Planning Board, and post a copy to the Town website.
 - The Planning Board has indicated it will internally be discussing the Recommendation at their next meeting on 10/25, and then again when the applicant's representatives (Attorney Bob Collins, Engineer Stan Dillis) can next be present, on 11/9.
 - It would of course be helpful if Commission members could attend either or both of those meetings, to be present to address any questions the Planning Board may have.
 - If commissioners want to attend the 10/25 meeting, they need to let H. Hampson know in advance by Friday, 10/21, so that she can post the meeting in the event that a quorum of ConCom members plan to attend.
- **Discussion: Boilerplate Template for Special Conditions**
 - The Special Conditions that are included with a formal Order of Conditions (OOC) has been revised and H. Hampson provided the latest draft for review.
 - This is a template, with particular areas that will need to be made specific to each Notice of Intent (NOI) application.
 - Where some conditions may not be applicable for a particular project, it was suggested that the 'strike-through' function in Word be used.



Town of Ayer Conservation Commission

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Minutes for **10/13/2022**

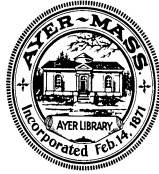
- Various edits and tweaks were made to the draft.
 - One condition, (currently #45) regarding installation of stormwater structures, etc., at the beginning of a project, was noted by G. Bacon as difficult to enforce.
 - H. Hampson said it was still very valuable to have this condition in the boilerplate as an “ask” in order to encourage developers to do what they can early on.
 - G. Bacon also said this and other details on construction sequencing should be brought up during the NOI application and Hearing process.
- H. Hampson will revise the draft and circulate it to Commission members as well as present it to the Town Manager’s office (R. Pontbriand, C. Antonellis) for submission to Town Counsel review.
- **Request for Certificate of Compliance (COC) – MassDEP File #100-0092, San-Vel Concrete, c/o Peter Allsopp**
 - H. Hampson asked for a procedural re-issue of a signed COC.
 - The Commission voted to issue an original COC on 1/25/2021 for the OOC that dated back to 1990-91.
 - The COC was then issued in February 2021 but was never recorded by the applicant at the Registry.
 - A new COC is needed as the Registry of Deeds will not record copies.
 - The Commission proceeded to sign a re-issued COC.
- **Conservation Commission Office and Member Updates**
 - Dam Removal
 - For informational purposes, H. Hampson has been following a dam removal project in Pepperell which took place last October.
 - The area has been successfully restored to its natural state and now looks like a wet meadow.
 - ConCom Policies
 - H. Hampson has been working on a tree removal policy for Ayer residents and will have a draft ready for the Commission to discuss at its next meeting.
 - She is also planning on drawing up a policy document for guiding residents on irrigation when water is to be drawn from one of the ponds.
 - 2022 Pond Weed Management Program
 - Water & Wetlands, the company doing this year’s treatment of Sandy, Flannagan, and Pine Meadow ponds, performed a survey yesterday (10/12) of Sandy Pond in preparation for drafting their Year-End Report.
 - Because of the continuing Public Health Advisory on Sandy Pond due to the toxic blue-green algae bloom (Cyanobacteria), they were prohibited from doing the scheduled late-season treatment for excess growth of water lilies and phragmites on this pond.



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- No fanwort was found during the survey, and only a few strands of dying milfoil were observed in the southeast corner of the pond – both invasives targeted by the treatment program.
- Water & Wetlands will include options in the Year-End Report for the Commission to consider with regard to preventing or mitigating future algae blooms.
- Ayer Solar II
 - H. Hampson has been visiting the site at least once weekly.
 - Work has restarted at the site and H. Hampson is very happy with how the project is now progressing in light of all the numerous previous violations or lack of compliance with the OOC:
 - Approximately 90% of haybales and silt fencing (erosion controls) have been replaced and a stockpile of extra controls is now being maintained on site.
 - A copy of the approved plans and the OOC are now kept on site a well.
 - Work on the two replication areas, under the supervision Scott Smyers, of Oxbow Associates, has begun and this includes a few changes:
 - the replication areas have been dug out;
 - only one of the two ferns specified in the plans is available but Mr. Smyers was okay with this;
 - the plans called for 6-8 ft. tall maple trees, but Rohit Garg has only been able to get trees less than a foot tall, allegedly due to supply issues.
 - M. Phillips questioned how hard it would be to find larger maple trees, but ultimately the Commission okayed going forward with these plantings now.
 - If the trees are not successful, the project will have to purchase new ones anyway to replace them next spring – when taller specimens should be available.
 - The Commission may consider whether requiring a third monitoring year (two years were required in the OOC) is necessary.
 - Two swales and two stormwater basins are in and have been matted, seeded and graded.
 - Goldsmith, Prest & Ringwall (GPR) has been re-surveying the property in order to determine the final grades that will be necessary in a number of areas.
 - The culvert crossing now has silt socks in the middle to create a defined channel and looks good.
 - The asphalt paving of the initial portion of the access road is also being planned and H. Hampson brought to Mr. Garg's attention the fact that asphalt production ceases in New England later in the fall, something he was unaware of.



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- J. Schmalenberger asked how the steep slope to the left of the entry from Washington Street is looking.
 - H. Hampson said it is one of the areas that is not at final grade yet.
 - It still needs to be re-graded and two gates installed.
- Overall, H. Hampson said she was very happy with how the site has been cleaned up.
 - Members of the Commission were, in turn, very happy with the monitoring that H. Hampson has been doing of Ayer Solar II and her successful efforts to bring the project into greater compliance with the OOC.
- Commissioner Updates:
 - G. Bacon asked what was happening with North County Land Trust regarding Conservation Restriction management.
 - H. Hampson recently sent them material on Kohler Place but hasn't heard back from them.
 - G. Bacon asked H. Hampson to check Riley Jayne Road, the first left at the end of Pleasant Street, after entering Riley Jayne Farm subdivision.
 - A wetland replication area is supposed to be located at the end of that road but G. Bacon observed it wasn't there a month ago.
 - M. Phillips asked H. Hampson to check on the finances related to the Waterways Sign project – does the Commission owe money anywhere? Is there money left that will need to be returned to the Nashua River Stewardship Council (which provided the funding grant)?
- **9:00 PM – Adjourn Meeting**
 - GB moved to adjourn; MP 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: _____

October 20, 2022

Ayer Conservation Commission
Attn.: Ms. Heather Hampson
1 Main Street - Ayer Town Hall
Ayer, MA 01432
(978) 772-8249

Re: Willow Road Development (Map 30, Parcel 24 & 25), Ayer, Massachusetts, DEP File # 100-0288

Dear Ms. Hampson and Commissioners:

Upon the request of Willow Road Development, LLC, and in accordance with General Condition 11, Creative Land & Water Engineering, LLC, is filing the Request for Certificate of Compliance. The sought Certificate of Compliance is for the issued Order of Conditions for construction of a residential subdivision off of Willow Road in Ayer, Massachusetts. We verified the drainage structures (manholes, catch-basins, detention basins) and mitigation areas to assess on whether the work has been satisfactorily completed in compliance with the order or conditions.

Based on our field inspection of the site, review of the as-built plans, and drainage analysis, it is our professional opinion that the work on the referenced property has been completed in significant compliance with the Order of Conditions and approved plans.

Attached please find the as-built plans for your review and approval, Site Completion and Mitigation inspection report for your reference in addition to the Request Form WPA 8A and OOC recording information. Copy of fee check is also attached.

