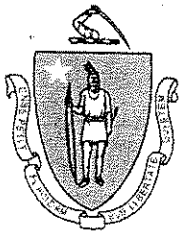


FIVE
COPY



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

334-1375
Provided by DEP

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

A. General Information

From:

Westford
Conservation Commission

This issuance is for (check one):

- Order of Conditions
- Amended Order of Conditions

To: Applicant:

Jefferson at Westford, L.P., ATTN: Paul Crisalli
Name
144 Turnpike Road – Suite 230
Mailing Address
Southborough MA 01772
City/Town State Zip Code

Property Owner (if different from applicant):

KDR Family Trust c/o R.M. Hicks, Inc.
Name
124 Main St.
Mailing Address
Westford MA 01886
City/Town State Zip Code

1. Project Location:

Littleton Road
Street Address
23
Assessors Map/Plat Number

Westford
City/Town
50, 51, 55, 77, 80, 81, 82
Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Middlesex North	18897	211
County	Book	Page

Certificate (if registered land)

3. Dates:

5/9/07	6-11-08	6-26-08
Date Notice of Intent Filed	Date Public Hearing Closed	Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

See Page 1.a - Exhibit A - for list of Final Approved Plans
Title Date:

5. Final Plans and Documents Signed and Stamped by:

James Allan Major, Kevin J. Kiernan
Name

6. Total Fee: \$15,350.00

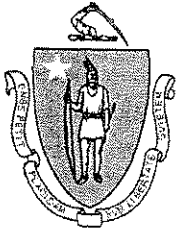
(from Appendix B: Wetland Fee Transmittal Form)

ORDER OF CONDITIONSDEP FILE NO. 334-1375**Exhibit A - Final Approved Plans:**

Site Development Plans for Jefferson@Westford, 16 Littleton Road, Westford, MA:

List of Drawings:

<u>Title</u>	<u>Sheet No.</u>	<u>Issuance Date</u>	<u>Latest Revision Date</u>
Existing Conditions Key Sheet	EX-1	12-14-06	1-29-08
Existing Conditions	EX-1A	12-14-06	1-29-08
Existing Conditions	EX-1B	12-14-06	1-29-08
Existing Conditions	EX-1C	12-14-06	1-29-08
Existing Conditions	EX-1D	12-14-06	1-29-08
Existing Conditions	EX-1E	12-14-06	1-29-08
Overall Layout & Materials Plan	C-1	12-15-06	6-4-08
Layout & Materials Plan	C-1A	12-15-06	6-4-08
Layout & Materials Plan	C-1B	12-15-06	6-4-08
Layout & Materials Plan	C-1C	12-15-06	3-18-08
Layout & Materials Plan	C-1D	12-15-06	3-18-08
Layout & Materials Plan	C-1E	12-15-06	3-18-08
Overall Grading & Drainage Plan	C-2	12-15-06	6-4-08
Grading & Drainage Plan	C-2A	12-15-06	6-4-08
Grading & Drainage Plan	C-2B	12-15-06	6-4-08
Grading & Drainage Plan	C-2C	12-15-06	3-18-08
Grading & Drainage Plan	C-2D	12-15-06	3-18-08
Grading & Drainage Plan	C-2E	12-15-06	3-18-08
Overall Utility Plan	C-3	12-15-06	6-4-08
Utility Plan	C-3A	12-15-06	6-4-08
Utility Plan	C-3B	12-15-06	6-4-08
Utility Plan	C-3C	12-15-06	3-18-08
Utility Plan	C-3D	12-15-06	3-18-08
Utility Plan	C-3E	12-15-06	3-18-08
Overall Erosion Control Plan	C-4	12-15-06	6-4-08
Erosion Control Plan	C-4A	12-15-06	6-4-08
Erosion Control Plan	C-4B	12-15-06	6-4-08
Erosion Control Plan	C-4C	12-15-06	3-18-08
Erosion Control Plan	C-4D	12-15-06	3-18-08
Erosion Control Plan	C-4E	12-15-06	3-18-08
Details	D-1	12-15-06	3-18-08
Details	D-2	12-15-06	3-18-08
Details	D-3	12-15-06	3-18-08
Details	D-4	12-15-06	3-18-08
Details	D-5	12-15-06	3-18-08
Details	D-6	12-15-06	3-18-08
Details	D-7	12-15-06	3-18-08
Details	D-8	12-15-06	6-4-08
Details	D-9	12-15-06	3-18-08
Stormtech SC-740 Detail	D-10	-	6-4-08
Wetland Replication Plan	WR-2	2-15-07	6-4-08
Critter Crossing	CC-1	-	3-18-08
Off-Site Improvement Plan	OP-1	-	3-18-08
Off-Site Improvement Plan	OP-2	-	3-18-08
Stormwater Pollution Prevention Plan	SP-1	-	6-4-08
Stormwater Pollution Prevention Plan	SP-2	-	6-4-08
Court Yard Section	CYS-1	-	3-18-08
Pavement Sections	PS-1	-	3-18-08



