

## **LEICESTER CONSERVATION COMMISSION**

### **ORDERS AND CONDITIONS**

#### **I. GENERAL**

1. Special Conditions include the following conditions 1 through **ALL** on the attached pages 5-3A through \_\_\_\_\_ herewith declared to be a part of this Order.
2. The Leicester Conservation Commission, herein after referred to as the LCC, approved this Notice of Intent with the following conditions:
3. This document in its entirety, (and the plan(s) approved or disapproved by this order), which consists of \_\_\_\_\_ pages starting with page number 5-1 and ending with page 5-\_\_\_\_, shall be recorded at the Registry of Deeds, immediately following the 10 day appeal period, which commences upon the date of issuance, and before all or any part of the site is sold and/or work commenced. Proof of said recording must be returned to the LCC before any work shall commence or sale finalized. Failure to comply with this Order of Conditions shall be automatically invalidate this permit.
4. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plan(s). In the event this land or any part thereof changes ownership before or during construction, the current owner shall notify the new owner, prior to the transfer of ownership, by registered mail, of this Order and shall forward proof of this notification to the LCC.
5. This Order covers only the work and work area described in the Notice of Intent and plan(s) listed on page 5-3A/B. Any work or alteration, within 50 feet of any resource area elsewhere on the property or any subdivided lot is not allowed under this Order.
6. This Order applies too only the roadways and related drainage structures and embankments. Work on any subdivided portion of the property which has not been included in the Notice of Intent or accompanying plan(s) listed on page 5-3A of this Order, has not been included in this Order of Conditions. Therefore, lots \_\_\_\_\_ shall require at least a Determination of Applicability from the LCC or the Department (DEP) before work shall commence within any wetland resource area or buffer zone.
7. The applicant, property owner or any person who purchases, inherits, or otherwise acquires real estate, upon which work has been done in violation of this order, shall forthwith comply with this Order or restore such real estate to its original condition.

## Leicester Conservation Commission Orders Of Conditions

### **II. GENERAL (Continued)**

8. Any request for an extension or a Certificate of Compliance of this Order of Conditions shall be submitted by Certified Mail at least thirty (30) days prior to the expiration date. The expiration date is three years from the date of issuance.

9. Any proposed changes in the plans approved under this Order must be submitted to the LCC for approval prior to implementation. One of the following responses will be made:

- A. If the LCC finds, by majority vote, said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
- B. If the LCC finds, by majority vote, said changes to be significant and/or deviate from the original plans, Notice of intent, or this Order of Conditions, and that the interests of the Act and/or the Leicester Wetland Bylaws would be best served by the issuance of additional conditions, the LCC will conduct another public hearing within 21 days, advertised at the applicant's expense, in order to take testimony from all interested parties. Within 21 days of the close of the public hearing, the LCC will issue an Amended Order of Conditions. No work shall be undertaken until the Amended Order of Conditions has been recorded at the Registry of Deeds and until all administrative appeal periods from the Amended Order of Conditions have elapsed.

10. Members of the LCC shall have the right to enter and inspect the property to evaluate and ensure compliance with the performance standards and conditions stated in this Order and may require the submittal of any data or information deemed necessary for said evaluation.

11. The applicant or his successor shall submit to the LCC the name, address, business and home phone number of the project supervisor who will be responsible for insuring compliance with this Order and his/her alternate.

**III. PROFESSIONALS AND REPORTING**

12. Prior to commencing work the applicant or his/her representative shall supply to the LCC in writing notice that such work is to begin and the date thereof.

13. The applicant and/or property owner(s) will assign a **ENGINEER** to supervise this project and make periodic progress reports to the LCC.

14. The applicant shall submit an "As-built" plan and/or report to the LCC upon completion of this project. The plan and/or report shall be signed by a **ENGINEER** who shall certify that the work has been done in accordance with the approved plan(s) and this Order. This plan and/or report must be submitted prior to the issuance of a Certificate of Compliance.

15. The applicant or property owner shall submit an "As-built" plan to the LCC upon completion of this project. A wetland specialist, who shall certify that the replication work has been done in accordance with 310 CMR 10.55 (4)(B), shall sign the plan. This plan must be submitted to the LCC prior to the issuance of a Certification of Compliance.

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**IV. LANDSCAPING, GRADING, SIDE SLOPES, DRAINAGE**

16. Permanent protection to the side of the (slope, embankment, ditch) consisting of **grass OR plantings** shall be implemented to prevent siltation of **AREA AS DEPICTED ON PLAN**.

17. All exposed slopes shall receive a minimum of **3 inches** of topsoil and (some ground cover, grass or other). Mulch of hay of at least **3 inches** in depth shall be placed on newly seeded slopes an/or earth capable of eroding into any area of statutory interest.

18 All altered slopes within the 50 foot buffer zone(s), shall be no steeper than 3 horizontal to 1 vertical. Any slope greater than said 3 to 1, shall be stabilized by methods approved the USDA Soil Conservation Service and submitted to the LCC.