Enclosed, please find the following supporting materials:

1. WPA Form 8a
2. Site Completion Inspection Report
3. Mitigation Monitoring Report
4. Final As-built, titled "As-Built Plan" by Rose Land Survey, dated May 26, 2020
5. Recorded OOC

Feel free to contact us if you have any questions.

Sincerely,

Creative Land & Water Engineering, LLC

By



Desheng Wang, Ph.D., P.E.
Sr. Civil/Environmental Engineer
Sediment Control Specialist
Certified Wetland Scientist
Certified Soil Evaluator

A handwritten signature in blue ink that reads "Francis Alves".

Francis Alves
Civil/Environmental Engineer



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

100-0288
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Desheng Wang
 Name
Creative Land & Water Engineering, LLC, P.O. Box 584
 Mailing Address
Southboro MA 01772
 City/Town State Zip Code
774-454-0266
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Mark C. O'Hagan of MCO & Assoc., 206 Ayer Road - Suite 5, Harvard, MA 01451
 Applicant
12/1/2005 100-0288
 Dated DEP File Number

3. The project site is located at:

Willow Road Ayer
 Street Address City/Town
Map 30 Parcel 24 & 25
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Mary C. Coutu, Trustee of Coutu Family Nominee Trust
 Property Owner (if different)
S. Middlesex 47446 299
 County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

October 20, 2022

Completion Inspection Report

Willow Road Development (Map 30, Parcel 24 & 25), Ayer, Massachusetts, DEP File # 100-0288

Upon the request of Willow Road Development, LLC, and in accordance with General Condition 11, Creative Land & Water Engineering, LLC conducted a field inspection of the project site to confirm that the construction was in compliance with the approved plan. The project had a few field amendments for some of the building locations due to the onsite clayey soil condition. The goal of our inspections is to make sure that

- 1) All stormwater management basins are constructed with adequate storage
- 2) All road drainage has been installed with required capacity and oil trap for outlet
- 3) All site has been permanently stabilized

The Request for Certificate of Compliance. The sought Certificate of Compliance is for the issued Order of Conditions for construction of a residential subdivision off of Willow Road in Ayer, Massachusetts. We verified the drainage structures (manholes, catch-basins, detention basins) and mitigation areas to assess on whether the work has been satisfactorily completed in compliance with the order or conditions except for DMH 5 is paved over but not impact the function of the drainage system. All stormwater basins have storage more than approved design and the catch basins have all been equipped with oil/grit trap hood. Road drainage pipes are verified with adequate flow capacity.

See attached tables and photos for details.

Based on our site visit and as-built review, I am certifying that the project has been constructed in significant compliance with the approved Order of Conditions and its amendments and site plans.

Feel free to contact us if you have any questions.

Sincerely,

Creative Land & Water Engineering, LLC

By



Desheng Wang, Ph.D., P.E.
Sr. Civil/Environmental Engineer
Sediment Control Specialist
Certified Wetland Scientist
Certified Soil Evaluator

A handwritten signature in blue ink that reads "Francis Alves".

Francis Alves
Civil/Environmental Engineer

Project No: J19-1

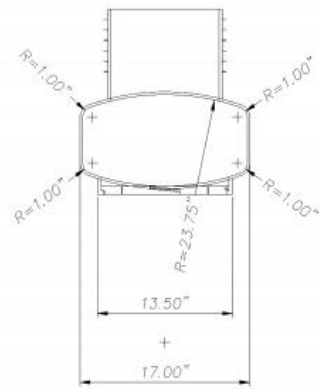
Project Name: Willow Road

Location: Ayer - MA

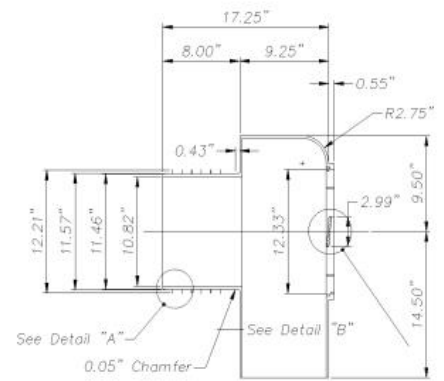
By: Creative Land and Water Engineering, LLC

Basin 1 (Proposed)			Basin 1 (As-Built)			Area Difference (%)	Volume Difference (%)
Elevation (Ft)	Area (Sq.Ft)	Volume (Cu.Ft)	Elevation (Ft)	Area (Sq.Ft)	Volume (Cu.Ft)		
228	7577	-	228	8758	-	15.59	-
230	11726	19152	230	13770	22340	17.44	16.65
232	15034	26691	232	17368	31068	15.52	16.40
Total	-	45843	-	-	53408	-	16.50

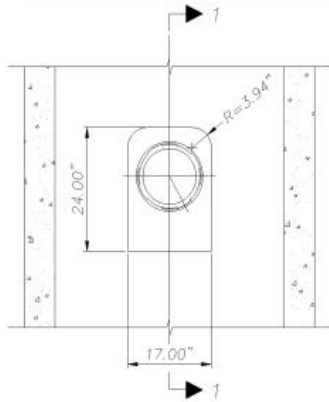
Basin 2 (Proposed)			Basin 2 (As-Built)			Area Difference (%)	Volume Difference (%)
Elevation (Ft)	Area (Sq.Ft)	Volume (Cu.Ft)	Elevation (Ft)	Area (Sq.Ft)	Volume (Cu.Ft)		
234	2760	-	234	3376	-	22.30	-
236	4417	7113	236	5422	8717	22.74	22.56
238	6153	10523	238	7084	12469	15.13	18.50
Total	-	17636	-	-	21186	-	20.13



Enlarged Section 2-2

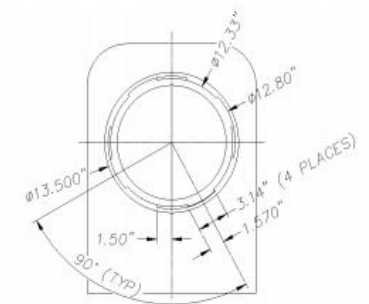


Enlarged Section 1-1

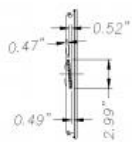


Front View

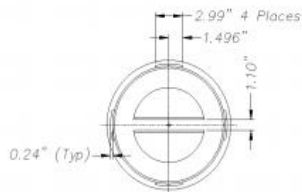
**The Eliminator
Catch Basin
Oil & Debris
Trap**



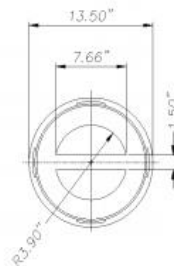
Enlarged Front View



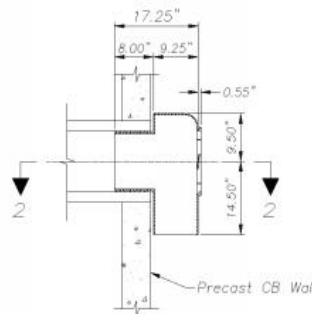
Side View of Cover



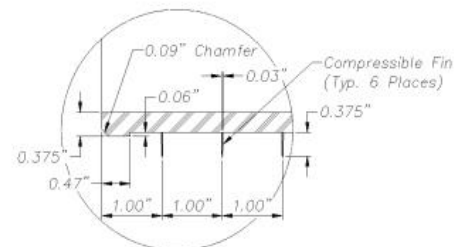
Rear View of Cover w/ Integral Handle



Front View of Cover w/ Integral Handle



Section 1-1



Detail "A"