WPA Form 5 – Order of Conditions

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

B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- Public Water Supply Land Containing Shellfish Prevention of Pollution
- Private Water Supply Fisheries Protection of Wildlife Habitat
- Groundwater Supply Storm Damage Prevention Flood Control

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

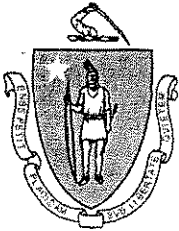
- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following 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:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- 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).

General Conditions (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.



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,

DEP File Number:

334-1375
 Provided by DEP

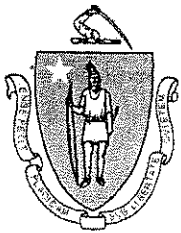
B. Findings (cont.)

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
 "File Number 334-1375 "
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order:

Plans:

Title	Dated	Signed and Stamped by:	On File With:
(See Page 1.a. – "Exhibit A")			



B. Findings (cont.)

13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. Accepted engineering and construction standards and procedures shall be followed in the completion of the project and all facilities and equipment shall be continually operated and maintained so as to comply with the conditions and the Act.
19. All on-site septic disposal systems shall be in full compliance with the Massachusetts Environmental Code, title 5, and any additional requirements established by the Board of Health.
20. The Commission is authorized to file this order of Conditions in the Registry of Deeds should the applicant fail to do so, or should the applicant fail to deliver to the Commission a certified copy of such filing showing book and page, within one month.

Special Conditions (use additional paper, if necessary):

(See Page 4.a and following for additional conditions)

ORDER OF CONDITIONS

(Littleton Road, "Jefferson at Westford")

Additional Conditions

DEP FILE NO. 334-1375

Administrative Conditions

1. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its administrative agent with full powers to act on its behalf in administering and enforcing this Order.
2. During construction the applicant shall designate a site superintendent and/or supervising engineer of their choosing who shall be responsible for implementing all mitigation measures and full compliance with this Order of Conditions, with particular emphasis on installation, inspection and maintenance of erosion control and sedimentation control measures.
3. At least one week prior to the commencement of the construction there shall be a meeting between the project contractor, the site superintendent, the applicant's supervising engineer with the Commission's Agent and the Onsite Project Review Consultant Engineer (OPRCE) to be selected by the Commission to review this Order of Conditions and its requirements.
4. A site visit shall be held with the Conservation Agent and OPRCE and project contractor and supervising engineer prior to the start of construction and after the placement of all protective measures to avoid sedimentation and erosion, including properly installed strawbales, straw wattles, woodchip bales and/or coir/coconut fiber logs, in combination with silt fencing to view these measures and determine whether they are adequate and complete.
5. The applicant or its successor shall provide adequate funds to establish a project specific agency fund to support an onsite project review consultant engineer (OPRCE) as shall be selected by the Commission who shall be onsite a minimum of once weekly, as well as on days preceding periods where 1" of rain are forecast to fall within the next 24 hours and on days following 1" of rain in a 24 hour period or period of rain equally 1" per hour or greater, during the period of time from initial clearing and grubbing of the site to completion of access roads and drives and parking areas and all site stormwater drainage control features to their stabilization, whose scope of work shall be to assure compliance with this Order of Conditions, with particular emphasis on assuring erosion/sedimentation/ work limit controls and stormwater control features are being properly maintained so as to prevent discharge of sediment to, or any other damage to onsite wetlands. An estimate of the required agency fund for the OPRCE will be provided to the project proponent prior to the commencement of construction. These inspections shall continue until such time as the work in the buffer zone is complete and the disturbed area within the Buffer zone is stabilized. Said OPRCE shall be an Agent of the Commission with authority to require onsite remediation as authorized under this Order of Conditions. Said OPRCE shall submit a brief written report to the Commission and site superintendent on a weekly basis summarizing the condition of the site and compliance with any required actions and any further remedial actions directed to be accomplished.

In the event work within the 100' Buffer Zone (hereinafter "Buffer", "Buffer Zone" or "100' Buffer Zone" shall mean that area within 100 feet of wetlands as defined in the State Wetlands Protection Act and Regulations) is completed or suspended and such area is stabilized, said inspections will be suspended until and unless work within the Buffer Zone resumes.

