



**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:

49-543

**A. General Information**

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



From: New Bedford  
 1. Conservation Commission

2. This issuance is for (check one): a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

Jacqueline Coucci City of New Bedford  
 a. First Name b. Last Name c. Company  
133 William Street  
 d. Mailing Address  
New Bedford MA 02740  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

133 William Street City of New Bedford  
 a. First Name b. Last Name c. Company  
133 William Street  
 d. Mailing Address  
New Bedford MA 02740  
 e. City/Town f. State g. Zip Code

5. Project Location:

225 Hathaway Boulevard New Bedford  
 a. Street Address b. City/Town  
69; 75 125; 167  
 c. Assessors Map/Plat Number d. Parcel/Lot Number  
 Latitude and Longitude, if known (note: electronic filers will click for GIS locator):  
 e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Bristol  
 a. County b. Certificate (if registered land)  
849; 885 329; 401  
 c. Book d. Page

7. Dates: 5/27/05 8/29/05 8/31/05  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

See Attachment A "List of Approved Plans SE49-543"  
 a. Plan Title  
See Attachment A See Attachment A  
 b. Prepared By c. Signed and Stamped by  
See Attachment A 1"=40'  
 d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date



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**B. Findings**

1. 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:

- a.  Public Water Supply
- b.  Land Containing Shellfish
- c.  Prevention of Pollution
- d.  Private Water Supply
- e.  Fisheries
- f.  Protection of Wildlife Habitat
- g.  Groundwater Supply
- h.  Storm Damage Prevention
- i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**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 these interests, 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 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).**

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

3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				0'
				a. linear feet
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	37,900	37,900	37,900	37,900
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



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**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



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### C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
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 49-543"



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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.
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. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See Special Conditions 19-70 (ATTACHED)

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If you need more space for additional conditions, select box to attach a text document



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## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The \_\_\_\_\_ hereby finds (check one that applies):  
Conservation Commission
3.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

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If you need more space for additional conditions, select box to attach a text document



**E. Issuance**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance. Please indicate the number of members who will sign this form: This Order must be signed by a majority of the Conservation Commission. 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.

8/31/05  
 1. Date of Issuance  
 4  
 2. Number of Signers

Signatures:

*[Handwritten signatures of three individuals]*

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Bristol

On this 29th Day of August 2005

Before me, the undersigned Notary Public, personally appeared

Conservation Commissioners  
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

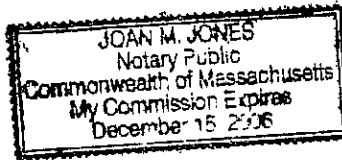
all personally known to me  
 Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Brewster  
 City/Town

Conservation Commission



*[Handwritten signature of Joan M. Jones]*  
 Signature of Notary Public  
 JOAN M JONES  
 Printed Name of Notary Public  
 December 15, 2006  
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

8/31/05  
 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 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 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. 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

**Section G, Recording Information is available on the following page.**



# CITY OF NEW BEDFORD MASSACHUSETTS

## CONSERVATION COMMISSION

133 WILLIAM STREET, ROOM 309

NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661

### Attachment A

#### List of Approved Plans

SE: 49-543

City of New Bedford

Wetlands Risk-Based Cleanup

Map 69, Lot 125 & Map 75, Lot 167

NEW BEDFORD, MA

1. Sheet 1: Wetlands Sediment Remediation Area A (South) McCoy Field/ New Keith Middle School revised date of 8/26/05.  
Prepared by BETA Group Inc. Stamped by Robert W. Kelly PE
2. Sheet 2: Wetlands Sediment Remediation Areas B & C (North) McCoy Field/ New Keith Middle School revised date of 8/26/05.  
Prepared by BETA Group Inc. Stamped by Robert W. Kelly PE
3. Sheet 3: Wetlands Sediment Remediation Profiles McCoy Field/ New Keith Middle School revised date 8/11/05.  
Prepared by BETA Group Inc. Stamped by Robert W. Kelly PE
4. Sheet 4: Wetlands Sediment Restoration Area A (South) McCoy Field/ New Keith Middle School dated 8/16/05.  
Prepared by BETA Group Inc & Gates Leighton & Associates, Inc Stamped by Wilfrid L. Gates RLA
5. Sheet 5: Wetlands Sediment Restoration Areas B & C (North) McCoy Field/ New Keith Middle School dated 8/11/05.  
Prepared by BETA Group Inc & Gates Leighton & Associates, Inc Stamped by Wilfrid L. Gates RLA