The Willows Road Drainage System Comparison

As-Built										Proposed										Design Requirement Met (Yes/No)		Flow Rate (CFS)		Note
From	To	Inv-Out	Inv-In	Pipe Size (In)	Pipe Length (Ft.)	Pipe Slope (Ft/Ft)	From	To	Inv-Out	Inv-In	Pipe Size, In	Pipe Length, ft	Pipe Slope (%)	Pipe Size	Pipe Slope	As-Built	Proposed							
CTB 7	DMH 5	260.32	260.00	15	25.36	0.013	CTB 7	DMH 5	260.24	260.00	15	24.39	0.0098	Yes	Yes	8.61	7.60							
CTB 6	DMH 5	260.50	260.00	15	18.06	0.028	CTB 6	DMH 5	260.24	260.00	15	16.53	0.0145	Yes	Yes	12.75	9.24							
DMH 5 (Paved Over)	DMH 4	258.64	247.67	15	124	0.088	DMH 5	DMH 4	258.64	248.88	15	122.00	0.0800	Yes	Yes	22.80	21.68							
DMH 4	DMH 3	246.27	237.68	15	114	0.075	DMH 4	DMH 3	246.29	237.57	15	109.00	0.0700	Yes	No	21.04	21.68							
CTB 2	DMH 3	237.97	237.78	15	25	0.008	CTB 2	DMH 3	237.80	237.57	15	23.07	0.0100	Yes	No	6.68	7.65							
CTB 1	DMH 3	237.93	237.68	15	3.61	0.069	CTB 1	DMH 3	237.62	237.57	15	4.82	0.0104	Yes	Yes	20.17	7.81							
DMH 3	Basin 2	236.98	236.54	18	25	0.018	DMH 3	Basin 2	237.15	236.5	18	30.00	0.0217	Yes	No	16.53	18.35							
CTB 8	DMH 10	279.34	278.92	15	11	0.038	CTB 8	DMH 10	279.14	279.08	15	9.84	0.0061	Yes	Yes	14.98	5.99							
CTB 9	DMH 10	278.97	278.92	15	19	0.003	CTB 9	DMH 10	279.14	279.08	15	16.09	0.0037	Yes	No	3.93	4.68							
DMH 10	DMH 13	278.92	278.81	15	69	0.005	DMH 10	DMH 13	279.06	278.79	15	67.00	0.0040	Yes	No	3.06	4.87							
DMH 13	DMH 11	279.06	278.81	15	51	0.002	DMH 13	DMH 11	278.88	278.79	15	49.53	0.0018	Yes	Yes	5.37	3.27							
DMH 13	DMH 13	279.68	278.81	15	23	0.038	DMH 13	DMH 13	281.20	278.79	15	23.35	0.1032	Yes	No	14.91	24.62							
DMH 13	DMH 14	278.64	277.92	15	180	0.004	DMH 13	DMH 14	278.77	278.05	15	181.00	0.0040	Yes	Yes	4.85	4.83							
DMH 14	DMH 14	279.68	277.92	15	23.64	0.074	DMH 14	DMH 14	278.14	278.05	15	22.81	0.0039	Yes	Yes	20.91	4.81							
DMH 14	DMH 18	277.92	274.40	15	51	0.069	DMH 14	DMH 18	278.03	277.83	15	50.00	0.0040	Yes	Yes	20.14	4.85							
DMH 18	DMH 18	274.55	274.40	15	29	0.005	DMH 18	DMH 18	277.95	277.83	15	29.98	0.0040	Yes	Yes	5.51	4.85							
DMH 18	DMH 18	274.52	274.40	15	17	0.007	DMH 18	DMH 18	277.89	277.83	15	16.31	0.0037	Yes	Yes	6.44	4.65							
DMH 19	DMH 19	274.36	270.35	15	105	0.038	DMH 19	DMH 19	277.81	274.33	15	102.00	0.0341	Yes	Yes	14.98	21.68							
DMH 20	DMH 20	270.00	269.60	15	100	0.004	DMH 20	DMH 20	272.92	265.00	15	99.00	0.0800	Yes	No	4.85	21.68							
DMH 20	DMH 23	269.14	264.65	15	83	0.054	DMH 20	DMH 23	263.30	256.50	15	85.00	0.0800	Yes	No	17.83	21.68							
DMH 23	DMH 23	266.56	266.15	15	12.25	0.033	DMH 23	DMH 23	258.10	256.50	15	16.14	0.0991	Yes	No	14.02	24.13							
DMH 23	DMH 23	266.66	266.55	15	15.84	0.007	DMH 23	DMH 24	252.00	245.10	18	115.00	0.0600	Yes	No	6.39	21.83							
DMH 23	DMH 26	266.45	244.75	15	229	0.095	DMH 23	DMH 26	243.12	243.12	18	95.00	0.0198	Yes	-	30.53	-							
DMH 26	DMH 29	243.75	242.19	18	71	0.022	DMH 26	DMH 29	241.70	241.00	18	35.00	0.0200	Yes	Yes	18.47	17.63							
DMH 29	DMH 29	242.94	242.09	15	4.97	0.171	DMH 29	DMH 29	-	-	-	-	-	-	31.70	-								
DMH 29	DMH 29	242.64	242.19	15	16	0.028	DMH 29	DMH 26	242.02	241.78	15	2.05	0.1171	-	-	12.85	-							
DMH 29	DMH 29B	238.49	234.85	18	83	0.044	DMH 29	DMH 29B	237.22	232.54	18	76.99	0.061	Yes	No	27.49	30.73							
DMH 29B	Basin 1	232.55	230.41	18	44	0.049	DMH 29B	Basin 1	232.30	230.5	18	30.13	0.0660	Yes	No	27.49	30.46							
DMH 44	DMH 44	278.28	277.83	15	23.8	0.019	DMH 44	DMH 44	278.48	278.32	15	21.09	0.0076	Yes	Yes	10.54	6.68							
DMH 44	DMH 44	278.26	277.83	15	18.65	0.023	DMH 44	DMH 44	278.48	278.32	15	16.27	0.0098	Yes	Yes	11.64	7.60							
DMH 43	DMH 43	277.78	271.35	15	86	0.075	DMH 43	DMH 43	278.01	271.21	15	85.00	0.0800	Yes	No	20.96	21.68							
DMH 43	DMH 42	271.15	261.31	15	125	0.079	DMH 43	DMH 42	270.39	261.50	15	123.00	0.0723	Yes	Yes	21.50	20.61							
DMH 42	DMH 39	261.04	256.63	15	67	0.066	DMH 42	DMH 39	261.18	255.74	15	68.00	0.0800	Yes	No	19.66	21.68							
DMH 42	DMH 39	256.82	256.73	15	16.99	0.005	DMH 42	DMH 39	255.90	255.74	15	16.18	0.0099	Yes	No	5.58	7.62							
DMH 39	DMH 39	257.43	257.03	15	7.51	0.053	DMH 39	DMH 39	255.90	255.74	15	8.92	0.0179	Yes	Yes	17.69	10.27							
DMH 39	DMH 37	256.53	250.46	15	63	0.096	DMH 39	DMH 37	255.42	250.46	15	62.00	0.0800	Yes	Yes	23.79	21.68							
DMH 37	DMH 37	250.83	250.16	15	24	0.028	DMH 37	DMH 37	250.70	250.46	15	24.03	0.0100	Yes	Yes	12.81	7.66							
DMH 37	DMH 34	249.96	242.71	18	120	0.060	DMH 37	DMH 34	250.21	243.01	18	120.00	0.0600	Yes	Yes	30.63	30.53							
DMH 34	DMH 34	244.77	244.61	15	14.91	0.011	DMH 34	DMH 34	245.06	244.80	15	13.25	0.0196	Yes	No	7.94	10.74							
DMH 34	DMH 34	244.80	244.71	15	19.03	0.005	DMH 34	DMH 34	245.06	244.80	15	17.37	0.0150	Yes	No	5.27	9.38							
DMH 34	DMH 31	242.51	236.38	18	110	0.056	DMH 34	DMH 31	242.77	237.07	18	95.00	0.0600	Yes	No	29.42	30.53							
DMH 31	DMH 31	237.35	237.07	15	19	0.015	DMH 31	DMH 31	237.32	237.07	15	51.46	0.0049	Yes	Yes	9.30	5.34							
DMH 31	DMH 31	236.97	235.78	15	68	0.018	DMH 31	DMH 31	237.07	237.07	15	63.35	0.0039	Yes	Yes	10.14	4.81							
DMH 31	Basin 1	235.83	229.8	18	103	0.059	DMH 31	Basin 1	236.86	230.5	18	106.00	0.0600	Yes	No	30.16	30.53							
DMH 50	DMH 50	231.40	230.63	15	47	0.016	DMH 50	DMH 50	231.75	231.57	15	45.00	0.0040	Yes	Yes	9.81	4.85							
DMH 50	DMH 50	230.98	230.63	15	6.16	0.057	DMH 50	DMH 50	231.75	231.57	15	3.44	0.0523	Yes	Yes	18.27	17.53							
DMH 50	DMH 50	231.30	230.63	15	19.92	0.034	DMH 50	DMH 50	231.75	231.57	15	12.25	0.0147	Yes	Yes	14.06	9.29							
DMH 50	DMH 51	230.43	229.87	18	93	0.006	DMH 50	DMH 51	231.55	230.85	18	91.31	0.0077	Yes	No	9.67	10.91							
DMH 51	Basin 1	229.87	229.71	18	32	0.005	DMH 51	Basin 1	230.82	230.5	18	28.22	0.0113	Yes	No	8.81	13.27							