Any balance remaining in the agency fund following completion of the project and issuance of a Certificate of Compliance shall be returned to the project proponent.

6. A construction schedule shall be submitted to the Commission prior to the start of work, in order that appropriate monitoring of the project may take place.
7. Written notice shall be given to the Commission or its agent no more than one week and no less than two (2) days prior to the commencement of any site preparation/construction activities, including major removal of onsite vegetation, excavation/regrading, and trucking in of fill or other earthen materials.
8. As general site preparation work proceeds, great care shall be taken to assure that all stormwater drainage is controlled onsite, such that there is no channelized flow of runoff towards any wetlands or towards adjacent properties, and there will be no discharge that will overwhelm the erosion/sedimentation/work limit control lines. As clearing and preparation of the site proceeds and grubbing and stump removal operations begin, temporary diversion swales and berms and retention/detention/sedimentation ponds as shown on the Plan of Record as listed on Page 1.a shall be established to assure stormwater drainage is properly controlled onsite and not allowed to discharge in a fashion that will overwhelm the erosion/sedimentation/work limit control line. The Commission's agent is authorized to require the applicant to establish temporary basins and any other stormwater controls that may be deemed necessary to control site drainage during the construction phase. The locations of temporary control installations may be varied as necessary, provided the overall goals of assuring no water drains from the site in an uncontrolled fashion and that no sediment is discharged to the wetlands are met. The project site superintendent shall inspect the site an hour before the end of work each day to assure that no unstable or channelized areas have been created that pose a hazard of overwhelming erosion and sedimentation controls or that any other environmentally unsound condition has been created. Upon observation of a problem, she or he shall assure that said dangerous condition is eliminated during that work day. At no time shall any drainage be allowed to drain from the paved areas, or any other altered area of the site within the 100' Buffer Zone toward the wetlands in an uncontrolled fashion.
9. Once commenced, work should proceed in a timely manner with minimal delays so as to minimize the time the site is in an unstable condition. Should conditions evolve such that the applicant wishes to stop construction activities for whatever reasons, then the Commission or its agent may require unstabilized portions of the site to be controlled by establishment of plantings, ground cover, mulching, rip-rap, erosion control blankets or a combination of these techniques or other stabilization method appropriate for the slope condition.
10. In the event of the sale of the property or conversion to condominiums, to assure that all future owners of the development are properly informed of the limitations on the site, a notice of this Order of Conditions and its requirements and limitations on the site shall be incorporated in all purchase and sale agreements and deeds prepared for the property and copies of these documents submitted to the Commission prior to occupancy.

11. When ownership, title, control of this property transfers from one party to another, the owner(s) shall inform the successor(s) in the control or interest of the existence of this Order of Conditions. Once aware of the Order the successor(s) shall notify the Commission of the ownership and/or control, stating that he/she/they have received, read, and understood the Order. Notification to the Westford Conservation Commission shall be given within ninety (90) days of the date of transfer. This condition shall survive the issuance of a Certificate of Compliance and shall run with the Title to the property.
12. No site work involving excavation or regrading shall be performed in the Buffer Zone between December 1 and April 1, except with the permission of the Conservation Commission or its agent.
13. A Conservation Commissioner or the Commission's Agent shall have the right to halt all work on the site if the Commissioner or Agent determines that any of the work is not in compliance with this Order of Conditions. A written notice of the concerns and required mitigation shall be submitted to the site superintendent. Work shall not resume until the Commission is satisfied that the work will comply with the Order of Conditions, and has so notified the applicant in writing.
14. This Order of Conditions is for the work described in the Notice of Intent and the plans referenced herein. No work outside the scope of these plans is authorized. Any and all additional work or changes within an area subject to the jurisdiction of the Commission and not shown on the approved plans requires a submittal to the Commission for approval. If the Commission deems it necessary, it reserves the right to require either a request for an Amended Order of Conditions or a new Notice of Intent. 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.
15. Any field changes to the Plans of Record listed on Page 1.a and as referred to in condition 12. found to be necessary, including compliance with directives of the Building Inspector or Board of Health, shall be considered as changes and shall require the approval of the Commission.
16. If any unforeseen problem(s) occurs during construction that affects any of the statutory interests of the Wetlands Protection Act, upon discovery, the applicant/developer shall contact the Conservation Commission, or its Agent, and/or the Conservation Commission or its Agent may upon discovery stop work at once and an immediate meeting shall be held. A written report of the problem shall be provided. Work shall not recommence until authorized in writing by the Commission.
17. The Commission reserves the right to call job meetings with the Applicant or his/her successor(s) in assign or control when necessary to relate concerns regarding work performed under this Order.
18. The Conditions listed here are a minimum. Failure of the Conditions to specifically address any particular kind of work within a Buffer Zone or wetlands area shall not be construed as permission to perform any environmentally unsound work which may have adverse impacts to the interests protected under the Wetlands Protection Act or Town of Westford nonzoning wetland bylaw.

