



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

**SPECIAL ORDER OF CONDITIONS (v1.4)  
AS ISSUED BY THE WALTHAM CONSERVATION COMMISSION**

**DEP File Number:**  
**Applicant:**  
**Location:**  
**Date of Issuance:**

**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 and relevant attachments 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. For projects located within the Cambridge surface water supply watershed, the applicant shall also notify Cambridge Water Department.

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 25K 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. For projects located within the Cambridge surface water supply watershed, the applicant shall also notify Cambridge Water Department.

B. The wetland, riparian, and floodplain 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.

For sizeable trees that are to be preserved, the applicant shall strap protective boards around the trunk from ground level to a height of at least 8 feet. The applicant shall install fencing below the perimeter of the crown of the tree, or at a distance of at least 18 in. from the trunk for each inch of trunk diameter, whichever is greater, to prevent damage to roots or compaction of soil around 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 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. Where curb inlets are present, curb inlet filters shall also be provided. 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 shall 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. The cleaning shall be sufficiently thorough and frequent to prevent dirt tracked into the pavement from muddying the stormwater during rainfall.

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 areas or 100 ft. buffer 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 areas or 100 ft. buffer 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 areas or 100 ft. buffer 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 shall 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 shall 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 areas or 100 ft. buffer 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 resource areas or 100 ft. buffer 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 areas and 100 ft. buffer zone shall be limited to species that are native to Massachusetts.

## **24. POST CONSTRUCTION**

Within 1 year of completion of construction, final soil stabilization, and planting, but in no case later than the expiration date on the Order of Conditions, the Applicant shall:

A. Submit the following to the Waltham Conservation Commission to request a Certificate of Compliance (COC):

i. A completed Request for Certificate of Compliance – WPA Form 8A;

ii. 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.

B. Remove temporary erosion controls (silt fence and straw wattles), unless specifically directed otherwise by the Conservation Commission, and legally dispose of offsite.

## **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 areas or 100 ft. buffer zone. There shall be no storage of petroleum products within the resource areas or 100 ft. buffer 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., enclosed storage of fuel for landscaping and snow removal equipment for use on the property, and the fuel and oil contained within vehicles, where alternate storage and parking locations outside the resource areas or 100 ft. buffer zone are not practicable). 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 or 100 ft. buffer 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 100 ft. buffer 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 1<sup>st</sup> 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 areas or 100 ft. buffer 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 or 100 ft. buffer 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.

G. Following the completion of construction and grading, all exposed soils within the resource areas or 100 ft. buffer zone must be adequately stabilized and maintained in a stable condition. Gradients of 3 units horizontal to 1 unit vertical or steeper shall be stabilized with a permanent vegetative cover, unless engineered slope stabilization is provided. Bark mulch or wood mulch may in appropriate circumstances (e.g., those not subjected to erosion from concentrated flow) be used to provide adequate stabilization on slopes with a gradient less than 3:1.

H. All stormwater infrastructure, green infrastructure, and infiltration devices must be maintained per manufacturer specifications and an approved Operations and Maintenance plan, or Long-Term Pollution Protection Plan. The plan shall include inspection by the applicant no less than once every six months, and cleaning and maintenance as needed based on inspection. The approved Operations and Maintenance Plan shall be included in the Order of Conditions recorded at the Registry of Deeds. Records of said inspection and cleaning shall be maintained on site and made available to the Commission upon request.

I. Any fencing within a resource area or 100 ft. buffer zone 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. The gap shall be at least 6 in., except where a hazard to small children (e.g., falling or drowning hazard) exists on the other side of the fence, in which case the gap shall be at least 4 in.

J. Any plantings within a resource area or 100 ft. buffer 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. In addition, all areas of existing vegetation within 16 ft. of the limit of work, or within 16 ft. of the planting area, shall be rid of, and maintained free of, invasive plant species. Replanting shall be provided in case of significant failure, defined as greater than 25% mortality of any strata.

K. Sealers containing coal tar pitch shall not be used in maintenance of asphalt pavement. Asphalt-based sealers are permissible.

## **26. SITE-SPECIFIC CONDITIONS**