Notes: 1. All catch basins are equipped with oil and debris hood.
 2. CTB 32 RIM and INV's were adjusted based on field inspection. The RIM is in similar elevation of CTB 33.
 3. All catch basins are verified to have same size of pipe size of 15" and flow capacity is over 3 cfs, which is adequate to handle inflow runoff of typical 2 cfs.
 4. Numbers in red are missed due to buried manhole condition. Bold number are adjusted based on field condition.

Mfn flow

3.06

December 13, 2019

To: Ayer Conservation Commission
c/o Ms. Jo-Anne Crystoff
Ayer Town Hall
One Main Street
Ayer, MA 01432

RE: Mitigation Update, DEP File No 100-0288

Dear Ms. Crystoff, Mr. Chairman and Commissioners:

According to the Order of Conditions for DEP file # 100-0288, two areas of mitigation were required: Area #1 6896 sq. ft, 2488 sq. in 100-ft riverfront area); Area #2 8794 sq. ft, of which about 3325 in second 100 ft river riparian zone. The mitigation planting was carried out on October 24, 2017 in accordance with the updated planting plan by Creative Land & Water Engineering, LLC (CLAWE) dated June 20, 2017. This letter presents our second growing season monitoring results:

1. The invasive plants were removed prior to planting and inspected by CLAWE. Some missed invasive plants including multiflora rose and Russian olive were removed during the planting process.
2. All planted shrubs and trees had imported loam around the root ball and mulched with 12" compost around to keep moisture and suppress competing groundcover in short term. See attached photos for reference.
3. The number of plants were checked to match the approved plan. See table below for reference.
4. The planting will be monitored for two growing seasons to make sure the survival and reported to the Conservation Commission at the end of each growing season, likely end of September.

Area #1: The 100-ft riverfront area (2488 sq. ft) had good growth and not disturbed. Area in the 200 ft riparian zone 4408 sq. ft were planted with trees and shrubs, ground cover was fully established and saved. See Table 1 for saved plants and Table 2 for planted plants in detail.

Area #2 (8794 sq. ft):

5 ft strip lawn behind Building 46 was left for house operation and maintenance purpose. The rest of area was planted as planned. See Table 1 for saved plants and Table 2 for planted plants in detail.

Table 1. Plants found in the mitigation area

Stratum	Common name	Botanical name	Area 1: 4408 sq. ft	Area 2: 8794 sq. ft
Tree/Shrub	Red Cedar	<i>Juniperus virginiana</i>		5
	Pin cherry	<i>Prunus pensylvanica</i>	2	6
	Gray birch	<i>Betula populifolia</i>		2
	Red Maple	<i>Acer rubrum</i>		2
	Black Cherry	<i>Prunus serotina</i>	2	1
	Willow	<i>Salix sp.</i>		10
	Eastern elm	<i>Ulmus americana</i>	1	
	Quaking aspen	<i>Populus tremula</i>	6	
Subtotal			11	26

Table 2. Revised Mitigation Area Planting Specifications

Stratum	Common name	Botanical name	Area 1: 4408 sq. ft	Area 2: 8794 sq. ft
Tree	Green Giant Arborvitae	<i>Thuja occidentalis</i>	2	4
	Red Maple	<i>Acer rubrum</i>	2	4
	Red Oak	<i>Quercus rubra</i>	2	4
	Black Cherry	<i>Prunus serotina</i>	2	4
	Gray Birch	<i>Betula populifolia</i>	2	4
	Sugar Maple	<i>Acer saccharum</i>	2	4
	subtotal		12	24
	Shrubs	Witch Hazel	<i>Hamamelis virginiana</i>	7
Highbush blueberry		<i>Vaccinium corymbosum</i>	4	8
Grey dogwood		<i>Cornus racemosa</i>	36	66
Rosebay Rhododendron		<i>Rhododendron maximum</i>	6	12
Rodosier Dogwood		<i>Cornus sericea</i>	6	10
subtotal		59	110	
Total		71	134	
Average spacing, ft			7.88	8.10

Some plants in Area 2 were not counted or missing but more plants were saved in both areas. The total number of plants exceeded the number called for in the planting plan.



Area #1: stoned shoulder was restored with loam and seed



Area #2: Area between swale and the pond



Area #1: planted shrubs with 12" compost mulch around in central area



Area #2: Behind Unit 46



Area #1: planted Rosebay Rhododendron



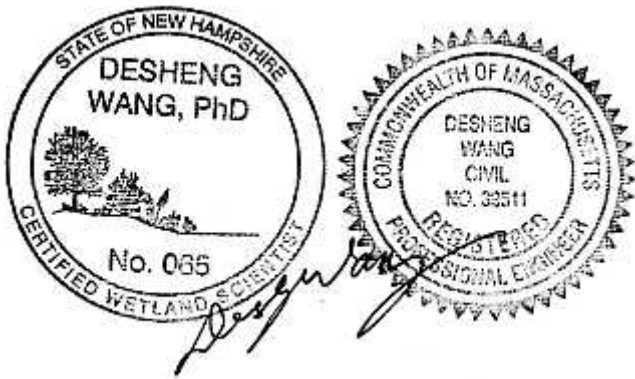
Area #2: behind the houses on Cul-del-sac



