CONTRACT DOCUMENTS

IMPROVEMENTS TO HILLCROFT PLAYGROUND Waltham, MA

December 05, 2018

NOTICE TO BIDDERS

The attention of all bidders submitting proposals for "Improvements to Hillcroft Playground" is called to the following Addenda to the printed specifications and plans. The items set forth herein, whether of omission, addition or substitution are to be included in, and form part of the specifications and plans of the above named project for bids to be received as advertised.

The following clarifications, modifications, deletions and additions are hereby incorporated into and become part of the Contract Documents.

WRITTEN CHANGES TO THE PLANS AND SPECIFICATIONS

- 1. SK-1:
 - A. **ADD** limits of drain pipe maintenance. Drain pipe maintenance includes clearing and water jetting all drainage structures and lines within limits of work and to the extents shown on this plan. Contractor shall verify working condition.
- 2. SK-2:
 - A. **ADD** CCTV 4" Lateral to survey and **DELETE** callout on L5.00.
- 3. BID FORM
 - A. **DELETE** Bid Form, issued in original specifications

ADD Bid Form, per attachment.

- 4. Specification's Table of Contents, APPENDICES:
 - A. **ADD** Appendix B. Test Pit Results
 - B. **ADD** Appendix C. Order of Conditions
- 5. Specification Section 05 50 00 MISCELANEOUS METALS
 - A. Subsection 2.01, A,1:
 - 1. **DELETE** Steel edging shall be ¹/₄" x 4" with steel spikes as manufactured by Sureloc Edging, 494 E. 64th Street, Holland, MI 49423 or approved equal. Color shall be black.

ADD Steel edging shall be ½" x 5" with steel spikes as manufactured by Sure-loc Edging, 494 E. 64th Street, Holland, MI 49423 or approved equal. Color shall be black.

- B. **DELETE** Subsection 3.01 GALVANIZING
- 6. Specification Section 12 93 00 SITE FURNISHINGS
 - A. Subsection 2.01, A:
 - 1.**DELETE** Trash receptacles shall be model # LR305P, each furnished with an inground post package model # LR100N and plastic liner model # LR310N manufactured by Wabash Valley Manufacturing, Inc., 505 East Main Street, Silver Lake, IN or approved equal. Receptacle shall be secured and installed per manufacturer's recommendations. Receptacle color shall be BLACK.
 - **ADD** Trash receptacles shall be model # 69-167-32-0003, surface mounted and furnished with a 32 gal. plastic liner model # 49-32 manufactured by DuMor Inc. 138 Industrial Circle, Mifflintown, PA 17059, Phone: 800-598-4018, or approved equal. Receptacle color shall be BLACK. See attached cut sheet.
 - B. Subsection 2.02, A:
 - 1.**DELETE** The Contractor furnish and install 1 Big Belly Solar "Kiosk" as manufactured by BigBelly Solar, Inc., 85 Wells Avenue, Suite 305 Newton, MA 1-888-820-0300, or approved equal, Model #BigBKiosk1" consisting of a Big Belly Trash Compactor, and a SmartBelly Recycling Collector.
 - 1. Each unit shall be approximately 50.4" in height, 25" in width, and 27" in depth.
 - a. Compactor shall have a 33 gallon bin volume.
 - b. Recycling Collector shall have a 50 gallon bin volume.
 - 2. Units shall have a fully automated IC processor controlled system which senses trash level, fullness, and machine status, with LED status indicator. System voltage shall be a low voltage system, 12 Volts DC, with a spill-proof maintenance free 12 V battery. Units shall be cordless, self-powered requiring no wiring.
 - 3. Materials shall be RoHS compliant, galvanized sheet metal steel interior and exterior construction, with a TGIC powder-coat exterior finish. Interior bins shall be leak proof.
 - 4. Units shall have locked front trash removal door, and fully interlocked access doors, with separately keyed service access.
 - 5. Units shall be designed to prevent access to compaction area.
 - 6. The Big Belly trash compactor
 - a. Compaction force shall be 1250 lbs max.
 - b. Gear motor shall be heavy duty chain drive (non-hydraulic).

c. Users shall be able to deposit trash even during cycle time.

ADD Recycling receptacles shall be model # 69-167-32-0004, surface mounted and furnished with a 32 gal. plastic liner model # 49-32 manufactured by DuMor Inc. 138 Industrial Circle, Mifflintown, PA 17059, Phone: 800-598-4018, or approved equal. Receptacle color shall be BLACK. See attached cut sheet.

- 7. Specification Section 32 18 00 RUBBER SAFETY SURFACING, Subsection 1.02, E, 2, Page 1:
 - A. **DELETE** The surface shall meet the Head Injury Criteria (HIC) of less than 1000. Lab test shall be performed at (3) temperatures per ASTM F1292/F355E over concrete. Testing over aggregate will not be allowed

ADD The surface shall meet the Head Injury Criteria (HIC) of less than 800. Lab test shall be performed at (3) temperatures per ASTM F1292/F355E over concrete. Testing over aggregate will not be allowed

- 8. Specification Section 32 30 00 SITE IMPROVEMENTS, Subsection 2.02, A, page 3:
 - A. **DELETE** Basketball standards shall be a two (2) 6' offset and one (1) 10' offset gooseneck posts manufactured by True Bounce (True Bounce, 56 Conduit St., New Bedford, MA 02745 PG Series Gooseneck, or equal.),

ADD Basketball standards shall be one (1) 10' height gooseneck post with a 6' extension and two (2) 8' height gooseneck posts with 4' extensions as manufactured by True Bounce (True Bounce, 56 Conduit St., New Bedford, MA 02745 PG Series Gooseneck, or equal.)