Construction Conditions

19. Because site drainage conditions during construction may vary from the drainage modeling submitted for post-development conditions, it shall be the site manager's and/or supervising engineers' responsibility and priority to assure that all site drainage is properly controlled and that sufficient temporary controls are installed as necessary such that design flow rates from the project are not exceeded during the construction period and that no uncontrolled flow or gully erosion that might enter the Buffer Zone occurs onsite. It shall be the site superintendent's responsibility and priority to control sediment flow on the site and assure that no sediment is discharged to the wetlands.

The standard for this project shall be zero discharge of sediment to the wetlands. Discharge of any sediment to the wetlands may be considered a violation of this Order of Conditions.

20. This Order of Conditions shall be reviewed with and a copy provided to all contractors and engineers working on the site involved with site preparation (including timber cutting), earthwork, blasting, road and drainage construction and landscaping. All contracts issued for work on the site shall, as applicable, require compliance with all aspects of this Order of Conditions. A copy of said Order of Conditions and all referenced plans and documents shall be provided to all contractors and shall be onsite during all construction activities.

No plans or construction documents related to the project but inconsistent with the approved Plan of Record and this Order of Conditions shall be onsite at any time.

The builder and his employees and contractors shall make no changes or additions to any of the work or construction products shown on the approved plans within the area of jurisdiction of the Commission, or affecting the Stormwater drainage and management system without first having those changes reviewed and approved by the Commission or its agent.

21. Prior to the performance of any other site work, including any excavation or onsite trucking of fill and major removal of site vegetation, the site shall be prepared for proper construction control by placement of erosion, sedimentation and work limit controls in the locations shown on the Plans of Record as listed on Page 1.a and as referred to in condition 12., and inspected and approved by the Commission or its agent. To prevent introduction of weed species, hay bales shall not be used on the site, and the erosion control/sedimentation barrier shall consist of properly installed strawbales, straw wattles, woodchip bales and/or coir/coconut fiber logs, in combination with silt fencing, or other alternative as may be approved by the Commission or its agent.

Additionally, any and all other site erosion/sedimentation control features to be installed prior to other construction activities as called for in the Storm Water Pollution Prevention Plan as required by the USEPA for the required NPDES permit for the site shall have been installed and approved by the Commission or its agent. A copy of said Plan shall be submitted to the Commission prior to commencement of work on the site.

These installations shall be inspected and approved by the Commission or its agent prior to the commencement of any other work on the site.

22. The wetlands replication shall be conducted *prior* to the Commission-approved filling of existing wetlands at the site and shall be conducted in accordance with the specifications as shown on the Plans of Record. Said work shall be conducted under the supervision of a qualified wetland scientist.

Following construction, the wetlands replication area shall be monitored by a qualified wetland scientist, for three years following initial construction of the replication area. The monitoring includes observing and recording what is occurring in the replication area and implementing corrective actions to ensure that the replication area is appropriately established and maintained for long term success.

The monitoring component of the replication plan shall consist of an initial inspection, approximately 3-4 weeks following planting, and at the beginning and end of the first three full growing seasons following replication (e.g., April and October). A monitoring report shall be provided to the Commission by April 31 and October 31 of each year during the monitoring period.

Monitoring will include documenting the overall establishment of soil stability, hydrology and plant cover. Prior to replication, fixed-point monitoring locations within the replication area shall be identified and marked in the field using stakes and flagging. Monitoring locations shall consist of a minimum of five-1 square meter plots placed along transects. Within each plot, stem counts and percent cover of each ground cover species and tree/shrub species shall be documented. Photographs of monitoring locations shall be taken during monitoring events. All planted trees and shrubs within each area shall be examined during monitoring visits. Replication success shall be measured by documenting the following criteria:

- 75% or greater revegetation of wetland indicator species, as measured by percent cover;
- Hydrology (e.g., soil saturation or inundation) and indicators of hydric soils (e.g., gleyed chroma; mottling; oxidized rhizospheres etc.) within 0-12" of ground surface; and
- General stabilization of the soil in the area and lack of significant erosion and run-off.