Area #2: area above the outflow structure

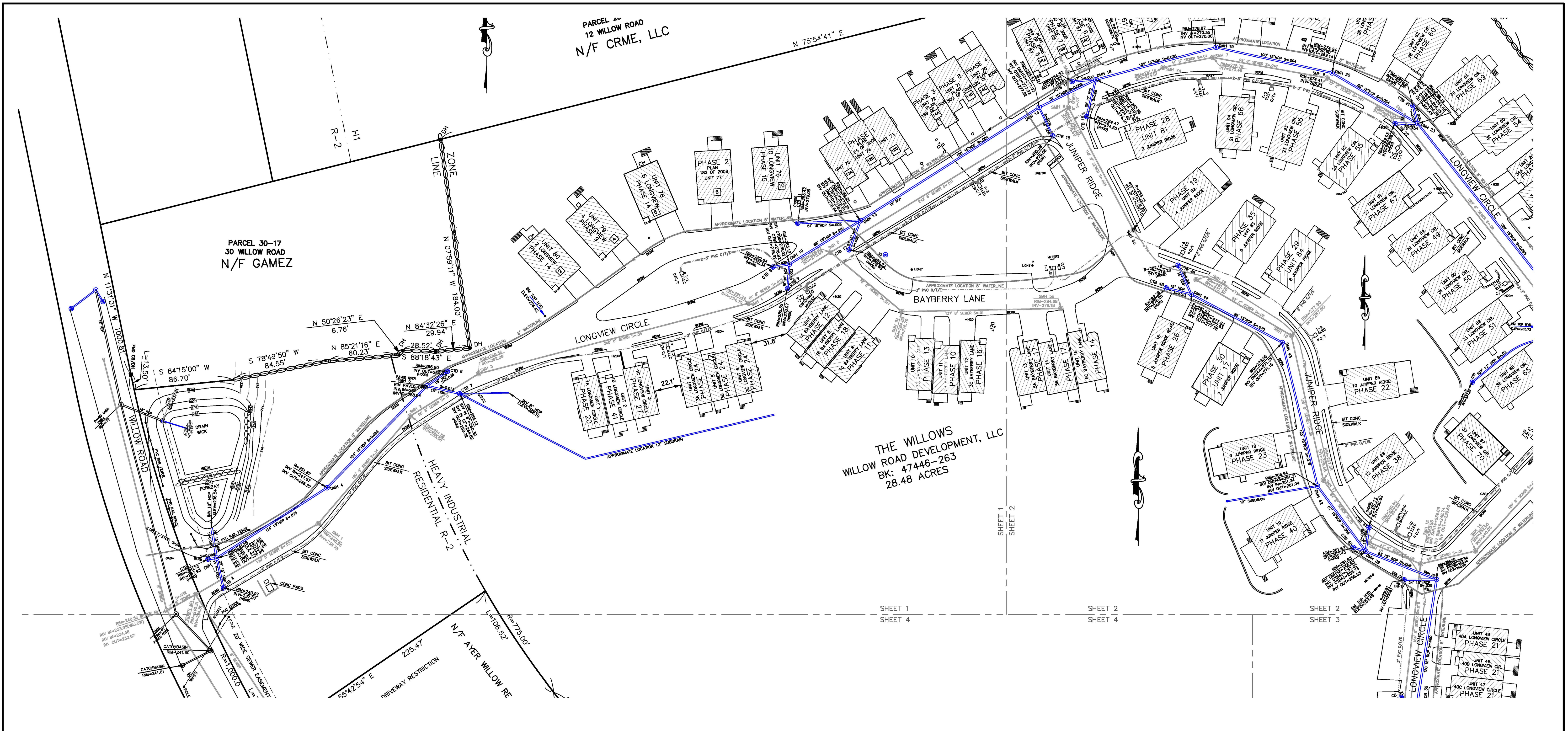
If you have any questions or comments, please feel free to contact us.

Sincerely,
Creative Land & Water Engineering, LLC
by



Desheng Wang, Ph.D., P.E.
Senior Civil/Environmental Engineer
Certified Wetland Scientist
Certified Soil Evaluator

Cc (by email):
Bruce Wheeler, George Gallagher, Willow Road Development, LLC



PARCEL 22
12 WILLOW ROAD
N/F CRME, LLC

PARCEL 30-17
30 WILLOW ROAD
N/F GAMEZ

THE WILLOWS
WILLOW ROAD DEVELOPMENT, LLC
BK: 47446-263
28.48 ACRES

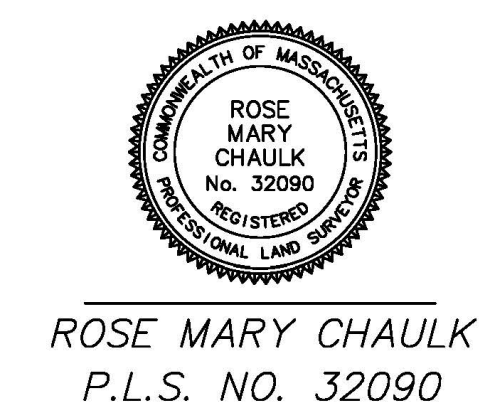
NOTES:

- 1) THIS AS BUILT WAS DONE USING EXISTING, VISIBLE AND ABOVE GROUND FEATURES AND NO WARRANTY IS MADE FOR SUBSURFACE UTILITIES.
- 2) WATERLINES AND UNDERGROUND UTILITIES ARE SHOWN APPROXIMATELY ONLY AND SHOULD BE LOCATED BY DIG SAFE PRIOR TO ANY EXCAVATION ANYWHERE IN THE WILLOWS.
- 3) THE 4" SEWER FORCE MAIN IS SHOWN APPROXIMATELY ONLY AND SHOULD BE LOCATED BY DIG SAFE PRIOR TO ANY EXCAVATION ANYWHERE IN THE WILLOWS.
- 4) GAS SUPPLIERS HAVE REQUESTED IN THE NAME OF NATIONAL SECURITY THAT EXISTING GAS LINES NOT BE SHOWN ON AS BUILT PLANS. CALL DIG SAFE FOR GAS LINE LOCATIONS PRIOR TO ANY EXCAVATIONS.

- REFERENCES:
- 1) PLAN NUMBER 1153 OF 1970
 - 2) PLAN NUMBER 1413 OF 1981
 - 3) PLAN NUMBER 1332 OF 1985
 - 4) PLAN NUMBER 574 OF 2006
 - 5) PLAN NUMBER 573 OF 2006

LEGEND	
--- 244 ---	EXISTING CONTOUR
— 244 —	AS BUILT CONTOUR
— 8" —	AS BUILT 8" SEWER
— 4" FM —	AS BUILT 4" SEWER FORCE MAIN
— DRAIN —	AS BUILT DRAINAGE
— W/L —	AS BUILT 8" WATER LINE
— CTE —	AS BUILT CABLE, TELEPHONE & ELECTRIC OVERHEAD WIRES
— ROAD —	EDGE BITUMINOUS ROAD, EDGE WALKS
— BERM —	BITUMINOUS CONCRETE BERM
— BANK —	TOP BANK BENNETTS BROOK
— 100 & 200 —	100 & 200 RIVER OFFSET
— BVM —	EDGE BVM, 100 & 200' OFFSETS

MAY 26, 2020
DATE



AS BUILT PLAN
SHEET 1 OF 4

PLAN OF LAND IN
AYER, MASS.
FOR
WILLOW ROAD
DEVELOPMENT, INC
SCALE: 1"=40' MAY 26, 2020

ROSE LAND SURVEY
P.O. BOX 384
WEST GROTON, MASS. 01472
978-448-2974
JOB NO. R-185 PLAN NO. M-607 AB

PARCEL 23-26
12 WILLOW ROAD
N/F CRME, LLC

NOTES:

- 1) THIS AS BUILT WAS DONE USING EXISTING, VISIBLE AND ABOVE GROUND FEATURES AND NO WARRANTY IS MADE FOR SUBSURFACE UTILITIES.
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LEGEND

	244	EXISTING CONTOUR
	244	AS BUILT CONTOUR
		AS BUILT 8" SEWER
	4" FM	AS BUILT 4" SEWER FORCE MAIN
		AS BUILT DRAINAGE
		AS BUILT 8" WATER LINE
	C/E	AS BUILT CABLE, TELEPHONE & ELECTRIC
		OVERHEAD WIRES
		EDGE BITUMINOUS ROAD, EDGE WALKS
		BITUMINOUS CONCRETE BERM
		TOP BANK BENNETTS BROOK
		100 & 200 RIVER OFFSET
		EDGE BVW, 100 & 200' OFFSETS

THE WILLOWS
WILLOW ROAD DEVELOPMENT, LLC
BK: 47446-263
28.48 ACRES

AS BUILT PLAN
SHEET 2 OF 4

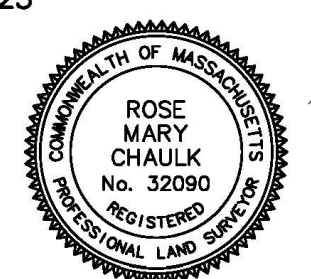
PLAN OF LAND IN
AYER, MASS.