- 9. Specification Section 32 32 13 BLACK VINYL CLAD CHAIN LINK FENCE, Subsection 2.03
 - A. **DELETE**: E. <u>Tie Wires for Tying Fabric</u>
 - 1. Tie wires shall be bvc shall be attached using a twist band and buckle system
 - 2. Bands shall be 6 gage thickness, 6 ½" long galvanized aluminum ties with a minimum breaking strength of 850 lbs.

ADD: E. <u>Fabric Bands for Tying Fabric</u>

- 1. Fabric shall be attached using a BAND-IT band and buckle system, or approved equal.
- 2. Bands shall be 0.020" thickness, 200/300 series stainless steel ½" wide bands, with a minimum breaking strength of 850 lbs., ½" band capacity ear-loct design buckles to be manufactured with 0.050" thick material, 201/301 series stainless steel.

QUESTIONS AND CLARIFICATIONS

Question 1: Was any Geotech done for this project?

<u>Response:</u> Two test pits were performed. The results can be found in the attached Appendix B-Test

Pit Results.

Question 2: What are the extents of drain pipe maintenance in the streets?

Response: Refer to the attached SK-1 for limits of drain pipe maintenance.

Question 3: Will rock/ledge excavation be included as a unit price or should it be included in the lump

sum?

Response: 50 cy of rock and ledge excavation will be included in the base bid and a unit price will be

established. Refer to the attached Bid Form.

Question 4: Should we plan on construction to begin in the Winter of 2019 or the Spring of 2019?

Response: The start date of construction will be weather dependent. Construction shall begin as soon

as the funding is secured and the weather permits.

Question 5: Can you clarify the HIC ratings for the poured in place rubber surfacing?

<u>Response:</u> The surface shall meet the Head Injury Criteria (HIC) of less than 800.

Question 6: Where can water be accessed from during construction?

<u>Response:</u> Water can be accessed from the hydrant on the corner of Hatherly Road and Hemlock

Terrace.

Question 7: Is it possible to have the play equipment shipped to the contractor's yard instead of the

project site?

<u>Response:</u> Yes, but the contractor is responsible for the safe and secure storage and transit of the play

equipment during the duration of the project construction. The City is purchasing the

equipment directly and must have reciepts of delivery from the contractor.

Question 8: Where should the double straw wattle vs. single straw wattles vs. silt fence be located on

site?

Response: Detail 3 on sheet L7.00 of the construction plans shows two staking details of the strw

wattles. The detail showing the double straw wattle is referring to where the two meet to form one line. Refer to sheet L5.00 for locations of erosion controls and refer to specification section 01 57 19 ENVIRONMENTAL PROTECTION and the order of

conditions (attached) for more information on specific erosion control details.

Question 9: There are multiple types of erosion controls listed in the specs and on the plans. Please

clarify the locations of each type of erosion control.

Response: Please refer to SK-2 for a plan of specific erosion control locations.

Question 10: Where can we discharge excess water, should we encounter it during excavation?

Response: Refer to the order of Conditions (attached) Section 23.

Question 11: On page L3.00 the bituminous concrete color seal coat call out is pointing to the walking path. I believe this is supposed to be pointing to the basketball court for seal coating. Can

you please confirm that the sidewalk does not get the seal coat and that the only area that

requires seal coating is the basketball court?

Response: Correct, the callout should be pointing to the basketball court and not the pathway. The

pathways do not receive color seal coat.

Question 12: Are we required to carry the cost of the Big-Belly Kiosk in our price? These receptacles

are only available on loan for a monthly fee from the company. How would you like us to

provide a cost for this product?

<u>Response:</u> The Big-Belly receptacles have been removed from the project. See item 7 above and the

attached trash receptacle cut sheet.

Question 8: On Page. L5.00 there is a callout for "CCTV 4" Lateral" which is seemingly pointing