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**V. SEDIMENTATION SILTATION CONTROL**

- 19 As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures.
20. Adequate erosion and sedimentation control measures shall be implemented and maintained in effect throughout the entire construction phase, and until the site has become stabilized with an adequate vegetative cover.
21. Hay bales and/or siltation fencing must be in place and property staked prior to any work on the site. A **single row** of firmly staked hay bales placed end to end is useful to prevent erosion of disturbed soil and to served as a visible physical barrier denoting the limit of work. A row of hay bales shall be placed **on area depicted on plan**. This hay bale barrier shall be maintained until the disturbed area has been permanently stabilized.
22. The applicant or his successor shall have on site at the start of any soil disturbance, removal, or stockpiling, a minimum of 20 hay bales and sufficient stakes for installation. Said hay bales shall be used for the control of erosion.
23. The border of the resource areas on the site shall be clearly marked in the field by stakes placed at 10 foot intervals. A continuous construction barrier shall be established between all construction areas (including replication/restoration areas) and wetland resource areas. Said barrier shall consist of hay bales dike or a properly installed silt fence. Workers are to be informed that no construction activity is to occur beyond this line.
24. The driveway(s) on lot(s) must be provided with a row of hay bales to prevent sedimentation and siltation at (side(s), base, etc.). This should be accomplished at the end of each workday. Hay bales should be on-site for this purpose.
25. All construction shall be done in a manner to minimize siltation effects.
26. There shall be no disturbance of wetlands past the stabilization line.

**VI. POLLUTION CONTROL**

27. The completion of this project shall not increase the level of pollution in the area. There shall be no discharge of gasoline or oil from any docks associated with this project.
28. All materials to be removed from the site shall comply with the State and Federal Statutes.
29. Any on-site dumpsters or excavated stockpiled material shall not be located within **50** feet of the wetland and/or resource area.
30. Materials and equipment shall be stored in a manner and location, which will minimize the compacting of soils and the concentration of run-off. Refueling of vehicles shall be in an area outside the buffer zone. If a spill occurs contaminated soils shall be removed according to guidelines established by the DEP Division of Hazardous Waste.

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**VII. FILLING AND EXCAVATION REQUIREMENTS**

31. SEPTIC SYSTEMS: Whether from on site or off site sources, any fill used in connection with this project shall be clean fill as defined in Title 5 of the State Environmental Code. Acceptable fill:

Fill material shall be clean, coarse, washed sand or other clean, granular material essentially free of clay, fines, dust, organic matter, large stones, masonry, stones, frozen clumps of earth, wood, tree branches, and water material, and shall have a percolation rate of less than 2 minutes per inch before and after placement. Before the fill is put in place, all trees, brush, and stumps shall be removed from the area to be filled. Topsoil, peat, and other impervious material shall be removed from all areas beneath the area to be filled by this Order. (310 CMR 15:02(17)).

32. During clearing operations, trees adjacent to wetlands should be felled away from the wetland and should be removed from the buffer zone. No stockpiling of erodible materials may occur within fifty (50) feet of any resource area. Work should proceed carefully, but as fast as possible, in order that the altered site adjacent to the wetland is stabilized as promptly as possible.

33. On termination of gravel operations, the site shall NOT be used for deposit, receipt or storage of solid wastes, fly ash, seepage, refuse demolition material, or similar items. Such uses shall require a new application with appropriate designs to protect the environment.

34. All waste projects, grubbed stumps, slash, construction materials, etc., shall be deposited at an approved landfill and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch.

35. Any stockpiling of topsoil shall be conducted outside of any resource area and stabilized.

36. No boxes, pallets, trees or brush cuttings, dredged materials; trash or construction debris shall be placed on any wetland resource areas.

37. No filling of any land beyond the limits or above the grades shown on plans referenced on page 5-3 \_\_\_ of this Order is authorized.

**VIII. SPECIAL CONDITIONS**

38. A strip of thick brushy vegetation along the edge of a wetland is valuable to wildlife, increases absorption of rain and reduces erosion. No cutting or removal of vegetation is permitted in this strip.

39. The protection of trees and vegetation are important to allow slow percolation of rainwater into the ground and to reduce erosion. No cutting of trees and/or vegetation is permitted in the resource area of the 100' buffer zone except as defined in these conditions and noted on the plan(s) listed on page 5-3 \_\_\_ of this Order or listed below.

40. A Board of Health permit for septic system design, must be submitted to the LCC prior to any construction within 50 of any wetland resource area (on or off site)

41. It is the responsibility of the applicant or his successor to procure all other applicable Federal, State and Local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:

- A. Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
- B. Water Quality Certification in accordance with the Federal Water Pollution Control under the authority of sect.27 (5) of Chapter 21 of the Mass. General Laws as codified in 310 CMR 4.00.
- C. Sewer extension and/or sewer connector permit from DEP Division of Water Pollution Control. D.E.O.E.A. Mass. Environmental Policy Act.

**ADDITIONAL CONDITIONS:**

**Work area must be stabilized and seeded before any hay bales are removed.**

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**IX. CONDITION OF PERPETUITY**

42. The following condition numbers 1 through ALL , shall survive this Order and shall run with the title of the property.