In the event that severe runoff, channeling, or other erosion is observed in the replication area, measures shall be taken to mitigate the problem and restore the damaged area. Mitigation measures may include the use of straw or other cover, jute mats, or barriers to divert/slow runoff. Plant damage and stress shall be noted during monitoring activities. If greater than 25% of individuals of a newly planted species appear dead or stressed, these plantings shall be replaced, and any physical signs of disturbance (such as wind damage, soil erosion or wildlife browsing) shall be remedied as needed. Following any destructive weather events (e.g., winter storms, hurricanes etc.) and at the end of the winter season, the replication areas shall be inspected for weather-related damage.

Monitoring shall also include surveillance of non-native, invasive species in the replication area. If invasive species are noted to be greater than approximately 10% of the plant cover

in the replication area, measures shall be taken to reduce the amount of invasives. During the monitoring period, undesirable invasive non-native species (e.g., purple loosestrife, glossy buckthorn, Japanese barberry, bittersweet) that are identified during inspections shall be physically removed (via hand-pulling, digging or weed wrench) to the extent possible, to prevent establishment of these species, when practicable. If the number of invasive plants is too large to be managed through hand-pulling, then other options, as approved by the Commission or its agent, shall be considered in managing their spread (e.g., enhanced native plantings or selective herbicide application in conjunction with cutting/pulling). Herbicide applications shall be conducted by a Massachusetts licensed herbicide applicator.

23. ~~In areas calling for installation of curbing along access ways, the curbing, or acceptable alternative such as a temporary raised asphalt berm at the road edge, shall be installed at the same time as the binder coat of asphalt to assure road drainage is directed to catch basins or other drainage control features. Catch basins shall be installed with grates at grade with the binder course of pavement, or configured in such a fashion to collect drainage from the binder course of pavement on the access ways, and shall be raised if necessary when the final coat of pavement is laid. All catch basins shall be installed with a functional oil and grease trap, with a minimum 48" deep sump. Riprap velocity reduction pads shall be installed at the outlets of all flared end culverts at the same time as the culvert installations. Siltsac inlets shall be installed within the catch basins and shall remain in place during construction activities.~~
24. Excavated materials and earthen and other materials brought onto the site for construction purposes shall be stored and stockpiled as far as possible from the wetlands. In no case shall excavated material or fill or any other material be stored and stockpiled directly adjacent to the sedimentation barriers.
25. All drainage and erosion and sedimentation and work limit control features, including sedimentation barriers and drainage swales, shall be maintained in proper working condition during construction until the Commission or its agent authorizes or requires their discontinuance. Accumulated siltation at the sediment barriers and in the drainage swales shall be removed as needed to a proper upland disposal location.
26. The integrity of the erosion and sedimentation control measures shall be inspected and maintained as necessary by the project engineer or job superintendent as documented in the Storm Water Pollution Prevention Plan during the construction period. Any signs of slope erosion or other erosion shall be immediately reported to the Commission or its agent and steps taken to stop said erosion and stabilize the affected areas.
- Upon notice by the Commission or its agent that modification or additions to the erosion control measures are required, the proponent shall within 24 hours commence installation of such measures. Accumulated siltation at the sediment barriers shall be removed as needed to a proper upland disposal location.
27. No excavated material, fill, demolition or construction debris or equipment, or felled trees or shrubs or material of any kind shall be allowed to enter the wetlands; if any such material enters

any wetlands, the Commission shall be notified immediately, so as to allow it to supervise its immediate removal in a way that will not further damage the wetlands.

28. All disturbed areas in the Buffer Zone shall be permanently stabilized as soon as possible following completion of site work and site grading. Those areas not permanently stabilized by December 1 shall be temporarily stabilized for the winter months by proper installation of erosion control blankets or jute mesh or other acceptable method.
29. After establishment of erosion and sedimentation controls, no synthetic fertilizer, herbicides or pesticides shall be used at the site in the 100' Buffer Zone. This condition shall survive the issuance of a Certificate of Compliance and shall run with the Title to the property.
30. All erosion/sedimentation barriers should be removed as soon as possible following stabilization of upgradient areas and/or as shall be directed by the Commission or its agent.
31. Silt fencing must be of sufficient porosity to pass detained water without allowing suspended sediments to pass through the fence. Choice of suitable silt fence materials should be based on the design specifications listed by various manufacturers.
32. The area between the erosion control/work limit barriers as shown on the Plans of Record in this Order of Conditions and the wetlands shall be designated as a buffer zone within which no site disturbance shall be allowed, including, but not limited to, the operation of any construction equipment, excavation and regrading, removal of trees or any other vegetation, and placement of excess fill, loose boulders and any debris or tree or shrub slash, with the exception of removal of any existing debris in any such location.
33. Trucking shall be avoided in inclement weather or other appropriate means taken to prevent siltation of roadways, highways, and adjacent wetlands.
34. All construction equipment, including but not limited to machinery, heavy equipment, and vehicles shall be parked and stored as far away as possible from all wetlands when not in use. All fuels, lubricants and hydraulic fluids shall be stored outside the 100' Buffer Zone. All refueling and maintenance involving transfer of oils and hydraulic fluids shall be performed outside the 100' Buffer Zone.
35. A geotechnical engineer shall be on-site to witness and document the geopier installation, and assess installed pier capacities. ZBA ?
36. The installation of the geopiers shall be witnessed by the Town's OPRCE engineer at the commencement of the installation and during modulus testing. Inspection of erosion and sedimentation control in the geopier installation area shall be part of the OPRCE weekly inspection during the installation period.
37. An additional 200' linear feet of approved erosion and sedimentation controls shall be kept on site at all times.