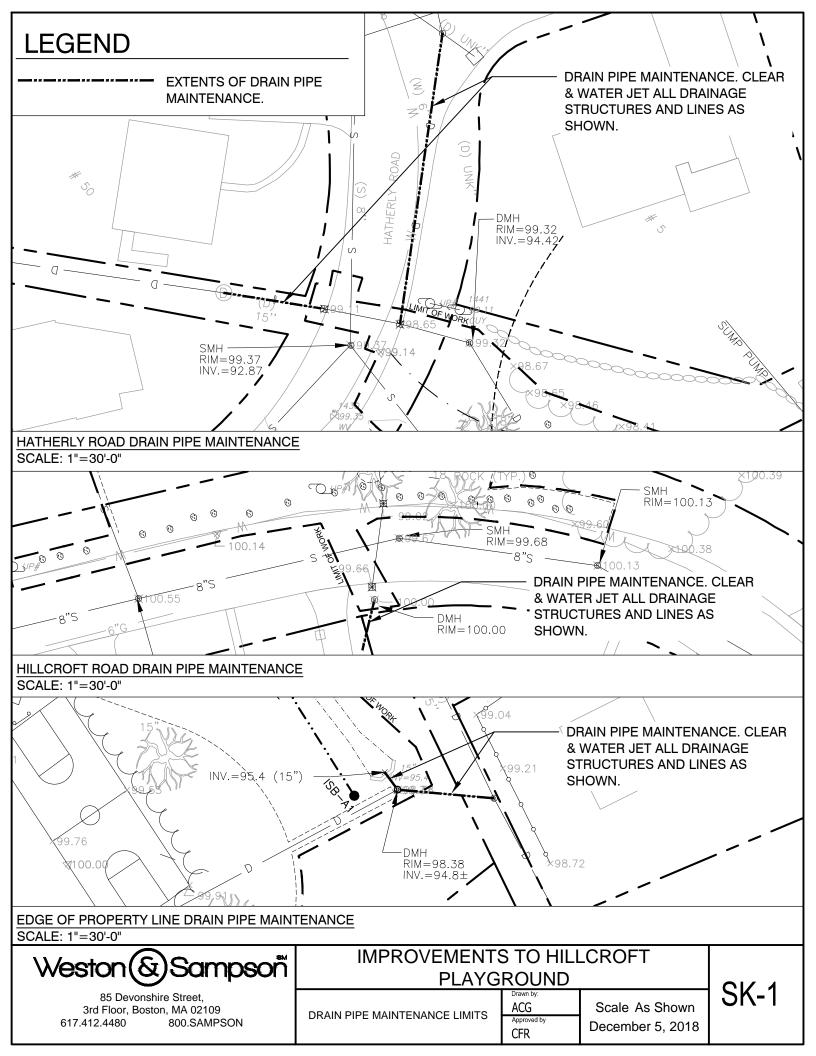
towards the proposed DMH. Can you clarify what this is?

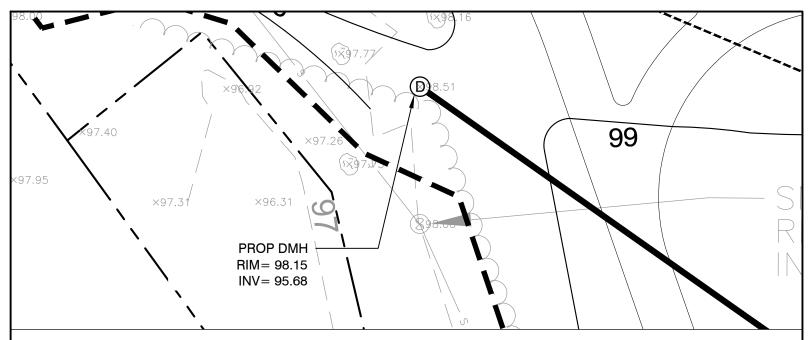
Response: The CCTV 4" Lateral is an old utility to be abanondoned in field. See SK-2.

ATTACHMENTS:

SK-1 SK-2 Bid Form Appendix B-Test Pit Results Appendix C- Order of Conditions Trash Receptacle Cut Sheet Recycling Receptacle Cut Sheet

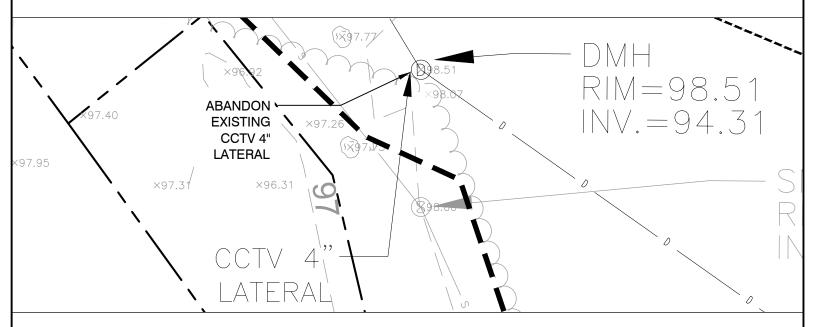
END OF ADDENDUM NO. 1





PROPOSED UNDERGROUND UTILITIES

SCALE: 1"=10'-0"



EXISTING UNDERGROUND UTILITIES

SCALE: 1"=10'-0"

