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Bk: 37817 Pg: 122 Page: 1 of 17  
Recorded: 05/05/2023 01:57 PM

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
WPA Form 5 - Order of Conditions  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And Westford Non-Zoning Wetland Bylaw c.171

Provided by MassDEP:  
MassDEP File #:334-1823  
eDEP Transaction #:1550039  
City/Town:WESTFORD

**A. General Information**

1. Conservation Commission WESTFORD  
2. Issuance a.  OOC b.  Amended OOC  
3. Applicant Details  
a. First Name PAUL b. Last Name STARRATT  
c. Organization TOWN OF WESTFORD DEPARTMENT OF PUBLIC WORKS  
d. Mailing Address 28 NORTH STREET  
e. City/Town WESTFORD f. State MA g. Zip Code 01886

4. Property Owner  
a. First Name b. Last Name  
c. Organization TOWN OF WESTFORD & MASSDOT  
d. Mailing Address  
e. City/Town f. State g. Zip Code

5. Project Location  
a. Street Address BOSTON ROAD  
b. City/Town WESTFORD c. Zip Code 01886  
d. Assessors - e. Parcel/Lot# -  
Map/Plat#  
f. Latitude 42.57288N g. Longitude 71.42638W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
NORTHERN MIDDLESEX		35945	125
NORTHERN MIDDLESEX		31062	275
NORTHERN MIDDLESEX		29812	168
NORTHERN MIDDLESEX		4446	228
NORTHERN MIDDLESEX		5117	304
NORTHERN MIDDLESEX		7048	249

7. Dates

a. Date NOI Filed : 3/22/2023 b. Date Public Hearing Closed: 4/26/2023 c. Date Of Issuance: 4/27/2023

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

**Massachusetts Department of Environmental Protection**  
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MASSACHUSETTS  
 DEPARTMENT OF  
 TRANSPORTATION,  
 HIGHWAY  
 DIVISION, PLAN  
 AND PROFILE OF  
 BOSON ROAD IN  
 THE TOWN OF  
 WESTFORD,  
 MIDDLESEX  
 COUNTY

TEC, INC.

JONATHAN A  
 ROCKWELL, PE

03/22/2023

1"=20'

**B. Findings**

**1. Findings pursuant to the Massachusetts Wetlands Protection Act**

Following the review of the 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:

<input type="checkbox"/> a. Public Water Supply	<input type="checkbox"/> b. Land Containing Shellfish	<input checked="" type="checkbox"/> c. Prevention of Pollution
<input type="checkbox"/> d. Private Water Supply	<input type="checkbox"/> e. Fisheries	<input checked="" type="checkbox"/> f. Protection of Wildlife Habitat
<input type="checkbox"/> g. Ground Water Supply	<input checked="" type="checkbox"/> h. Storm Damage Prevention	<input checked="" type="checkbox"/> i. Flood Control

**2. Commission hereby finds the project, as proposed, is:**

**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 interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act , 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 310CMR10.02(1)(a). 1  
a. linear feet

**Inland Resource Area Impacts:(For Approvals Only):**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. <u>linear feet</u>	b. <u>linear feet</u>	c. <u>linear feet</u>	d. <u>linear feet</u>
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. <u>square feet</u>	b. <u>square feet</u>	c. <u>square feet</u>	d. <u>square feet</u>
6. <input type="checkbox"/> Land under Waterbodies and Waterways	a. <u>square feet</u>	b. <u>square feet</u>	c. <u>square feet</u>	d. <u>square feet</u>
	e. <u>c/y dredged</u>	f. <u>c/y dredged</u>		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. <u>square feet</u>	b. <u>square feet</u>	c. <u>square feet</u>	d. <u>square feet</u>
Cubic Feet Flood Storage	e. <u>cubic feet</u>	f. <u>cubic feet</u>	g. <u>cubic feet</u>	h. <u>cubic feet</u>
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. <u>square feet</u>	b. <u>square feet</u>		
Cubic Feet Flood Storage	c. <u>cubic feet</u>	d. <u>cubic feet</u>	e. <u>cubic feet</u>	f. <u>cubic feet</u>
9. <input type="checkbox"/> Riverfront Area	a. <u>total sq. feet</u>	b. <u>total sq. feet</u>		
Sq ft within 100 ft	c. <u>square feet</u>	d. <u>square feet</u>	e. <u>square feet</u>	f. <u>square feet</u>
Sq ft between 100-200 ft	g. <u>square feet</u>	h. <u>square feet</u>	i. <u>square feet</u>	j. <u>square feet</u>