FOR
WILLOW ROAD
DEVELOPMENT, INC

SCALE: 1"=40' MAY 26, 2020

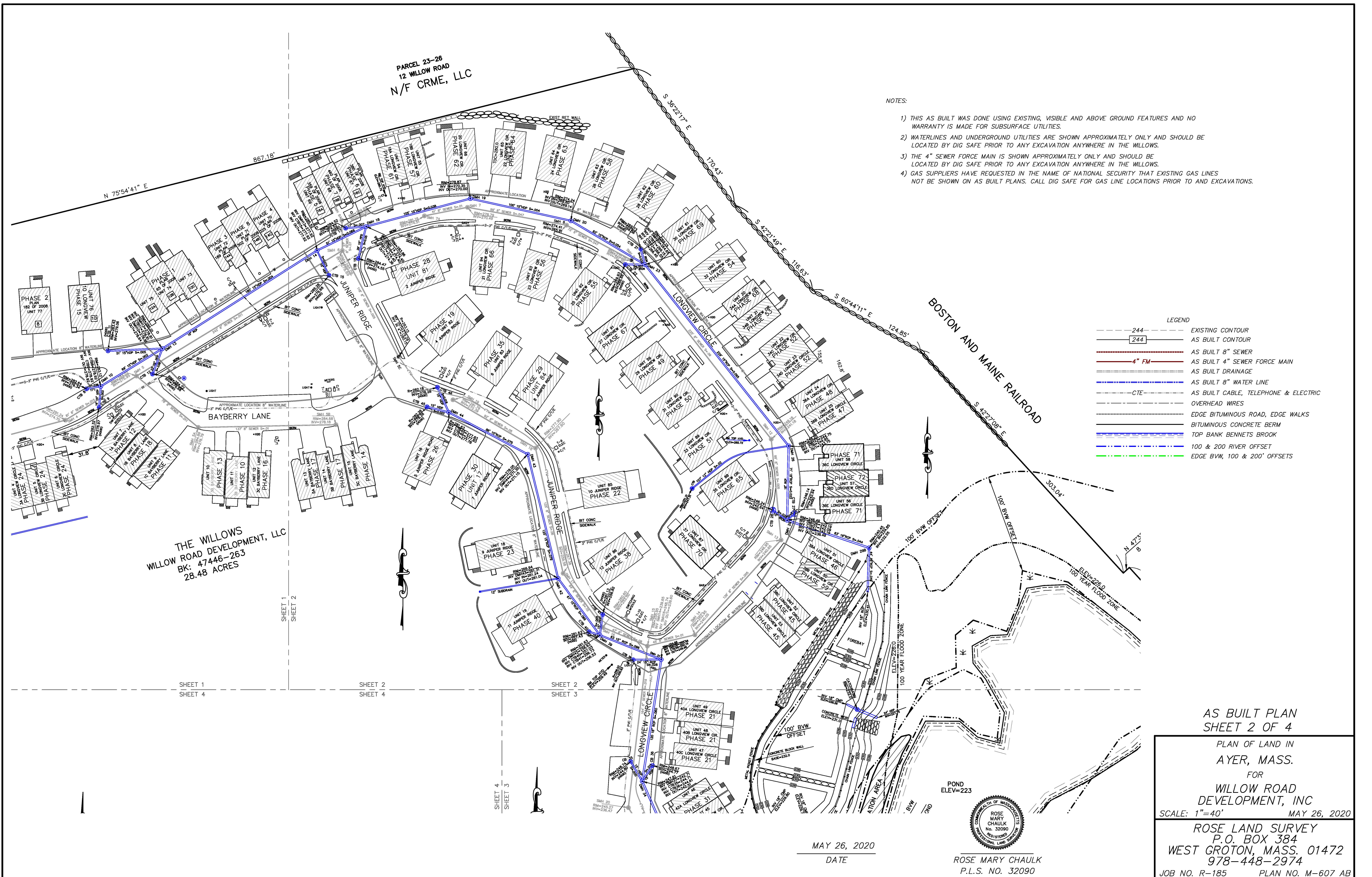
ROSE LAND SURVEY
P.O. BOX 384
WEST GROTON, MASS. 01472
978-448-2974