Weston & Sampson

85 Devonshire Street, 3rd Floor, Boston, MA 02109 617.412.4480 800.SAMPSON

IMPROVEMENTS TO HILLCROFT PLAYGROUND

UNDERGROUND UTILITIES CLARIFICATION

ACG
Approved by
CFR

Scale As Shown December 5, 2018 SK-2



1 Winners Circle, Suite 130, Albany, NY 12205 Tel: 518.463.4400

Total Item 1 \$ _____

FORM OF BID

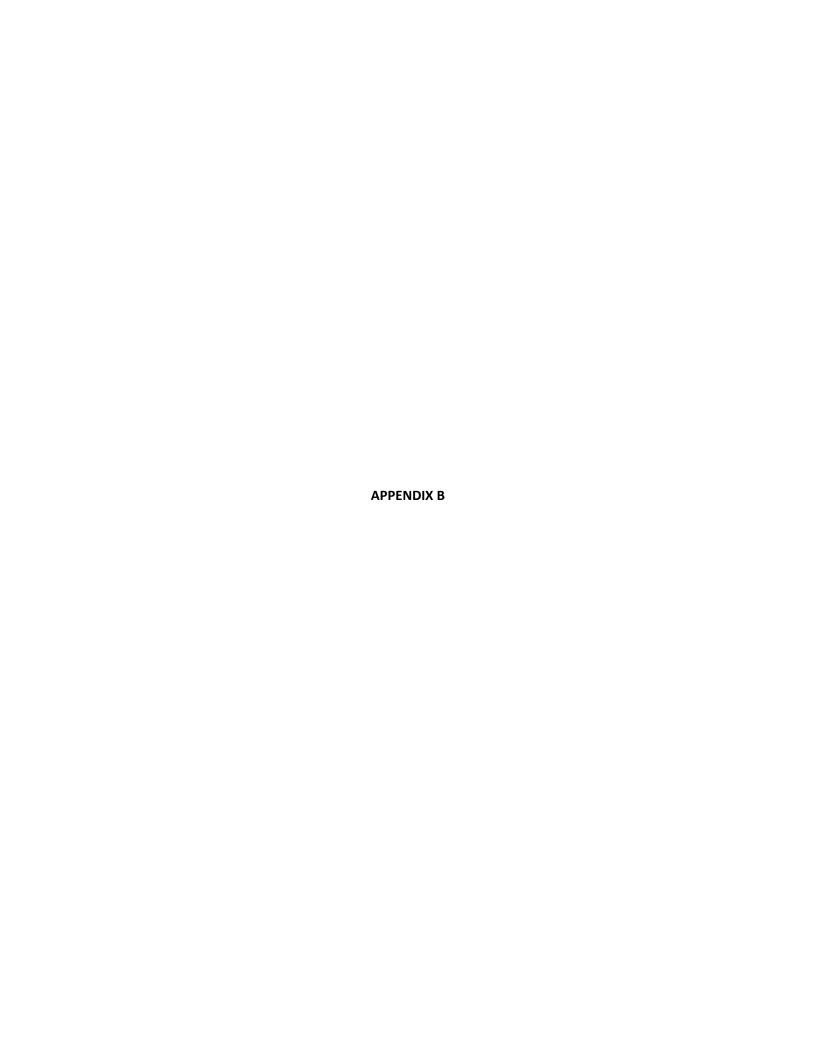
ITEM 1 – Improvements to Hillcroft Playground, lump sum

Work under this lump sum item shall constitute full compensation as herein specified, for all of the work completed in accordance with the drawings and specifications including, but not limited to, the following:

- Remove and dispose of off-site in its entirety the basketball court and the playground, including all pavement, subbase, structures, foundations, goal posts, and appurtenant items;
- Remove and dispose of off-site in its entirety all drainage structures, boulders, trees and site furniture, as noted on the plans;
- Remove and dispose of all bituminous concrete pavements to full depth, including the subbase as shown on the plans
- Strip and stockpile topsoil, fine grade and loam and hydroseed as shown on the plans.
- Clear debris from the intermittent stream, perform invasive species management and seed with wildflower meadow mix as shown on the plans
- Construct a basketball court including subbase, bituminous concrete pavement, seal coating, goal posts and goals, and all fencing, dasher boards and gates;
- Construct the new playground including installation of the play equipment, poured in place rubber surfacing, curbing and subbase
- Install all drainage and drainage structures as shown on the plans
- Install all site furnishings, trees, fencing, and surfacing as shown on the plans.
- Contractor is responsible for any demolition or preparation work required to implement improvements as show on plans.

HEM 2 - SUPPLEMENTAL UNIT PRICE FOR ROCK/LEDGE EXCAVATION AND REMOVAL
Supplemental Unit price shall be applied to the improvements at Hillcroft Playground and paid for at the unit price bid
times the actual area of work completed.

<u>Item</u>	<u>Unit</u>	Est Qty	<u>Unit Price</u>	Bid Price
2a.) Rock/Ledge Excavation and Removal	CY	50	\$	\$
		Total	l Item 2 \$	
TOTAL BID (sum of Items 1	& 2)		\$	



Test Pit Data:

Date of test pit 1: September 26, 2016

Date of test pit 2: June 5, 2017

Performed by: City of Waltham Water & Sewer Division

Location: Hillcroft Playground

Test pit narrative:

Test pit 1- Excavated 4' and ran into loamy topsoil, stoney gravel and grey hard pan with asphalt chunks.

Depth Material 0-1.5' Loam

1.5-4' Stoney Gravel

4'< Hard Pan with Asphalt Chunkc

Percolation test results-

Filled hole at 4' to saturate,

After Level dropped

14 minutes 2" 22 minutes 1.25"

Refilled hole with water

After Level dropped

20 minutes .01"

There was little to no drainage/percolation into the soil from the free-standing water

Test pit 2- Excavated to 4' and ran in to standing water, that was on top of a silty layer (photograph 1). Continued excavation down to about 9' to see if the underlaying layers were any better. At the bottom of the test pit another layer of silty/clayey material was encountered (photograph 2).

No percolation test performed.

