

ADMINISTRATIVE CONDITIONS:

21. Plan references:

- “Title Page,” sheet 1 of 4, dated 2/22/21, signed & stamped by Thomas F. Hayes, P.E.
- “Existing Conditions,” sheet 2 of 4, dated 2/22/21, signed & stamped by Thomas F. Hayes, P.E.
- “Drainage,” sheet 3 of 4, dated 2/22/21, signed & stamped by Thomas F. Hayes, P.E.
- “Proposed Layout and Grading,” sheet 4 of 4, dated 2/22/21, signed & stamped by Thomas F. Hayes, P.E.

except as may be modified by conditions herein

22. The proposed activity shall comply with the above referenced plan(s) except as conditioned herein. No change shall be made without formal action by the Conservation Commission. The Commission shall make no ruling on any proposed changes until the applicant has submitted a written request for the Commission to make a formal determination on whether the change will require filing a new Notice of Intent. A copy of this request shall be sent to the Department of Environmental Protection’s Northeast Regional Office. A new Public Hearing, at the expense of the applicant, shall be required to amend this Order or if necessary to issue a new Order. No work involving the change(s) shall begin until a new or amended Order has been issued and all appeal periods have expired. It is the responsibility of the Applicant to ensure that all changes accepted by or required by the Conservation Commission are reflected in plans held by other Town departments. Any errors on the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. All applicable By-law fees shall be paid by the applicant in advance of any public hearing held under this condition. Any changes in the approved plan which have been implemented without complying with this condition may result in forfeiture of all or part of the performance bond.
23. This document shall be included in all construction contracts and subcontracts dealing with the construction and shall supersede any conflicting contract requirements. A copy of this Order shall be provided to any person doing work on the site and shall be available on the site at all times during construction. Site inspections conducted by Commissioners or the Conservation Administrator shall check for the availability of this Order at the site.
24. **In issuing this Order of Conditions, the Conservation Commission has adopted the findings made pursuant to Burlington By-law Article XIV. The required By-law permit and aforementioned findings are attached hereto.**
25. This Order shall be deemed invalid if any of the information provided to the Commission at the time of the hearing is found to be incorrect.
26. The applicant and successors in title, and project engineers shall be responsible for any damage to other properties as a result of this construction. The project designer shall be responsible for any damage to the property of others as a result of construction done in conformance with the project design.
27. Members of the Burlington Conservation Commission and/or their designated representatives shall have the right to enter upon and inspect the premises to evaluate compliance with this Order of Conditions.
28. This Order does not relieve the applicant from the responsibility to be in compliance with all local, state, and Federal laws and regulations. Copies of all obtainable permits, variances, and approvals, required under the Act, and as set forth under 10.05 (4)(e), shall be submitted to the Commission

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March 31, 2021**

prior to commencing any work on site. The applicant shall not commence work until evidence has been provided that all applicable permits have been obtained.

29. By acceptance of this Order of Conditions and commencement of work authorized herein, the applicant, owner, and their respective agents, assign, and successors in title agree to indemnify, defend and hold harmless the town for any damages that might occur on or off the subject property, or any legal claims which may be attributable to any alterations undertaken or construction performed on the subject property pursuant to this Order of Conditions. Issuance of this Order does not in any way imply or certify that the subject property or downstream or adjacent properties will not be subject to flooding, storm damage, or any other form of water damage that might result from alterations undertaken or construction performed on the subject property pursuant to this Order of Conditions.

PRE-CONSTRUCTION CONDITIONS:

30. The Conservation Commission shall receive **written notice, not less than two, or more than five business days** prior to the commencement of any activity on the site. In the event that work ceases on the site for a period of time greater than five business days and inspections required by this Order are stopped, this Condition shall again apply prior to recommencing work on the site. Compliance with this Condition does not relieve the applicant from complying with all other Conditions. All Conditions requiring additional information prior to commencing construction shall be met prior to submitting this notice.

31. Prior to commencing any construction activities (with the exception of installing sediment and erosion controls), the applicant and contractor(s) shall meet with Conservation Staff to review this Order of Conditions. At or before this meeting, the applicant shall provide the Conservation Department with the following;

- list containing the names, addresses, business and home telephone numbers of the project supervisors who will be responsible for ensuring on-site compliance with this Order;
- set of photographs depicting the project site in pre-construction condition

In addition, the Conservation Staff will check for the presence of the following items at the time of this site visit:

- installation of sediment barriers
- field marking of limit of work (per the reference plan);
- extra erosion controls (hay bales, stakes, sediment fence) stored in an unexposed location or covered;
- sign displaying the project's DEP File number posted in a visible location (not on a live tree);
- oil spill containment kit;
- dumpster (if required).

No work shall be permitted in areas subject to the Commission's jurisdiction until each of the above items has been provided to the satisfaction of the Conservation Staff. Failure to comply with this condition may result in the issuance of an enforcement order and/or the imposition of non-criminal penalties as allowed by Burlington By-law Article XIV.