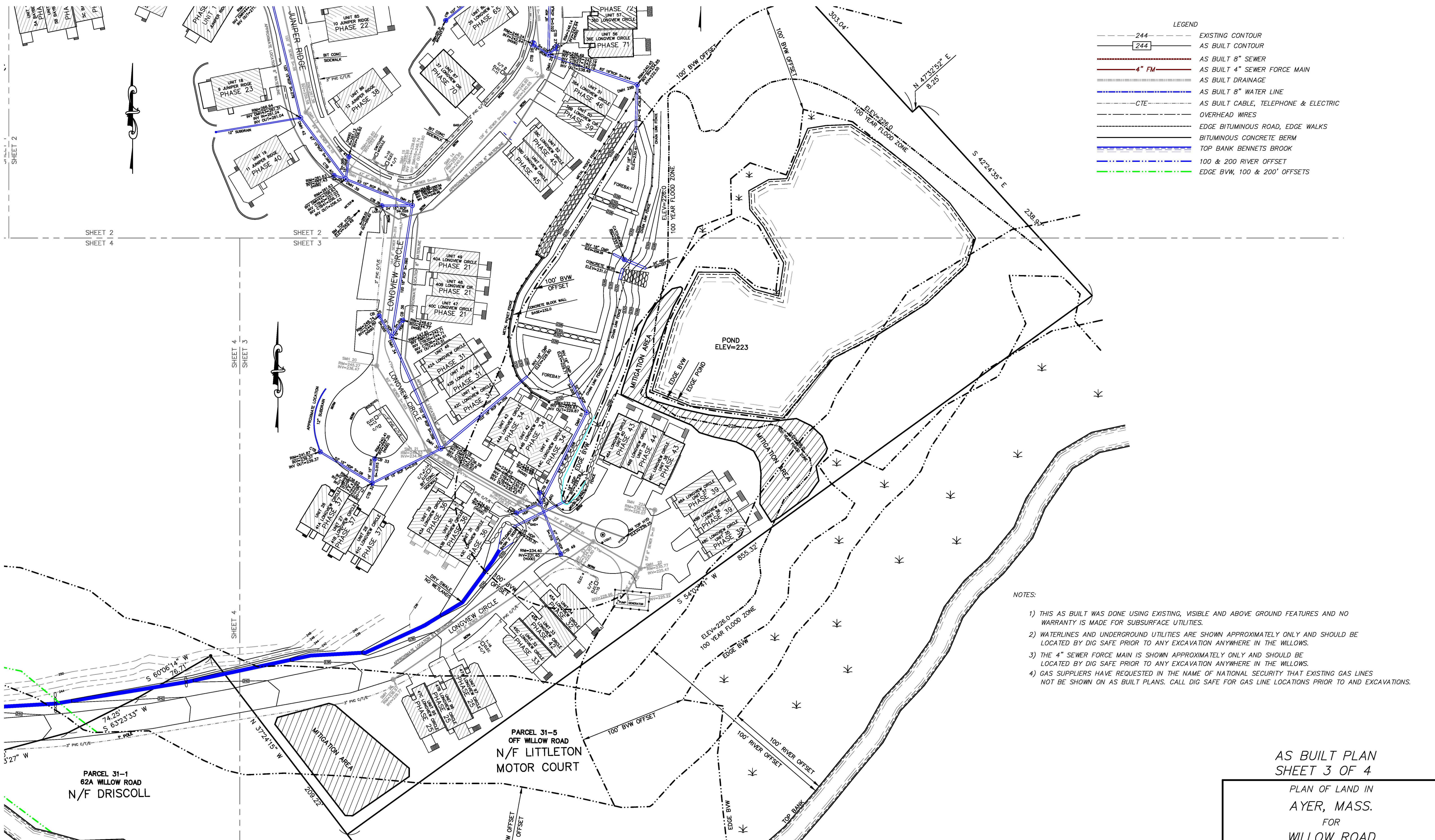
JOB NO. R-185 PLAN NO. M-607 AB



ROSE MARY CHAULK
P.L.S. NO. 32090

MAY 26, 2020
DATE





LEGEND

- 244 --- EXISTING CONTOUR
- [244] AS BUILT CONTOUR
- 8" --- AS BUILT 8" SEWER
- 4" FM --- AS BUILT 4" SEWER FORCE MAIN
- --- AS BUILT DRAINAGE
- --- AS BUILT 8" WATER LINE
- CTE --- AS BUILT CABLE, TELEPHONE & ELECTRIC
- --- OVERHEAD WIRES
- --- EDGE BITUMINOUS ROAD, EDGE WALKS
- --- BITUMINOUS CONCRETE BERM
- --- TOP BANK BENNETS BROOK
- --- 100' & 200' RIVER OFFSET
- --- EDGE BVW, 100' & 200' OFFSETS

- NOTES:
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SHEET 2
SHEET 4

SHEET 2
SHEET 3

SHEET 4
SHEET 3

PARCEL 31-1
62A WILLOW ROAD
N/F DRISCOLL

PARCEL 31-5
OFF WILLOW ROAD
N/F LITTLETON
MOTOR COURT

MAY 26, 2020
DATE

ROSE MARY CHAULK
P.L.S. NO. 32090

AS BUILT PLAN
SHEET 3 OF 4
PLAN OF LAND IN
AYER, MASS.
FOR
WILLOW ROAD
DEVELOPMENT, INC
SCALE: 1"=40' MAY 26, 2020
ROSE LAND SURVEY
P.O. BOX 384
WEST GROTON, MASS. 01472
978-448-2974
JOB NO. R-185 PLAN NO. M-607 AB



LEGEND

---	244	EXISTING CONTOUR
---	244	AS BUILT CONTOUR
---		AS BUILT 8" SEWER
---		AS BUILT 4" SEWER FORCE MAIN
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---		AS BUILT 8" WATER LINE
---		AS BUILT CABLE, TELEPHONE & ELECTRIC
---		OVERHEAD WIRES
---		EDGE BITUMINOUS ROAD, EDGE WALKS
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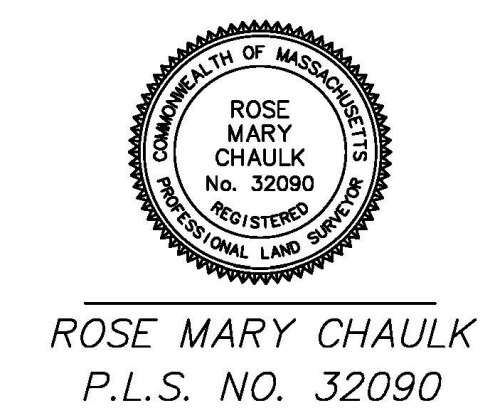
AS BUILT PLAN
SHEET 4 OF 4

PLAN OF LAND IN
AYER, MASS.
FOR
WILLOW ROAD
DEVELOPMENT, INC

SCALE: 1"=40' MAY 26, 2020

ROSE LAND SURVEY
P.O. BOX 384
WEST GROTON, MASS. 01472
978-448-2974
JOB NO. R-185 PLAN NO. M-607 AB

MAY 26, 2020
DATE



ROSE MARY CHAULK
P.L.S. NO. 32090



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

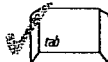
Exhibit 14

DEP File Number:

100-0288

A. General Information

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



From: TOWN OF AYER
1. Conservation Commission

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

3. To: Applicant: WILLOW ROAD DEVELOPMENT

Mark C. O'Hagan MCO & Associates
a. First Name b. Last Name c. Company

206 Ayer Road - Suite 5

d. Mailing Address

Harvard MA 01451
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Mary C. Coutu of Coutu Family
Trustee Nominee Trust c. Company

110 Nagog Hill Road

d. Mailing Address

Acton MA 01720
e. City/Town f. State g. Zip Code

5. Project Location:

Willow Road Ayer
a. Street Address b. City/Town

Map 30 Parcel 24 & 25
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known (note: electronic filers will click for GIS locator):
e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex N/A
a. County b. Certificate (if registered land)

c. Book d. Page

7. Dates: 7/2005
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):

Property Located off of Willow Road (reference attached detailed document listing)

a. Plan Title

David E. Ross

b. Prepared By c. Signed and Stamped by

d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date

12-06-05P12:52 RCVD *dy*



WPA Form 5 – Order of Conditions

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

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. 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.

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 these interests, 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).**

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

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	280 a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	533 (perm) 45 (temp)	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	466 (perm) 890 (temp)	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



WPA Form 5 – Order of Conditions

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

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	2200 (perm) 3198 (temp)			
Cubic Feet Flood Storage	0	b. square feet	c. square feet	d. square feet
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding				
Cubic Feet Flood Storage	a. square feet	b. square feet		
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area				
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
	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

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

10. Designated Port Areas Indicate size under Land Under the Ocean, below
11. Land Under the Ocean
- a. square feet b. square feet
- c. cu.yd dredged d. cu.yd dredged
12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below
13. Coastal Beaches
- a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.
14. Coastal Dunes
- a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.
15. Coastal Banks
- a. linear feet b. linear feet
16. Rocky Intertidal Shores
- a. square feet b. square feet
17. Salt Marshes
- a. square feet b. square feet c. square feet d. square feet
18. Land Under Salt Ponds
- a. square feet b. square feet
- c. cu.yd dredged d. cu.yd dredged
19. Land Containing Shellfish
- a. square feet b. square feet c. square feet d. square feet
20. Fish Runs
- Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
- a. cu.yd dredged b. cu.yd dredged
- a. square feet b. square feet
21. Land Subject to Coastal Storm Flowage



C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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.
6. 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.
7. 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.
8. 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 this 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.
9. 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, "MA DEP"]

"File Number 100-0288"



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See Attachment A to this document

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

a. Municipal Ordinance or Bylaw

b. 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.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

E. Issuance

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.

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.