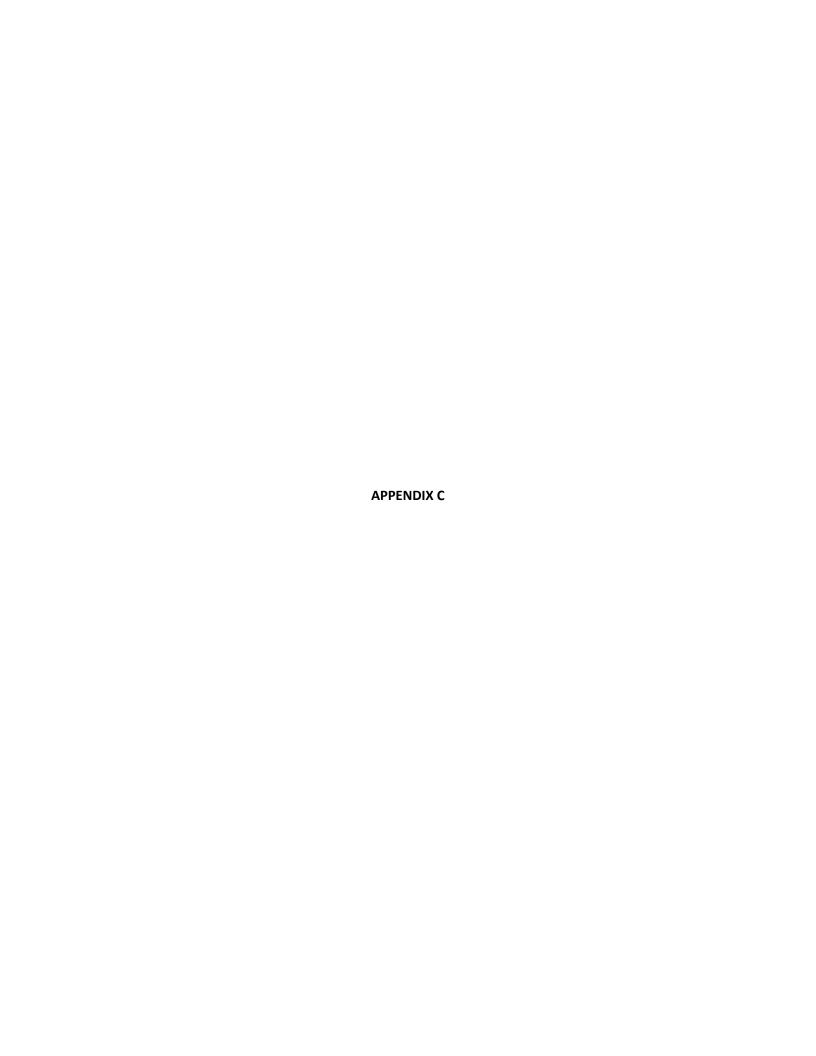
Depth	Material
0-2'	Loam
2-4'	gravely loam
4-6'	Sandy Silt/Clay

6-7' Sandy Organic

7-9' Silt/Clay



Photograph 1 Photograph 2





Waltham Conservation Commission 119 School Street Waltham, MA 02451-4596

SPECIAL ORDER OF CONDITIONS (v1.2) AS ISSUED BY THE WALTHAM CONSERVATION COMMISSION

DEP File Number: 316-0736

Applicant: City of Waltham Recreation Department

Location: 25 Hillcroft Road Date of Issuance: 8-8-2018

Violation of any condition stated herein may result in Enforcement Action.

21. RECORDING AND ADMINISTRATION

A. Prior to any work on the site, or within six (6) weeks of the date of this Order, whichever comes first, this Order of Conditions shall be recorded at the Middlesex Registry of Deeds or Land Court, and notice filed with the Commission, pursuant to General Condition 9. Failure to do so shall be deemed cause to revoke this Order.

- B. In advance of any work on this project, the applicant shall notify the Commission, and at the request of the Commission, shall arrange an on-site conference among the Commission, the contractor, and the applicant to ensure that all of the conditions of this Order are understood.
- C. This Order shall be made a part of all contracts and subcontracts dealing with the work proposed, and shall supersede all other conflicting contract requirements. Except where modified by the following Conditions, all work shall be performed in accordance with the plans and the Notice of Intent. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
- D. This Order shall apply to and be binding upon the applicant, its employees, and all successors and assigns in interest or control.
- E. Prior to any work being done on the project site, the applicant shall inform the Waltham Conservation Commission in writing of the names, email and mailing addresses, and business and mobile phone numbers of both the project supervisor who will be responsible for ensuring on-site compliance with this order and his/her alternate. The applicant shall also notify the Commission in writing of any changes in this information.

- F. Any errors found in the plans or information submitted by the applicant shall be considered as changes, and the procedures outlined in General Condition 14 shall be followed.
- G. In conjunction with the sale of any portion of the site covered by this Order of Conditions, the applicant shall submit to the Commission a signed statement by the buyer that he/she is aware of outstanding Orders of Conditions.
- H. The Commission may authorize its designated agent to act on its behalf in determining compliance.
- I. Special Conditions 25A through 25J shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance for this project.