**Coastal Resource Area Impacts:**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. <u>square feet</u>	b. <u>square feet</u>		
	c. <u>c/y dredged</u>	d. <u>c/y dredged</u>		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. <u>square feet</u>	b. <u>square feet</u>	c. <u>c/y nourishment</u>	d. <u>c/y nourishment</u>
14. <input type="checkbox"/> Coastal Dunes	a. <u>square feet</u>	b. <u>square feet</u>	c. <u>c/y nourishment</u>	d. <u>c/y nourishment</u>

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
MassDEP File #:334-1823
eDEP Transaction #:1550039
City/Town:WESTFORD

- 15. Coastal Banks
16. Rocky Intertidal Shores
17. Salt Marshes
18. Land Under Salt Ponds
19. Land Containing Shellfish
20. Fish Runs
21. Land Subject to Coastal Storm Flowage

22.

Restoration/Enhancement (For Approvals Only)

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 & d or B.17.c & d above, please entered the additional amount here.

- a. square feet of BVW
b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

- 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

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

Provided by MassDEP:  
MassDEP File #:334-1823  
eDEP Transaction #:1550039  
City/Town:WESTFORD

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

" Massachusetts Department of Environmental Protection"  
[or 'MassDEP']  
File Number : "334-1823"
  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 Mass DEP.
  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.
  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

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:334-1823

eDEP Transaction #:1550039

City/Town:WESTFORD

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.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order(the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to 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 Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 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; *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 19(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 Pollutant 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:  
MassDEP File #:334-1823  
eDEP Transaction #:1550039  
City/Town:WESTFORD

implement the requirements of Conditions 19(f) through 19(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.
- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

**Special Conditions:**

SEE ATTACHED SPECIAL CONDITIONS

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

2. The Conservation Commission hereby (check one that applies):

a.  DENIES the proposed work which 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b.  APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw WESTFORD  
NONZONING  
WETLANDS BYLAW  
2. Citation CHAPTER 171

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:  
SEE ATTACHED SPECIAL CONDITIONS

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

Provided by MassDEP:  
MassDEP File #:334-1823  
eDEP Transaction #:1550039  
City/Town:WESTFORD

**E. Signatures**

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

04/27/2023  
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

4  
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.

Signatures:

Margaret Wheeler  
John R. Hill  
John R. Hill

Noel Almeida  
Therese Frank

by hand delivery on 04/27/2023  
Date

by certified mail, return receipt requested, on \_\_\_\_\_  
Date

**F. Appeals**

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

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

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

**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 this page shall be submitted to the Conservation Commission listed below.

WESTFORD

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

Provided by MassDEP:  
MassDEP File #:334-1823  
eDEP Transaction #:1550039  
City/Town:WESTFORD

Conservation Commission

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

To:

WESTFORD  
Conservation Commission

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

BOSTON ROAD  
Project Location

334-1823  
MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
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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

Rev. 4/1/2010

**Project Description:**

The project involves work within 100' of Bordering Vegetated Wetlands and an intermittent stream for vehicular, bicycle, and pedestrian safety improvements, and drainage and utility improvements along Boston Road between 1 Crown Road and 44 Boston Road and to the rear of 70 Boston Road, as part of a larger project to improve Boston Road from Main Street to the on-ramps to Interstate 495 Southbound.

**Findings**

The Commission finds that the project is a Limited Project under 310 CMR 10.53(3)(f) because it involves maintenance and improvement of an existing public roadway including pedestrian safety improvements and drainage and utility improvements.

The Commission finds that the project lies within developed, previously disturbed and altered land area.

The Commission finds that easements are required for work associated with the proposed sediment forebay on 1 Crown Road and 44 Boston Road and the proposed wet detention basin behind 70 Boston Road, and the Boston Road parcels shown on Sheet 24 of the approved Plan owned by Town of Westford and by Westford Gateway, LLC.

The Commission finds that the proposed project meets the applicable Stormwater Management Standards found in 310 CMR 10.05(6)(k-q) in accordance with 310 CMR 10.05(6)(k)7 by improving an undersized stormwater management system and providing in-system treatment through the installation of deep-sump catch basins. The Commission finds that no additional Stormwater Control Measures and/or Low Impact Development techniques could be implemented due to the limited space of the existing, developed residential corridor.