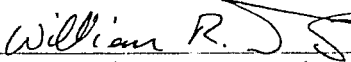
1. Date of Issuance

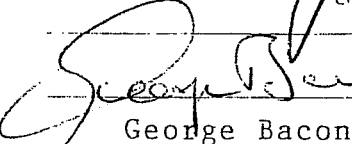
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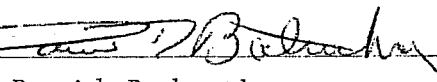
2. Number of Signers

Signatures:


Patrick Hughes Chair


William Daniels


George Bacon


David Bodurtha

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

On this 1st Day of December 2005

Before me, the undersigned Notary Public, personally appeared Patrick Hughes

Name of Document Signer

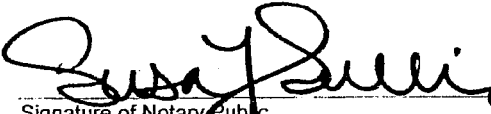
proved to me through satisfactory evidence of identification, which was/were

Ma. Lic. _____

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Ayer Conservation Commission
City/Town



Signature of Notary Public

Susan L. Sullivan

Printed Name of Notary Public

My Commission Expires (Date) Notary Public
Commonwealth of Massachusetts
My Commission Expires Oct 1, 2010

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date _____

Date _____



WPA Form 5 – Order of Conditions

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

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 DEP 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 of 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

Section G, Recording Information is available on the following page.



WPA Form 5 – Order of Conditions

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

G. Recording Information

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 Page 7 of this form shall be submitted to the Conservation Commission listed below.

Ayer Conservation Commission - 1 Main Street - Ayer, MA 01432
Conservation Commission

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

To:

Ayer Conservation Commission - 1 Main Street - Ayer, MA 01432
Conservation Commission

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

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**ATTACHMENT A
SPECIAL CONDITIONS
DEP FILE # 100-0288**

The commission hereby finds that in addition to Standard Conditions #1-18 above, the following special conditions are necessary in accordance with the Performance Standards set forth in the regulations to protect the interest checked above for this project.

The Commission orders that all work shall be performed in accordance with said 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

Detailed documentation listed as referenced from WPA Form 5 Section A-8

- Abbreviated Notice of Resource Area Delineation – Dated July 2004 – Submitted by David E. Ross Associates, Inc
- Notice of Intent – Dated July 2005 – Submitted by David E. Ross Associates, Inc.
- Stormwater Drainage Analysis – Dated August 2005
- Notice of Intent Supplemental Information – Dated October 2005 – Submitted by David E. Ross Associates, Inc
- Site Plans – Job # 18840 – Plan No. L-9166 – November 2005 (Five (5) pages)
 - Page 1 – Existing Conditions Plan
 - Page 2 – Site Development Plan
 - Page 3 – Utility Plan
 - Page 4 – Profile Plan
 - Page 5 – Landscape Plan
- Revised plan dated Nov. 9, 2005 & “NOI Supplemental Information II

Special Conditions

(All references to “Commission” shall be a reference to the Ayer Conservation Commission)

- 19) Any violation of these conditions will make the applicant subject to an Enforcement Order.
- 20) The Commission reserves the right to require additional conditions if deemed necessary to protect the resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.000) with proper notification of all parties.
- 21) Prior to any work being performed on the project site, the applicant shall inform the Commission in writing of the names, addresses, and telephone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this order and his/her alternate. The applicant shall notify the Commission in writing of any changes or alteration to this information.
- 22) The project designer shall be a registered professional engineer who shall provide oversight of the project on a weekly basis and shall provide progress reports to the Commission through the construction of the drainage system to verify that they have been built as designed.
- 23) The developer or contractor responsible for the project completion shall have on-site at all times a copy of this Order of Conditions, including all referenced documents, while activities regulated by this order are being performed.
- 24) All erosion and sedimentation controls shall be installed, and the Commission notified at least 72-hours prior to the commencement of work on-site. The Commission shall have the right to inspect and approve the installation during that 72-hour period. The Applicant shall provide the Commission with a weekly report describing any & all work planned to be performed within the bank, land under waterways and water bodies, buffer zones and wetland resource areas in the following week.
- 25) Any dewatering required on site shall be performed only after the project supervisor has provided a detail to the Commission for approval. Any and all dewatering shall take place under the supervision of the project supervisor.
- 26) Prior to any work being performed, the applicant shall repair and remark wetland boundary flags so that said areas are clearly distinguishable. **The Applicant shall maintain wetland flagging until the Certificate of Compliance is issued.**

**ATTACHMENT A
SPECIAL CONDITIONS
DEP FILE # 100-0288**

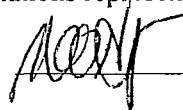
- 27) There shall be no sedimentation into wetland resource areas from discharge pipes or surface runoff leaving the site.
- 28) Erosion and siltation of soils to wetland resource areas shall be prevented at all times by an effective control method. These controls shall remain in place until a Certificate of Compliance is issued.
- 29) Areas of construction subject to this Order shall remain in a stable condition at the close of each construction day. Erosion controls shall be monitored each day and maintained or reinforced as needed.
- 30) All debris, fill, stumps, brush, logs, slash, rubbish/construction debris, excavated material, construction equipment & vehicles, hazardous materials, construction materials (i.e. gravel, pavement, binder, etc) shall be stored in a designated location approved by an agent of the Commission.
- 31) Until the issuance of the Certificate of Compliance, no fuels or other potential liquid contaminants shall be stored at any time within the 200' River Front. No refueling shall take place of Vehicles or equipment within the 200' River Front. The Commission shall be notified immediately of any leakage of contaminants in violation of this order. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off-site.
- 32) The Commission designates the limit of work under this Order as the erosion control barriers and limit of work depicted on the referenced plan required per Special Condition #34.
- 33) No work or alteration, including but not limited to removal of any vegetation/trees, shall be conducted within the 100' buffer zones or wetland resource areas outside of areas included within the limit of work under this order of conditions. Any such work would need to be conducted in compliance with a separate order of conditions.
- 34) The required erosion control barriers shall be siltation barriers consisting of a continuous line of staked hay bales, or other barriers presented to and approved by the Commission. All silt fencing shall be sunk at least 3" inches into the subsurface to ensure effectiveness. If hay bales are used they shall be specified in such manner as to prevent the introduction of *invasive* weed seeds or vegetation.
- 35) If the project has been completed in accordance with plans created and stamped by a registered professional engineer, a written statement by such a registered professional engineer certifying substantial compliance with the plans, or describing any and all deviations if they exist, shall accompany the request for the Certificate of Compliance.
- 36) ORDER INITIAL 1 – The applicant or the parties authorized representative by initialing this block acknowledges that the Ayer Conservation Commission shall have the right to enter and inspect the area subject to this Order seven days a week within the hours from one hour after sunrise to one before sunset. This condition is a further definition of standard condition fourteen from WPA Form 5 because of the volunteer makeup of the Commission.

I so accept condition thirty six of this order



- 37) ORDER INITIAL 2 – The applicant or the parties authorized representative by initialing this block acknowledges that they have read and agree to all stipulations represented in these thirty eight conditions.

I so accept condition thirty seven of this order





HABITECH, INC.
148 PARK STREET, SUITE 3
NORTH READING, MA 01864

CITIZENS BANK
MASSACHUSETTS

5-7017/2110

76240
NUMBER

PAY:

DATE

Nov 10, 2005

AMOUNT

****\$1,930.00

One Thousand Nine Hundred Thirty and 00/100 Dollars

TO THE
ORDER
OF

COMMONWEALTH OF MA.

MP
AUTHORIZED SIGNATURE



THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

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