22. PRIOR TO COMMENCEMENT OF WORK

The following conditions, in addition to 21A, 21B, 21C, and 21E, are requirements prior to the commencement of work:

- A. Prior to any work on site, the wetland resource area delineation, limit of work delineation, tree protection measures, and erosion controls shall all be in place. The applicant shall notify the Conservation Commission when all of these controls are in place, and, if requested by the Commission, shall arrange an on-site conference among the Commission, the contractor, and the applicant to review same.
- B. The wetland resource areas and proposed limit of work shall be clearly marked with stakes, flags or fencing. Such markers will be maintained until all construction on the site's perimeter is complete. All workers shall be informed that no construction activity is to occur beyond this line at any time.
- C. The applicant shall preserve and protect all sizeable (DBH of 6 in. or greater) trees, including root systems, that are located in whole or in part within resource areas, 100 ft. buffer zones, or 200 ft. riparian zones, during the demolition and construction phases of this project, except where one or both of the following exceptions are met:
 - i. Explicit permission has been granted by the Conversation Commission to remove such trees.
- ii. The entire tree including root systems is outside the limit of work and therefore already protected by the limit-of-work stakes, flags, or fencing.

At sizeable trees that are to be preserved and protected, strap boards around the trunk from ground level to a height of at least 8 feet. Install fencing below the perimeter of the crown of the tree, or a distance of at least 18 in. from the trunk for each inch of trunk diameter, whichever is greater, to prevent damage to the roots or compaction of soil around the roots. Such measures shall be maintained until all construction, earthwork, and grading is complete, and then shall be removed and legally disposed of off-site. Trees that are scheduled and approved for removal shall be cut off near ground level; no removal of stumps or roots shall occur without written approval of the Conservation Commission.

- D. Erosion controls as shown on the approved plans and described herein shall be installed.
- i. Perimeter protection consisting of an erosion control barrier of a filter fabric fence backed by a row of double-staked straw bales (not hay), straw wattles, filter socks, or other approved perimeter protection described in the NOI and shown in the referenced plans, shall be placed between all construction activities and wetland areas or rivers, in accordance with Erosion and Sedimentation Guidelines for Urban and Suburban Areas, Mass.

DEP, March 1997 or current version. Silt fencing (if proposed) shall be entrenched 4 in. into the ground and double staked.

- ii. Stormwater catch basins located adjacent to the site that may receive stormwater runoff from the site shall be protected. These protections shall be installed in accordance with the plans approved by this Order and/or per the direction of the Waltham Conservation Commission. Silt sacks (not filter fabric) installed and properly maintained generally meet this requirement. Silt sacks, if required for the project, shall be emptied at least once every two weeks and whenever silt and debris have collected to a level that is affecting the functionality of the silt sack and/or catch basins. Silt sacks shall be maintained in good working order and must be repaired or replaced when damaged.
- iii. The applicant shall regularly clean the closest catch basins in every direction of the construction site, and regularly clean the city streets between the site and said catch basins, for the duration of construction.
- iv. Upon completion of the project, the applicant shall remove and legally dispose of off-site all temporary erosion controls and other materials determined to be detrimental to the resource areas if left in place permanently.
- E. The applicant shall have on hand at the start of any soil disturbance, removal or stockpiling, a minimum of 20% additional straw bales, straw wattles, filter socks, silt fencing, or other approved perimeter protection system, in good condition, and sufficient stakes for installation. Said items shall be used only for the control of emergency erosion problems and shall not be used for the normal control of erosion described in Condition "D".

23. DURING WORK

- A. Accepted engineering and construction standards and procedures for protection of the resource area shall be followed in the completion of this project.
- B. A copy of this Order of Conditions, all construction plans, and wetland replication plans if applicable, shall be maintained on site for the duration of any site work and made available to any person doing work on the site.
- C. Site grading and construction shall be scheduled to avoid periods of high water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and sedimentation of wetlands.
- D. Any dewatering or drawdown activities on the project shall not directly discharge into a resource area or as surface flow. All discharges, including those to a storm drainage system, shall make use of a sedimentation tank or similar device to remove sediment before the water is released.
- E. As soon as possible during construction, all disturbed areas in the resource area, 100 ft. buffer zone, or 200 ft. riparian zone shall be brought to final finished grade and stabilized permanently against erosion. This shall be done either by sodding, or by loaming, seeding, and mulching according to Natural Resources Conservation Service (formerly USDA) Soil Conservation Service Guidelines. If the latter course is chosen, stabilization will be considered completed once the surface shows complete vegetative cover. Bare, graded ground that cannot be permanently stabilized within thirty (30) days shall be stabilized by temporary measures. Stockpiled ground shall be stabilized as described in Condition 23.G below.
- F. No earthen embankment in the resource area, 100 ft. buffer zone, or 200 ft. riparian zone shall have a post-construction slope steeper than 2:1 unless engineered slope stabilization is provided.