8/31/05



# CITY OF NEW BEDFORD MASSACHUSETTS

CONSERVATION COMMISSION  
133 WILLIAM STREET, ROOM 311  
NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TYY: (508) 979-1661

## SPECIAL CONDITION Numbers 19-70

SE: 49-543

City of New Bedford  
Wetlands Risk-Based Cleanup  
Map 69, Lot 125 & Map 75, Lot 167

NEW BEDFORD, MA

19. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
20. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
21. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
22. Contours shall remain unchanged except as permitted by this Order of Conditions.
23. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
24. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
25. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
26. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
27. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.

28. No runoff shall be caused to drain on to adjoining property or on any public ways.
29. All excess material shall be removed from the site.
30. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
31. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.
32. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this order.
33. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act.
35. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

**The Department of Environmental Protection  
Army Corps of Engineers  
Coastal Zone Management  
MA Division of Waterways**

39. The Conservation Commission shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. Any mitigation and resource protection devices and measures, e.g. hay bales,

siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.

42. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
43. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
44. All erosion control barriers shall be constructed of snow fencing, silt fencing and staked hay bales and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent
45. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
46. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.
47. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
48. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
49. The design engineer will certify, with an as-built plan, that this project has been complete in accordance with the above Order of Conditions before the certificate of Compliance will be issued.
50. The sequence of Remediation & Restoration activities shall be submitted to the Conservation Commission 24 hours prior to the initial on site inspection by the Commission or its designee (See Sheet 3 of the approved plans for sequence of inspections by the Conservation Commission).
51. The resume of the Applicant's Wetland Professional who shall oversee the wetland restoration, is to be submitted to the Conservation Commission for approval two weeks prior to initiation of restoration activities.
52. The Wetland Professional shall be responsible for immediately notifying the Conservation Commission when field conditions or activities arise that deviate from the Order of Conditions and approved plans. Verbal notification shall be verified with written notification within 24 hours.

53. The Wetland Professional shall be responsible for the marking of all trees within the "work area", which are greater than 6" in Diameter at Breast Height (DBH). This Order shall require all trees with a DBH greater than 6" in be saved. The trees to be saved shall be marked in the field using "lead free" paint and the word "SAVE" or a similar designation is to be painted onto the tree in letters a minimum of 4" in height.
54. The manufacturer's specifications for the "wetland crossing mats" are to be submitted to the Conservation Commission 72 hours prior to their installation.
55. Test results of the wetland restoration soils shall be submitted to the Conservation Commission to document that they are clean and contain a minimum of 24% organic matter (12% organic content). The parameters and methods for testing of soils shall include those listed in the Contract Specifications for the Wetland Restoration Section 02265 (Section 3.02 A. 1 through 6) dated 8/16/05.
56. The organic mulch to be spread around the base of all wetland plantings shall be contaminant free. The contaminant free certification and the source of the organic mulch shall be provided to the Conservation Commission (wood chips are not permitted as mulch).
57. The species of vegetation contained in wetland seed mix shall be submitted to the Conservation Commission for approval two weeks prior to use. The labels from the wetland seed mix and all wetland tree & shrub plantings shall be submitted to the Conservation Commission.
58. Plantings of trees and shrubs shall only occur during the spring (April 15 to June 15) or Fall (September 15 to October 28) weather permitting.
59. Shrub plantings in the Restoration Area shall occur so as to mimic existing conditions as much as possible. The Wetland Professional shall submit to the Conservation Commission, the planting scheme that they shall provide to the contractor, which shall designate the locations, or clumps where applicable, of the tree and shrub plantings, the number and species and any special conditions that the Wetland Professional deems necessary to ensure success. The planting scheme shall be submitted to the Conservation Commission one week prior to undertaking plantings.
60. This Order requires that a wetland seed mix be spread over the final graded wetland restoration substrate for stabilization purposes following verification of the final restoration elevations (See Special Condition # 69). All tree and shrub plantings shall be completed by year-end 2006.
61. The manufacturer's specifications for the root barrier shall be submitted to the Conservation Commission 72 hours prior to installation. Root Barrier installation shall follow all parts of Contract Document Section 02265 entitled Wetland Restoration Section 3.01 (A through E) dated 8/16/05.