38. The location of the proposed infiltration basins, trenches, and leaching areas shall be delineated in the field in order to prevent soil compaction from construction vehicles and placement of soil stockpiles.
39. Staging areas and stockpiles shall not be located within leaching areas following installation of said leaching areas.

Submittal Conditions

40. The final geopier layout and design report shall be stamped by a registered professional engineer and submitted to the Town prior to construction. Prior to the occupancy of any of the dwelling units in the project, the geotechnical engineer shall prepare a final inspection report to be submitted to the Town of Westford. The report shall state that the geopiers were installed according to the design documents as well as address the installed piers' capacity. Any deviations from the design documents shall be noted and addressed in the report. *relates to the builds in ZBA*
41. Prior to the occupancy of any of the dwelling units in the project, all drainage control structures for the roadways and parking areas servicing those units shall have been completed and stabilized and shall be inspected by a Massachusetts licensed civil engineer who shall provide a stamped written report to the Westford Conservation Commission that the said structures and features have been constructed and installed to the dimensions, elevations and specifications as shown on the Plans of Record and as indicated in this order of conditions and have been cleaned of all accumulated sediment, are stable and fully functional as represented in drainage calculations provided with the Notice of Intent.
42. The applicant, or its successor, shall retain the design engineer of record or other Massachusetts licensed civil engineer to monitor the stormwater drainage management system. Said engineer shall inspect the system twice: first, following completion of all building construction and related site work, to site stabilization, and second, three years following initial occupancy of the dwellings in the project.

Said Engineer shall prepare a report regarding these inspections and said report shall indicate how the system is functioning and if minor modifications are needed to optimize the function of the system. The report shall also review compliance with the stormwater drainage system operation and maintenance requirements. The Applicant shall notify the Commission immediately if the stormwater management system is found by the engineer not to be functioning or being properly maintained along with a schedule of how the failure(s) will be corrected.

The applicant may be granted a Certificate of Compliance following the completion of the first inspection, given that the site is otherwise in compliance with the requirements of this Order of Conditions. However, given the fact that the proper function of the stormwater drainage management system is the keystone to proper wetlands protection and unanticipated problems with drainage systems can occur in the period shortly after initial construction and certification, the applicant or successor shall grant written permission to the Commission or its agent to enter the site to inspect the stormwater drainage management system in the period between the first and second engineer's reports as described above.

43. The applicant shall submit the required EPA Storm Water Notice of Intent (NOI) and Storm Water Pollution Prevention Plan to the Town 30 days prior to the submission to the EPA for review by the Town's Consultant. The NOI shall include a list of the operators, project managers, emergency contacts, and subcontractors identified as of that date.
44. The contractor shall provide means and methods plan for site work and a submittal of his intended dewatering plan with supporting calculations stamped by a registered professional engineer. These documents shall be included in the required EPA NOI & SWPPP and forwarded to the conservation commission prior to the start of construction.
45. Within two weeks of its installation, the proposed three Critter Crossings shall be inspected by a Massachusetts licensed civil engineer who shall certify in a written report to the Westford Conservation Commission that said Crossings have been installed to the specifications, dimensions, and inverts as shown on the Plans of Record.
46. Upon completion of the project the proponent shall request a Certificate of Compliance. A written report from a Massachusetts licensed civil engineer, bearing his/her stamp shall be submitted with said request with "as-built" plans showing all excavation, regrading and construction, including the wetland replication area, as actually carried out, certifying that the work was done in accordance with the approved Plan of Record and this Order of Conditions. Should the completed work differ from the original plan and conditions, the report/request shall specify and explain the deviations.
47. Components of the stormwater drainage system shall be operated and maintained as listed in Exhibit B as attached to this Order of Conditions.

The following additional long term maintenance standard shall apply:

- All yard wastes collected on the project shall be disposed of either off-site or at a designated composting area located outside the 100' Buffer Zone.