The Commission finds that the project will disturb more than one acre of land and therefore the project is subject to special filings associated with NPDES thresholds.

The Commission finds that the existing drainage system is undersized and not adequate to support the existing conditions nor the increased stormwater flow through the proposed widening, and the proposed upgrades will ensure proper drainage, including a new drainage trunkline and removal of the existing basin-to-basin connections, construction of an outlet sediment trap adjacent to the intermittent stream between 1 Crown Road and 44 Boston Road, and construction of a new detention basin to manage both quantity and quality of the stormwater before releasing into the existing wetland.

The Commission finds that there are no permanent impacts to the BVW.

The Commission finds that impacts to the Buffer Zone are limited to an approximately 200-foot length of Boston Road from 1 Crown Road to 44 Boston Road, and a portion of the proposed wet detention basin near 70 Boston Road and the I-495 on-ramps.

The Commission finds that permanent activities within the Buffer Zone will consist of new impervious surface associated with the roadway widening and sidewalk installation along Boston Road; abandonment of the existing water line and installation of a new water line; new drainage infrastructure including detention basin, outlet control structure, sediment trap, deep sump catch basins, and riprap spillway. The Commission further finds the temporary impacts to the Buffer Zone total 47,555 SF and all temporary impacts to the BVW 100-foot buffer area adjacent to Crown Road will be fully restored once construction is completed.

The Commission finds that the seed mixes proposed for the wet detention basin are ecotypic to the region and will provide ideal wildlife habitat and food sources.

Westford Department of Public Works, Boston Road Right-of-Way  
Right-of-way along Boston Road between Main Street and the on-ramps for Interstate 495 Southbound  
(334-1823)

The Commission finds that the project does not discharge to areas that are within or near areas of critical environmental concern.

The Commission finds that during construction, erosion control measures will be implemented to prevent construction-related pollutants from reaching the wetlands.

The Commission finds that the Contractor will be responsible for controlling erosion and dust throughout construction.

The Commission finds that stabilization, such as temporary vegetation, mulch, and/or jute netting will be provided on disturbed areas if final grading is to be delayed for more than 21 days.

The Commission finds that no portion of the proposed project is located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP).

The Commission finds that the project has been designed to minimize disturbance to existing trees and shrubs.

The Commission finds that, due to the nature and purpose of the proposed activities, there are no practicable alternatives to the Project.

The Commission finds that the project, if completed in compliance with this Order of Conditions (OOC) and the approved plan, complies with the MA Wetlands Protection Act and Regulations and the Town of Westford's Non-zoning Wetland Bylaw and Regulations.

The following Special Conditions also apply to work within the jurisdictional areas of the Conservation Commission as defined by MA General Laws, Chapter 131 section 40 and the Westford Non-zoning Wetland Bylaw Ch. 171 and regulations Ch. 235.

**Special Conditions:**

21. It shall be understood by the applicant that the issuance of this Order of Conditions shall apply to the Massachusetts Wetlands Protection Act and the Town of Westford's Non-Zoning Wetlands Bylaw.
22. There shall be no adverse impacts to wetland areas.
23. Notice shall be given to the Commission or its agent no more than three (3) weeks and no less than one (1) week prior to the commencement of any construction activities.
24. This Order of Conditions shall be incorporated into all bid documents for the project and reviewed with, and a copy provided to all contractors and engineers working on the site involved with site preparation, earthwork, and landscaping.
25. Prior to the commencement of the project, there shall be a meeting onsite between the project contractor and the Commission's agent to review this Order of Conditions and its requirements. A copy of said Order of Conditions and referenced plans and documents shall be onsite during all construction activities. Any other plans not consistent with the Order shall not be onsite.
26. The Applicant and their employees and contractors shall make no changes or additions to any of the work or construction products shown on the approved plans without first having those changes reviewed and approved by the Commission or its agent.
27. Prior to any disturbance on the site, the applicant or their representative shall submit a schedule to the Commission or its agent for review and approval. The schedule shall include a sequence of events with approximate dates of activities relevant to this Order including but not limited to:

Westford Department of Public Works, Boston Road Right-of-Way  
Right-of-way along Boston Road between Main Street and the on-ramps for Interstate 495 Southbound  
(334-1823)

- Installation of erosion controls;
- Installation of tree protection measures/fencing;
- Removal and pruning of existing vegetation;
- Removal of existing pavement;
- Installation of the sidewalk and curbing;
- Installation of stormwater drainage infrastructure;
- Installation of utilities;
- Landscaping, stabilization, and restoration of the site;
- Removal of the erosion controls;
- Key dates or milestones for activities; and
- Site management information including, names, address, phone number and email of site contractor(s).

