



TOWN OF WESTPORT

856 Main Road
Westport, Massachusetts 02790
Tel. (508) 636-1019
Fax: (508) 636-1018

FILE COPY

*Conservation Commission
Soil Conservation Board*

Dear Applicant:

Your Order of Conditions is good for three years and expires
12-14-18.

Prior to start of work you must do the following:

- ◆ Read your Order of Conditions, especially the **SPECIAL CONDITIONS** attached and keep a copy on site at all times.
- ◆ Record the Order of Conditions at the Bristol County Registry of Deeds and provide copy as proof for file in the Conservation Commission office before commencing work.
- ◆ Post the Department of Environmental Protection (DEP) file number at the site in a visible location.
- ◆ Notify Conservation Commission office 48 hours in advance of starting work to schedule site visit and review of the erosion and sediment control measures. No work is to begin until Agent/Commission agrees that these measures have been properly installed at approved the locations.

The attached Order of Conditions is valid for three (3) years and can be extended for additional time. The Commission must receive a request for an Extension 30 days prior to date of expiration of this Order of Conditions along with a check for \$150 fee. When the project is complete, request a final inspection and a Certificate of Compliance to close the file.

ORIGINAL



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

Provided by MassDEP:
MassDEP File #:080-2210
eDEP Transaction #:796331
City/Town:WESTPORT

A. General Information

1. Conservation Commission WESTPORT

2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name _____ b. Last Name _____

c. Organization SEMLA - SOUTHEASTERN MASSACHUSETTS LIVESTOCK ASSOCIATION

d. Mailing Address 22 JORDAN ROAD

e. City/Town DARTMOUTH f. State MA g. Zip Code 02748

4. Property Owner

a. First Name _____ b. Last Name _____

c. Organization STATE ROAD WESTPORT NOMINEE TRUST- JOE COUTO & ANTONIO L. ALMEIDA TRUSTEES

d. Mailing Address 327 STATE ROAD

e. City/Town WESTPORT f. State MA g. Zip Code 02790

5. Project Location

a. Street Address 291 STATE ROAD

b. City/Town WESTPORT c. Zip Code 02790

d. Assessors Map/Plat# 14 e. Parcel/Lot# 29 & 25C

f. Latitude 41.6708N g. Longitude 71.102958W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SOUTHERN BRISTOL		53	71

7. Dates

a. Date NOI Filed : 10/30/2015 b. Date Public Hearing Closed: 12/11/2015 c. Date Of Issuance: 12/14/2015

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
NEW CRAFT SLAUGHTERING & PROCESSING FACILITY 291 STATE ROAD	FAY, SPOFFORD & THORNDIKE	MARK BARTLETT, PE	November 18, 2015	1"=60'



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B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

Approved subject to:

- a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>4098</u> a. square feet	<u>4098</u> b. square feet	<u>4656</u> c. square feet	<u>4656</u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet



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

Coastal Resource Area Impacts:

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



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19. Land Containing Shellfish

_____ a. square feet _____ b. square feet _____ c. square feet _____ d. square feet

20. Fish Runs

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

_____ c. c/y dredged _____ d. c/y dredged

21. Land Subject to Coastal Storm Flowage

_____ a. square feet _____ b. square feet

22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

_____ a. square feet of BVW

_____ b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken,



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until all proceedings before the Department have been completed.

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection"
[or "MassDEP"]
File Number : "080-2210"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions:
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater



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- Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.* the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.* the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
 - d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
 - e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
 - f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
 - g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
 - h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
 - i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
 - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
 - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around



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stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