These post construction maintenance activity conditions shall remain in effect permanently.

EXHIBIT B

POST CONSTRUCTION OPERATION AND MAINTENANCE PLAN

In accordance with the standards set forth by the Stormwater Management Policy issued by the Massachusetts Department of Environmental Protection (MDEP), Allen & Major Associates, Inc. (A&M) has prepared the following Operation and Maintenance plan for the proposed storm water management system for the proposed development.

This plan is broken in to two major sections. The first section describes construction-related erosion and sedimentation controls. The second section is devoted to a post-development operation and maintenance plan. An operation and maintenance schedule has been included with this report.

Basic Information

Proponent: Jefferson at Westford, L.P.
Address: 144 Turnpike Road, Suite 230
City: Southborough, MA 01772

Post-Construction Activities

1. Paved Areas – Paved areas should be swept as part of the routine site maintenance. Pavement sweeping is an excellent source control for sedimentation to the existing drainage system and at a minimum shall be performed in the spring and fall of each year.
2. Environmentally friendly deicers, such as calcium magnesium acetate and potassium acetate or carbohydrate-derived deicers are to be used on roadways and parking areas.
3. Catch Basins - Catch basin grates shall be inspected at a minimum of once a year and following heavy rainfalls to verify that the inlet openings are not clogged by debris. Debris shall be removed from the grates and disposed of properly offsite. Deep sump catch basins shall be inspected and cleaned at a minimum of once a year to remove all accumulated sediments. Additionally, all catch basin sumps are to be cleaned at any time of the year when 2' or less of space exists below the outlet invert. Material shall be removed from catch basins and disposed of offsite in a manner so as to not impact any wetland resource areas and in accordance with all applicable regulations.
4. All sediments removed from site drainage facilities shall be disposed of properly in a manner so as to not impact any wetland resource areas and in accordance with applicable local and state regulations.
5. All vegetated areas on the site shall be stabilized and maintained to control erosion. Any disturbed areas shall be re-seeded as soon as practicable.
6. Work within any drainage structures shall performed in accordance with the latest OSHA regulations, and only by individuals with appropriate OSHA certification.

ORDER OF CONDITIONS

DEP FILE NO. 334-1375

7. All hydrocarbon traps shall be checked for physical integrity and sealed immediately after each catch basin cleaning.
8. Riprap pad areas shall be inspected quarterly.
9. Oil absorbing "pillows or other means shall be used to remove accumulations of hydrocarbons (oil and grease) in catch basins that are regularly observed to contain hydrocarbons, which do not evaporate between inspections.
10. All broken, leaking or otherwise damaged structures shall be replaced with similar weight and loading characteristic replacement parts.
11. Detention basin discharge and inlet locations shall be inspected after each significant rainfall event and at least monthly for the first year after each basin is completed. Any erosion shall be repaired immediately and additional erosion protection shall be installed. After the first year, the discharge and inlet locations are to be inspected periodically as necessary to ensure they are functioning properly. The replacement of any pipe or drainage structure shall match the original design specifications.
12. Maintenance Responsibilities - All post-construction maintenance activities shall be documented and kept on file and made available to the proper town authorities upon request.

Exhibit B, continued.