28. Prior to the performance of any other site work, a sedimentation and erosion control barrier consisting of compost filter tube, or other control feature as may be approved by the Commission or its agent, shall be properly installed (wattles staked flush to the ground so as not to be lifted or moved easily) in the locations shown as "Prop Sediment Control Barrier" on the Final Approved Plan or as directed by the Commission or its agent. This control feature shall be properly installed and inspected and approved by the Commission or its agent prior to the commencement of any other work on the site.

Silt sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order of Conditions have been permanently stabilized and the Conservation Commission or its agent has formally approved their removal. Filter fabric placed under the inlet rim is not an acceptable substitute for silt sacks.

The Commission's agent is authorized to require the installation of any other erosion/sedimentation/work limit controls on the site as deemed necessary to protect the wetlands.

29. The applicant shall have on hand at the start of any soil disturbance, removal, or stockpiling, a minimum of 100 feet of silt fence and 50 feet of compost filter tube. Said fence and tubes shall be used for control of emergency erosion problems and shall not be used for normal control of erosion.
30. Any disturbed areas that have a slope of 3:1 or steeper shall be stabilized with erosion control blankets or other measures approved by the Commission or its agent.
31. Erosion control features shall be implemented to prevent construction-related pollutants from reaching the wetlands. The Contractor shall be responsible for controlling erosion and dust throughout construction.
32. Erosion control features shall be maintained in proper working condition during and after construction. Erosion control features shall be removed promptly following satisfactory permanent stabilization of the site with approval of the Commission or its agent, or their direction to remove said barrier. Upon stabilization of the site, the applicant shall remove the erosion/sedimentation control barriers with the approval of the Commission or its agent.
33. Any ground disturbed during any phase of the project shall be seeded and stabilized with a seed mixture approved by the Commission or its agent. The disturbed areas shall be seeded and stabilized within the same growing season the work occurs and no later than September 15 to ensure adequate growth within the growing season. Any areas not satisfactorily stabilized by December 1 shall be temporarily stabilized during the winter months using erosion control blankets, jute netting, and/or straw mulch. Stabilization, such as

temporary vegetation, mulch, and/or jute netting shall be provided on disturbed areas if final grading is to be delayed for more than 21 days.

34. The project shall minimize disturbance to existing trees and shrubs to the extent practicable.
35. Any required dewatering shall be performed so as to direct water to an upland discharge point, as far away as possible from the wetlands and in such a fashion that said water is temporarily detained in a stilling pond or other acceptable feature as may be approved by the Commission or its agent, and overflow from said basin or feature shall flow back towards the wetlands through a line of silt fence in combination with staked straw bales. In no case shall there be direct discharge into wetlands.
36. While work is occurring within the wetland buffer area, a monthly report detailing the Project's progress shall be submitted to the Conservation Commission or its agent.
37. Open excavations shall not remain open overnight.
38. Stormwater shall not be directed to any permanent Best Management Practice (BMP) device or structure until the associated drainage areas are stabilized.
39. The applicant shall protect all stormwater BMPs during construction to prevent a reduction in the long-term capacity of the stormwater system. Upon completion of the project, the stormwater BMPs shall be cleaned of any silt and sediment.
40. During construction of the new drainage system components, care must be taken to prevent siltation from entering the system. Drainage pipes in open excavations shall not remain open overnight. Immediately following the installation of any binder course of pavement, all catch basins shall be raised and the associated stormwater system shall be fully functional as designed. Following site stabilization such that all potential flow of sediment has ceased, then all drainage features shall be cleaned of accumulated sediment, including catch basins and manholes. These features shall not be cleaned by discharge of water under pressure such that sediment is washed out into the wetland resource area.
41. All construction equipment, including, but not limited to machinery, heavy equipment and vehicles shall be parked and stored no closer than 100' from any wetland resource areas when not in use. All fuels, lubricants and hydraulic fluids shall be stored no closer than 100' from any wetland resource areas. All refueling and maintenance involving transfer of oils and hydraulic fluids shall be performed no closer than 100' from any wetland resource areas.
42. All excavate, fill, loam and any other earthen materials associated with the project shall be stored and stockpiled no closer than 100' from any wetland resource area. No excavate, fill, loam or other material shall be stockpiled against the sediment or erosion control feature.
43. No fill, excavate, construction debris or equipment or any other material shall be allowed to enter the wetlands; any such material entering the wetlands shall be removed immediately. No trees or shrubs shall be felled into or disposed of in the wetlands.
44. All imported topsoil shall be documented to be free of invasive weed seeds.
45. Only clean fill shall be used for the project. Clean fill shall be free from contamination, trash, debris, asphalt, brick, concrete, metal, wood, recycled construction materials, or other deleterious materials. No unsuitable material of any kind (stumps, roots, trash, debris, etc.) may be buried, placed, or dispersed on the property.
46. No site work shall be performed within any wetland resource area, 100 feet of any wetlands and/or floodplain between December 1 and April 1, except with the permission of the Conservation Commission or its agent following a written request from the Applicant.