- G. There shall be no stockpiling of soil, sand, or similar unconsolidated material within the resource area, 100 ft. buffer zone, or 200 ft. riparian zone, unless otherwise authorized by these Conditions or by the Waltham Conservation Commission. Any stockpile of soil, sand, or similar materials that is permitted within said areas must be enclosed within a line of entrenched and staked erosion control socks or silt fence in addition to the perimeter erosion controls for the site. In the event that all earthwork ceases for more than 15 days or if inclement weather is imminent, all exposed stockpiled soils must be stabilized with a temporary vegetative cover, tarp, or other erosion control acceptable to the Waltham Conservation Commission.
- H. There shall be no discharge or spillage of fuel, oil, or other pollutants (including but not limited to: paint stripper, soap, detergent, other cleaning chemicals, industrial solvents, strong acids and bases, etc.) into any resource area, 100 ft. buffer zone, or 200 ft. riparian zone. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. No fueling or maintenance of vehicles shall be allowed within a resource area, 100 ft. buffer zone, or 200 ft. riparian zone, unless otherwise authorized by the Conditions or the Waltham Conservation Commission.
- I. No plants, shrubs, or trees listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List (invasive species) may be brought onto or planted anywhere on the property. (Plant List is available at http://www.mass.gov/eea/agencies/agr/farm-products/plants/massachusetts-prohibited-plant-list.html).
- J. Planting within the resource area, 100 ft. buffer zone, and 200 ft. riparian zone shall be limited to species that are native to Massachusetts.

24. POST CONSTRUCTION

Upon completion of construction and final soil stabilization, the Applicant shall submit the following to the Waltham Conservation Commission to request a Certificate of Compliance (COC):

- A. A completed Request for Certificate of Compliance WPA Form 8A;
- B. In the case of commercial and multi-family residential projects, and all projects that involve re-grading inside a flood zone or flood plain: an as-built plan (including grading) and a signed letter from a licensed professional certifying that the work has been completed in substantial compliance with the approved plans and the Order of Conditions.

25. UPON COMPLETION OF WORK - CONDITIONS IN PERPETUITY

The following Conditions are ongoing and do not expire with the expiration of the Order of Conditions or the issuance or a Certificate of Compliance.

- A. No underground storage of fuel oil or other petroleum products shall be allowed within the resource area, 100 ft. buffer zone, or 200 ft. riparian zone. There shall be no storage of petroleum products within the resource area, 100 ft. buffer zone, or 200 ft. riparian zone on the site at any time, except to the extent reasonably necessary for the ordinary uses of the occupants and maintenance staff of the property (e.g., re-fueling landscaping and snow removal equipment for use on the property, and the fuel and oil contained within vehicles). For single family homes, this restriction limits quantities to those commensurate with maintaining a single family home.
- B. Fertilizer, pesticides, and herbicides shall not be used within a resource area, 100 ft. buffer zone, or 200 ft. riparian zone, except where herbicides or pesticides are used in a limited application to target invasive species where specifically approved by the Conservation Commission. For the duration of each landscaping season, signs of a minimum of two square feet that are reasonably legible and that state such restriction, shall be posted

and maintained at all landscaper access points to all landscaped areas that occur in the above-mentioned areas, on all except single-family residential properties.

- C. Salt and other chemical de-icing shall not be used within a resource area or within a resource area, 100 ft. buffer zone, or 200 ft. riparian zone. For the duration of each snow removal season, signs of a minimum of two square feet that are reasonably legible and that state such restriction shall be posted and maintained at all vehicle entrances to the above mentioned area on all except single-family residential properties.
- D. Sand used for winter traction in paved areas shall be removed periodically during the winter and by May 1st of each year. Records of cleaning shall be maintained on site.
- E. There shall be no discharge or spillage of fuel, oil, or other pollutants (including but not limited to: paint stripper, soap or detergent, other cleaning chemicals, industrial solvents, strong acids and bases, etc.) into any resource area, 100 ft. buffer zone, or 200 ft. riparian zone. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. No fueling or maintenance of vehicles shall be allowed within a resource area, 100 ft. buffer zone, or 200 ft. riparian zone unless otherwise authorized by the Conditions or the Waltham Conservation Commission.
- F. The storm drainage system shall be equipped with gas and oil traps. Catch basins shall be inspected by the applicant every 6 months, and cleaned and maintained as needed based on the inspection. Records of said inspection and cleaning shall be maintained on site.
- G. Following the completion of construction and grading, all exposed soils within the resource area(s), 100 ft. buffer zone, and 200 ft. riparian zone must be adequately stabilized. Gradients of 3 units horizontal to 1 unit vertical or steeper must be stabilized with a permanent vegetative cover, unless engineered slope stabilization is provided. Bark mulch or wood mulch may in appropriate circumstances be used to provide adequate stabilization on slopes with a gradient less than 3:1.
- H. Stormwater infiltration devices must be maintained per manufacturer specifications and the approved Operations and Maintenance plan, if any.
- I. Any fencing within a resource area shall have a continuous gap, interrupted only at main support posts, between the bottom of the fence and the ground. The bottom edge shall be free of sharp edges and sharp protrusions. For single-family residential properties, the gap shall be at least 4 in. For commercial and multifamily residential properties, the gap shall be at least 6 in.
- J. Any plantings within a resource area, 100 ft. buffer zones, or 200 ft. riparian zones, or as part of any mitigation plan, shall be maintained and successfully established, and the planting area shall be kept free of invasive plant species. The Commission may require replanting in case of significant failure.