OPERATION AND MAINTENANCE PLAN

Project: Jefferson @ Westford
Address: 16 Littleton Rd, Westford, MA

Date: 9/7/2007
Revised 11/12/07
Revised 03/07/08

Structure or Task	Inspection Schedule	Inspection Performed Date	By:	Method	Notes/Remarks
Street Sweeping	March/April October/November			Sweep/Power Broom or Vacuum Parking Lots	Sweep paved areas as needed, but not less than (4) times per year Submit information that confirms that all street sweepings have been disposed in accordance with state and local requirements
Deep Sump Catch Basins	Quarterly Quarterly			Clam Shell or Vacuum Sumps	Clean when sediment is 6" Deep Submit information that confirms that all catch basin sediments have been disposed in accordance with state and local requirements
Stormceptor Unit	Monthly Monthly			Storm Water Management System See the attached Stormceptor System Maintenance package for the inspection and cleaning procedure.	Clean when sediment is 6" Deep Submit information that confirms that all water quality inlet sediments have been disposed in accordance with state and local requirements.
Underground Detention System	March/April October/November			Vacuum Dry Remove debris from the base of the structure.	Clean when sediment is 6" Deep Submit information that confirms that all underground detention system sediments have been disposed in accordance with state and local requirements.
Infiltration/Orientation System	Quarterly Quarterly			Vacuum Dry Remove debris from the base of the structure.	Clean when sediment is 6" Deep Submit information that confirms that all underground detention system sediments have been disposed in accordance with state and local requirements.
Sediment Forebays				Install marker to inspect and identify when sediment needs to be removed	Traps should be cleaned four times a year and inspected monthly.
Sediment Forebay 1					
Sediment Forebay 2A					
Sediment Forebay 2B	Once a month				
Sediment Forebay 3A					
Sediment Forebay 3B					
Sediment Forebay 4					
All Above Ground Storm Water Ponds & OCS	Once every 3 Weeks Once Established 2 Times a Year			Sediment must be maintained & removed during joint establishment. Sediment culling of undesirable plants while facility is being established. (By Hand) Discharge pool water into service bunker truck to partially drain pool in fall.	Periodic cleaning of OCS once established. (By Hand) Periodic harvesting or vegetation once established. (By Hand) Upper slope, side slopes, embankment, and emergency spillway to be mowed at least twice per year. Pool water shall not be discharged into wetland, detention ponds, or drainage structures under any circumstances.
Feet Water Discharge	Once a Year			Remove Debris and Sediment Build up	Avoid dumping snow over end of tanks
Critter Crossing	Monthly			ICB Management Targeted Larciding treatment to CB's and all storm drains to control Mosquitoes in their aquatic stages.	Surveillance is a non chemical inspection method that involves classification of Mosquito breeding sites, larval presents, and survey.
Mosquito Control	April / September Once Every Two Months			Debris shall be cleared from site and properly disposed of at the end of the snow season, but no later than May 15. Environmentally friendly deicers such as calcium magnesium acetate and potassium acetate are to be used to the extent possible. Invasive species shall be culled out by hand.	Avoid dumping snow removal over CB's, in detention ponds, sediment forebays, rivers, wetlands, and flood plain. (See Site Plan for locations)
Snow Storage	All Snow events				
Wetland Replication Area	Biannually for the next 3 years				

Party Responsible for O & M Plan: JPI Development Services, L.P.
Address: 144 Tumpike Road, Suite 230, Southborough, MA 01772
Contact: Paul Cincilli
Phone: 508-786-0300

R:\Projects\120-13BWP\Misc\Final\B-Exhibit-B-OMM-Spreadsheet_L92-of-2



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

334-1375

Provided by DEP

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

Findings as to municipal bylaw or ordinance: (Ch. 40B Project: Local Bylaw Waived)

Furthermore, the Westford Conservation Commission hereby finds (check one that applies):

that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

(Ch. 40B Project: Local Bylaw Waived)
Name

Westford Nonzoning Wetlands Bylaw
Ch. 171 Code of the Town of Westford
Municipal Ordinance or Bylaw

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.

that the additional conditions are necessary to comply with a municipal ordinance or bylaw.
(Ch. 40B Project: Local Bylaw Waived)

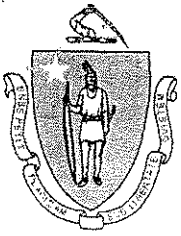
Westford Nonzoning Wetlands Bylaw
Ch. 171 Code of the Town of Westford
Municipal Ordinance or Bylaw

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

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

6-26-08
Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

334-1375
Provided by DEP

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

Conservation Commission Signatures:

[Signature]
Frank J. Winters
A R Jeffries

Marilyn Frank
P.S.O. W

On THIS 25TH DAY Of JUNE 2008
Day Month and Year

Before me, the undersigned notary public, personally appeared ERIC FAHLE, MARILYN FRANK, FRANK J. WINTERS, PETER MAHLER, ANN R. JEFFRIES

proved to me through satisfactory evidence of identification, which was PERSONAL KNOWLEDGE to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for the stated purpose.

George William Turner 11-6-09
Notary Public GEORGE WILLIAM TURNER My Commission Expires

This Order is issued to the applicant as follows:

- by hand delivery on by certified mail, return receipt requested, on 6-26-08

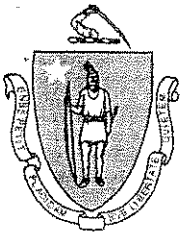
C. Appeals # 7008 0150 0002 5511 5769

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

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.

D. Recording Information This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below:

Westford Conservation Commission



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,

DEP File Number:

334-1375

Provided by DEP

? was it ever recorded?

D. Recording Information (cont.)

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

To:

Westford Conservation Commission
 Conservation Commission

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

Project Location _____ DEP File Number _____

Has been recorded at the Registry of Deeds of:

County _____ Book _____ Page _____

for:

Property Owner _____

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

Book _____ Page _____

In accordance with the Order of Conditions issued on:

Date _____

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

Instrument Number _____

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

Document Number _____

Signature of Applicant _____

Page 7