Westford Department of Public Works, Boston Road Right-of-Way  
Right-of-way along Boston Road between Main Street and the on-ramps for Interstate 495 Southbound  
(334-1823)

47. Any waste materials generated by the project shall be disposed of at a proper disposal or recycling facility.
48. Any debris from the project shall be promptly removed from the site, and in no case shall be stored on the ground, except with the review and approval of the Commission or its agent, to ensure said storage will not result in discharge of waste materials into the BVW.
49. All landscaping on the site shall be installed so as to not require the ongoing use of fertilizers, herbicides, and pesticides within 100 feet of a jurisdictional wetland resource.
50. Within the wetland buffer, the Applicant shall stabilize disturbed areas with groundcover seed mixes composed of native species ecotypic to the region. Any substitutions shall be reviewed and approved by the Commission or its agent.
51. In the final condition, disturbed areas that are not paved shall be stabilized and landscaped with loam and seed; in areas with a slope of 1.5:1 or greater, modified, seeded rockfill shall be placed for stabilization.
52. **Upon completion of the project the proponent shall request a Certificate of Compliance.** If the project has been conducted in accordance with plans stamped by a registered professional engineer, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for the Certificate of Compliance.

After the project is constructed, a certified "as-built" plan shall be submitted to the Commission. The as-built plan shall include but not be limited to: work in the Buffer Zone final grades, calculations of impervious area and any additional information necessary to aid the Commission's evaluation of the project before issuance of a Certificate of Compliance for work under this Order.

**Final Approved Plan:**

"Massachusetts Department of Transportation, Highway Division, Plan and Profile of Boson Road in the Town of Westford, Middlesex County ," scale 1"=20', dated March 22, 2023, prepared by TEC, Inc., signed and stamped by Jonathan A. Rockwell, PE, containing 30 sheets.

**Plans and Documents Considered:**

- Notice of Intent application dated March 23, 2023 including Project Narrative;
- Wetland Delineation Report, dated November 20, 2018, prepared by Rimmer Environmental Consulting, LLC;
- "Massachusetts Department of Transportation, Highway Division, Plan and Profile of Boson Road in the Town of Westford, Middlesex County ," scale 1"=20', dated March 22, 2023, prepared by TEC, Inc., signed and stamped by Jonathan A. Rockwell, PE, containing 30 sheets;
- Stormwater Report, MassDOT Project No. 609035, dated March 22, 2023, prepared by TEC, Inc., including:
  - Appendices: MassDEP Checklist for Stormwater Report; Soils and FEMA Information; Supporting Calculations; Hydraulic and Hydrologic Information; Stormwater Management System Operations and Maintenance Plan and Long-Term Pollution Prevention Plan, dated March 22, 2023, prepared by TEC, Inc., including attached Figures and Maps;
  - Figures: Locus Figure; Existing Drainage Patterns; Existing Key Features and Resource Areas; NRCS Soils Information; Proposed Drainage Patterns;

Westford Department of Public Works, Boston Road Right-of-Way  
Right-of-way along Boston Road between Main Street and the on-ramps for Interstate 495 Southbound  
(334-1823)

- Project Location Map, scale 1'=1,000', prepared by TEC, Inc.;
- MassMapper – Boston Road – Westford;
- MassMapper – NHESP Priority Habitats of Rare Species;
- Flood Insurance Rate Map, Middlesex County, Massachusetts, Map Revised July 7, 2014;
- Flood Insurance Rate Map, Middlesex County, Massachusetts, Effective Date June 4, 2010;
- Photo Log, Site Photographs (6).