EROSION CONTROL CONDITIONS:

32. **Prior to commencing any construction activities, erosion controls shall be installed in accordance with the erosion control plan.** Sediment barriers shall be installed by hand (unless otherwise approved by the Conservation Commission and/or Administrator) and shall thereafter be inspected and approved by the Conservation Commission or Staff. Sediment barriers shall include, but not be limited to, wattles (minimum 12") and sediment filter fabric fence or hay bales and

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sediment filter fabric fence, and silt sacks for catch basins. Each hay bale shall be bound with organic twine (rope), staked with at least two 1" x 1" wooden (oak) stakes, and properly backfilled at least 3". The sediment filter fabric fence shall be staked and properly backfilled at least 3". Other types of erosion controls may be permitted if approved in advance by the Conservation Department. **The sediment barriers shall be maintained in good condition at all times until the Conservation Commission has issued a Certificate of Compliance or has formally found the area to be permanently stabilized and the barriers no longer necessary.**

33. All disturbed areas within the jurisdiction of the Commission shall be stabilized immediately as defined herewith and re-vegetated within thirty (30) days after being disturbed. Bare ground and disturbed areas that cannot be permanently revegetated within 30 days shall be stabilized by a method approved by the Conservation Commission. Temporary stabilization shall include, but not be limited to: hydroseeding, straw mats, jute netting, sod, or another means approved by the Conservation Commission prior to its use. Where a slope is steeper than 3:1, temporary stabilization shall be staked or otherwise affixed to the slope.
34. **There shall be no dewatering permitted on this site** in conjunction with these conditions unless the Conservation Commission has received and approved – or approved with modifications – a dewatering plan which addresses issues of contamination and sediment control.
35. No materials shall be stockpiled within 100 feet of a resource area unless covered and encircled with hay bales. The applicant shall be responsible for ensuring that stockpiled materials do not erode from the limits of the pile or intrude into resource areas or associated buffer zones. In no case shall stockpiles be located closer than 30 feet from wetland boundary.
36. At the end of each workday, the **applicant shall mechanically sweep or manually sweep sediments from all paved surfaces**, unless tracking and sediment is not evident.
37. Catch basins on within 100 feet of the work shall be protected with silt sacks or equivalent. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Conservation Commission has formally approved their removal.
38. No additional grading will be permitted without first filing a written request with the Conservation Commission to determine if the grading requires either an amendment to the Order of Conditions or the filing of a new Notice of Intent. Submission of an as-built plan showing additional or different grading will result in the Commission finding non-compliance with M.G.L. c. 131 sec. 40, and Burlington By-law Article 14 and may result in full or partial forfeiture of the applicant's bond.
39. The Burlington Conservation Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Conservation Administrator or the Conservation Commission at any time when deemed appropriate.

POLLUTION CONTROL CONDITIONS:

40. If, during construction and excavation, visible, olfactory, or other evidence of oil or hazardous materials as defined in 310 CMR 40.000, animal hides, debris, or similar material is encountered, the site supervisor shall immediately cease all activity in the location and contact the Conservation Administrator and the Board of Health. Written documentation shall thereafter be provided, within twenty-one days, documenting the proper handling of these materials.
41. Evidence, such as a manifest or bill of lading, shall be provided to the Conservation Commission documenting the legal disposal of concrete, asphalt, and/or other materials removed from the site including that material removed in dumpsters.

42. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants. In the event that there is a spill of more than five (5) gallons on the site, the applicant shall immediately notify the Conservation Commission and Board of Health. In the event that there is a spill, in any amount, to a resource area or to the stormwater management system, the applicant shall immediately notify the Conservation Commission and Board of Health.
43. There shall be no more than a total of 50 gallons of fuel or maintenance chemicals relating to this construction stored in the Riverfront Area at any time. No routine servicing of vehicles used for this project shall be permitted in the Riverfront Area.
44. Equipment refueling operations shall be situated in an upland area at a horizontal distance greater than 100 feet from the bordering vegetated wetlands. Cleaning of equipment, including the washing/rinsing or concrete transports, shall not be permitted within 100 feet of bordering vegetated wetland or stream unless the Conservation Commission has formally approved a location for such activity. Upon approval of the design engineers, the concrete transports may be rinsed into the proposed excavation for the building.

LANDSCAPING CONDITIONS:

45. **Throughout this project, trash and debris, including asphalt from the existing parking lot, shall be removed by hand from the resource area, including the bank of Saw Mill Brook and the unnamed tributary and associated BVW.**
46. **Any trees damaged during the installation process shall be replaced in kind.**
47. **The tree to be removed close to the Recreation Department shed shall be replaced with a native tree.**
48. **Pesticides, herbicides and fungicides shall not be used within 200 feet of Saw Mill Brook or its tributary. This shall be noted in the Certificate of Compliance.**
49. **The vegetation in the swales shall be cut with weed whackers/trimmers (no mowers) only once per year and shall otherwise be left as naturally vegetated.**

DRAINAGE AND STORMWATER MANAGEMENT CONDITIONS:

50. **The installation/construction of the drainage swales shall be witnessed by the design engineer.** The engineer shall submit documentation to the Conservation Commission stating that the installation/construction was conducted properly (in compliance with all conditions herein) and in accordance with the reference plans.

CERTIFICATE OF COMPLIANCE CONDITIONS:

51. No Certificate of Compliance will be issued until the following items are submitted to, and accepted by, the Conservation Commission.
 - Two sets of as-built site plans prepared and stamped by a registered land surveyor and registered professional engineer showing grades, utilities, and landscaping. These plans shall also show all resource areas (filled and replicated), floodplain (filled and created) and associated buffer zones and shall note any deviations from the reference plans that may have occurred within these areas. Failure to submit a complete set of as-built plans, as specified in the Order, shall be grounds to deny the Certificate of Compliance.

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- A written narrative, prepared by the applicant or their representative, certifying – under the pains and penalties of perjury and based on input from the Professional Engineer who conducted the required weekly site inspections – that the proposed work was conducted in compliance with the conditions contained in this Order and approved plans referenced above. The narrative shall list each condition and what evidence constitutes the certification of compliance with the condition. The narrative shall discuss any deviations that exist, and their potential and/or realized impacts on resource areas. No deviation from the Order is permitted without formal action being taken by the Conservation Commission approving the change.
- Post-construction photographs demonstrating compliance with this Order including established vegetation where required.

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