62. The Wetland Professional shall submit annual monitoring reports to the Conservation Commission through the year 2008. Reports shall be submitted following the growing season in '06, '07, '08. Reports shall include all documentation required to satisfy the Performance Standards for wetland replication as stipulated in 310 CMR 10.55 (4) A and B wherever such Performance Standards apply to Wetland Restoration. Annual Reports shall also provide documentation of the success/failure of the Root Barrier System in controlling *Phragmites australis* invasion into the restoration areas and recommendations for short-term and long-term maintenance.
63. Swamp mats, or a Conservation Commission approved equivalent, are hereby approved to be utilized to access the remediation areas. Solid fill (stone, rock, dirt) is prohibited within the restoration area or temporary impact area.
64. Any temporary stockpiling of contaminated material within the "Temporary Impact Area" shall be placed on an impervious liner and surrounded by staked hay bales. Contaminated soils shall not be stockpiled within Temporary Impact Areas overnight and any contaminated material, which inadvertently falls onto wetland substrate or vegetation, outside of the remediation areas, shall be immediately removed.
65. The identification of any proposed access points or temporary stockpile areas within the Temporary Impact Areas shown on the approved plans shall be identified in the field via the placement of 1" x 1" x 3' oak stakes at each corner of the proposed access location/stockpile area. The Wetland Professional shall inventory the temporary access/stockpile area(s), documenting species, size and numbers of plants and other wildlife characteristics and hydrologic indicators. Digital photos shall be submitted along with the inventory to the Conservation Commission. The Commission or its designee, shall respond within 72 hours of notification and 1. Inspect the proposed location, 2. verify that the submitted wetland inventory is complete and 3. provide written approval or denial of the proposed temporary impact location.
66. Within 7 business days of removal of any temporary impact (access roadway or stockpile) from the Temporary Impact Area, The Wetland Professional shall submit documentation to the Conservation Commission of any impacts in the Temporary Impact Area (including impacts to the BVW vegetation, soils and topography) and a Proposed Restoration Plan, as required. Any required restoration shall be completed by the end of 2006. Documentation of the restoration to All Temporary Impact Areas shall be included in the annual monitoring report (Reference Special Condition Number 62).
67. Within 14 business days of completion of all phases of restoration (soil replacement, & plantings) a Construction Summary Report shall be prepared by the Wetland Professional and submitted to the Conservation Commission. The report shall document compliance with the Order of Conditions and note any deviations from approved means and methods, their significance, and proposed remedy if appropriate. The report shall include photographic documentation. If remediation extends beyond 2005, a fall closure report shall be submitted documenting stabilization methods in place for the winter.

68. A Topographical survey (< or = 1' contour intervals) shall be prepared by a MA Registered Land Surveyor and shall be performed when all contaminated soil has been removed and prior to soil replacement. This RLS stamped plan is to be submitted to the Conservation Commission 72 hours prior to placing any replacement wetland soils into the remediation area.
69. A Topographical survey (< or = 1' contour intervals) shall be prepared by a MA Registered Land Surveyor and shall be performed when the replacement wetland soils and wetland seeds, shrubs and trees have been planted and the site stabilized with the approved erosion controls. This survey shall be submitted to the Conservation Commission prior to or at the same time as the Construction Summary Report is submitted (Special Condition # 61). The RLS shall certify the seasonal high groundwater elevations in the restoration areas and include it on the topographical survey.
70. This Order of Conditions shall require the remediation/restoration to be performed in "the dry" whenever feasible ("the dry" defined, for this site, as when the water table is at or below the existing wetland substrate). Field conditions shall likely arise, even if done in "the dry" that require dewatering. All dewatering facilities shall be located and constructed as shown on the approved plans. The Wetland Professional shall notify the Conservation Commission prior to commencement of the dewatering of the remediation area.



**WPA Form 5 – Order of Conditions**

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

**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 Page 7 of this form shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

New Bedford  
Conservation Commission

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

Hathaway Blvd - New Bedford                      49-543  
Project Location    DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol    849; 885    329; 401  
County    Book    Page

for:

City of New Bedford c/o Jacqueline Coucci  
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