26. SITE-SPECIFIC CONDITIONS

A. Permission is granted by the Commission to allow CPW to do selective clearing and removal of obstructions in the intermittent stream in perpetuity, pending notification to the Conservation Commission.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 316-0736

MassDEP File #

eDEP Transaction # Waltham City/Town

	A. Gen	eral Information
Please note:		Waltham
this form has been modified	1. From:	Conservation Commission

2. This issuance is for

this form he been modi with added space to accommodate the Registry of Deeds Requirements

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



(Check one).		
To: Applicant:		
Kim	Scott	
a. First Name	b. Last Name	
City of Waltham Recreation Dept.		
c. Organization		
510 Moody Street		
d. Mailing Address		
Waltham	MA	02453
e. City/Town	f. State	g. Zip Code
a. First Name	b. Last Name	
c. Organization		No. of East
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
Project Location:		
25 Hillcroft Road	Waltham	
a Street Address		

a. Order of Conditions b. Amended Order of Conditions

5.

R025 c. Assessors Map/Plat Number

018/0016 d. Parcel/Lot Number

Latitude and Longitude, if known:

42d23m57.361s d. Latitude

71d13m3.686s e. Longitude

Page 1 of 12



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
316-0736
MassDEP File #

eDEP Transaction #
Waltham
City/Town

A. General Information (cont.)

6.	Property recorded at the one parcel): Middlesex South	Registry o	of Deeds for	(attach additiona	l info	ormation if more than
	a. County			b. Certificate Numb	er (if	registered land)
	8989			800		
	c. Book			d. Page		
	5-2-2018		7-19-	2018		8-8-2018
7.	Dates: a. Date Notice of	Intent Filed		e Public Hearing Clo	sed	c. Date of Issuance
8.	Final Approved Plans an as needed): Plans for the Improvement				olan	or document references
	a. Plan Title					
	Weston & Sampson			Cherilyn F. Rua		
	b. Prepared By			c. Signed and Stam	ped I	by
	d. Final Revision Date			e. Scale	-	
	Site Preparation Plan			0. 000.0		7-19-2018
	f. Additional Plan or Document	Title		-	-	g. Date
D	Findings					
1.	Findings pursuant to the Following the review of t provided in this applicati the areas in which work Protection Act (the Act).	he above- on and pre is propose Check all	referenced Nesented at the dis signification that apply:	lotice of Intent ar e public hearing, nt to the followin	nd b	Commission finds that
a.	☐ Public Water Supply	b	Land Con	taining Shellfish		Pollution
d.	☐ Private Water Suppl	у е. 🗆	Fisheries		f.	☐ Protection of Wildlife Habitat
g.	☐ Groundwater Supply	h. 🗵	Storm Dai	mage Prevention	i.	
2.	This Commission hereby	finds the p	roject, as pro	posed, is: (check	one	of the following boxes)
Аp	proved subject to:					
a.	the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.					



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B. Findings (cont.)

Denied because:

- b.
 I the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act.

 Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

a. linear feet

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

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



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B. Findings (cont.)

Co	astal Resource Area Impa	cts: Check all the	at apply below.	(For Approvals (Only)
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size ur	nder Land Unde	er the Ocean, belo	ow
11.	☐ Land Under the Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size ur below	nder Coastal Be	eaches and/or Co	astal Dunes
13.	☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment	d. nourishment
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. c/y dredged	d. c/y dredged		
19.	☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs		d/or inland Land	nks, Inland Bank Under Waterboo	
24	☐ Land Subject to	a. c/y dredged	b. c/y dredged		
21.	Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100- 200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, 1. please enter the additional amount here.

23.	Restoration/Enhancement *:	
f		
	a. square feet of BVW	b. square feet of salt marsh
24.	Stream Crossing(s):	
	a. number of new stream crossings	b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

- 1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- 3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
- 4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- 5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
- 6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
- 7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

- This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number

316-0736

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



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

- 17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19.	The wo	rk associated with this Order (the "Project")
	(1)	is subject to the Massachusetts Stormwater Standards
	(2)	is NOT subject to the Massachusetts Stormwater Standards

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

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

iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

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

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

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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

See attached.

(
. F	or Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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Waltham City/Town D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ls a	a municipal wetlands bylaw or ordinance applicable? Yes No
2.	The	Conservation Commission
	a.	that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
		1. Municipal Ordinance or Bylaw 2. Citation
		Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
	b.	that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
		1. Municipal Ordinance or Bylaw 2. Citation
3.	100	e Commission orders that all work shall be performed in accordance with the following nditions and with the Notice of Intent referenced above. To the extent that the following nditions modify or differ from the plans, specifications, or other proposals submitted with Notice of Intent, the conditions shall control.
	Th	e special conditions relating to municipal ordinance or bylaw are as follows (if you need one space for additional conditions, attach a text document):



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

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

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

7-19-2018

1. Date of Issuance

2. Number of Signers

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

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Waltham

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission		
Detach on dotted line, have stamped by the Regist Commission.		ubmit to the Conservation
To:		
Waltham		
Conservation Commission		
Please be advised that the Order of Conditions fo	r the Project at:	
25 Hillcroft Road	316-0736	
Project Location	MassDEP File Number	
Has been recorded at the Registry of Deeds of:		
County	Book	Page
for: Property Owner		
and has been noted in the chain of title of the affe	ected property in:	
Book	Page	
In accordance with the Order of Conditions issued on:		
Date		
If recorded land, the instrument number identifying	g this transaction	is:
Indiana and Manakara		
Instrument Number		
If registered land, the document number identifying	ng this transaction	is:
Document Number		
Signature of Applicant		