STANDARD CONDITIONS: 1. A MEMBER OF THE CONSERVATION COMMISSION OR ITS AGENT MAY ENTER AND INSPECT THE PROPERTY AND THE ACTIVITY THAT ARE THE SUBJECT OF THIS ORDER OF CONDITIONS (OOC) AT ALL REASONABLE TIMES, WITH OR WITHOUT PROBABLE CAUSE OR PRIOR NOTICE, AND UNTIL A CERTIFICATE OF COMPLIANCE (COC) IS ISSUED, FOR THE LIMITED PURPOSE OF EVALUATING COMPLIANCE WITH THIS OOC. 2. THE TERM "APPLICANT" AS USED IN THIS OOC SHALL REFER TO THE OWNER, ANY SUCCESSOR IN INTEREST OR SUCCESSOR IN CONTROL OF THE PROPERTY REFERENCED IN THE NOTICE OF INTENT, SUPPORTING DOCUMENTS AND THIS OOC. THE COMMISSION SHALL BE NOTIFIED IN WRITING WITHIN 30 DAYS OF ALL TRANSFERS OF TITLE OF ANY PORTION OF PROPERTY THAT TAKE PLACE PRIOR TO THE ISSUANCE OF COC. 3. THIS DOCUMENT SHALL BE INCLUDED BY REFERENCE IN ALL CONTRACTS, PLANS, SPECIFICATIONS DEALING WITH THE ACTIVITY THAT IS THE SUBJECT OF THIS OOC, AND THAT ARE CREATED OR MODIFIED AFTER THE ISSUANCE DATE OF THIS OOC, ALONG WITH A STATEMENT THAT THIS OOC SHALL SUPERSEDE ANY CONFLICTING CONTRACTUAL ARRANGEMENTS, PLANS OR SPECIFICATIONS. 4. THE APPLICANT SHALL PROVIDE A COPY OF THIS OOC TO THE PERSON OR PERSONS SUPERVISING THE ACTIVITY THAT IS THE SUBJECT OF THIS OOC, AND WILL BE RESPONSIBLE FOR ENSURING THAT ALL PERSONS PERFORMING THE PERMITTED ACTIVITY ARE FULLY AWARE OF THE TERMS AND CONDITIONS OF THIS OOC. 5. ANY PERSON PERFORMING WORK ON THE ACTIVITY THAT IS THE SUBJECT OF THIS OOC IS INDIVIDUALLY RESPONSIBLE FOR UNDERSTANDING AND COMPLYING WITH THE REQUIREMENTS OF THIS OOC, THE ACT, AND 310 CMR 10.00. 6. IF ANY CHANGE IS MADE IN THE ABOVE-DESCRIBED PLANS WHICH MAY OR WILL ALTER AN AREA SUBJECT TO PROTECTION UNDER THE WETLANDS PROTECTION ACT, 310 CMR 10.00, THE APPLICANT SHALL INQUIRE FROM THIS COMMISSION OR ITS AGENT, PRIOR TO IMPLEMENTING THE CHANGE IN THE FIELD, WHETHER THE CHANGE IS SIGNIFICANT ENOUGH TO REQUIRE THE FILING OF A NEW NOTICE OF INTENT. ANY ERRORS IN THE PLANS OR INFORMATION SUBMITTED BY THE APPLICANT SHALL BE CONSIDERED CHANGES AND THE ABOVE PROCEDURES SHALL BE FOLLOWED. 7. IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ANY REVIEW REQUIRED BY ALL AGENCIES WITH JURISDICTION OVER THE ACTIVITY THAT IS THE SUBJECT OF THIS OOC, AND TO PROCURE ALL REQUIRED PERMITS OR APPROVALS BEFORE ANY WORK COMMENCES. THESE REVIEWS, PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: EPA NPDES PERMIT 8. ALL CONSTRUCTION MATERIALS, EARTH STOCKPILES, LANDSCAPING MATERIALS, SLURRY PITS, WASTE PRODUCTS, REFUSE, DEBRIS, STUMPS, SLASH, OR EXCAVATE MAY ONLY BE STOCKPILED OR COLLECTED IN AREAS SHOWN AND LABELED ON THE APPROVED PLANS, OR IF NO SUCH AREAS ARE SHOWN MUST BE PLACED OR STORED OUTSIDE ALL RESOURCE AREAS AND ASSOCIATED BUFFER ZONES UNDER COVER AND SURROUNDED BY A DOUBLE-STAKED ROW OF HAYBALES TO PREVENT CONTACT WITH RAINWATER. 9. NO MATERIAL OF ANY KIND MAY BE BURIED, PLACED OR DISPERSED IN AREAS WITHIN THE JURISDICTION OF THE COMMISSION BY ACTIVITIES THAT ARE THE SUBJECT OF THIS OOC, EXCEPT AS ARE EXPRESSLY PERMITTED BY THIS OOC OR THE PLANS APPROVED HEREIN. 10. THERE SHALL BE NO PUMPING OF WATER FROM WETLAND RESOURCE AREAS. 11. ALL WASTE PRODUCTS, GRUBBED STUMPS, SLASH, CONSTRUCTION MATERIALS, ETC. SHALL BE DEPOSITED AT LEAST 100 FEET FROM WETLAND RESOURCE AREAS AND 200 FEET FROM RIVERS, UNLESS SPECIFIED IN THIS OOC. 12. NO FUEL, OIL OR OTHER POLLUTANTS SHALL BE STORED IN ANY RESOURCE AREAS OR THE BUFFER ZONE THERETO, UNLESS SPECIFIED IN THIS OOC. 13. ANY MATERIAL PLACED IN THE WETLAND RESOURCE AREAS BY THE APPLICANT WITHOUT EXPRESS AUTHORIZATION UNDER THIS OOC SHALL BE REMOVED BY THE APPLICANT UPON DEMAND BY THE CONSERVATION COMMISSION OR ITS AGENT. 14. THERE SHALL BE NO UNDERGROUND STORAGE OF FUEL OR OTHER HAZARDOUS SUBSTANCE IN AREAS WITHIN THE JURISDICTION OF THE CONSERVATION COMMISSION. 15. NO TRASH DUMPSTERS WILL BE ALLOWED WITHIN 100 FEET OF AREAS SUBJECT TO PROTECTION UNDER THE WETLANDS PROTECTION ACT. 16. THIS OOC SHALL PERTAIN TO THE ROADWAYS, UTILITIES WITHIN THE



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ROADWAY LAYOUT, AND ASSOCIATED DRAINAGE FACILITIES. INDIVIDUAL LOT CONSTRUCTION, INCLUDING DRIVEWAYS, LOT UTILITIES, SEWAGE AND WATER, IF UNDER THE COMMISSIONS JURISDICTION, SHALL REQUIRE INDIVIDUAL NOTICES OF INTENT AND/OR REQUEST FOR DETERMINATION. 17. THIS OOC AUTHORIZES ONLY THE ACTIVITY DESCRIBED ON THE APPROVED PLANS AND APPROVED DOCUMENTS REFERENCED IN THIS OOC. ANY OTHER OR ADDITIONAL ACTIVITY DESCRIBED ON THE APPROVED PLANS AND APPROVED DOCUMENTS REFERENCED IN THIS OOC. ANY OTHER OR ADDITIONAL ACTIVITY IN AREAS WITHIN THE JURISDICTION OF THE COMMISSION WILL REQUIRE SEPARATE REVIEW AND APPROVAL BY THE COMMISSION OR ITS AGENT. 18) THE SOILS REMOVED FROM THE WETLAND CROSSING SHALL BE SET ASIDE AND SPREAD THROUGHOUT THE REPLICATION AREA 19) REPLICATION AREA SHALL BE PLANTED WITH 2 GAL CONTAINER GROWN STOCK FOR SHRUBS AND 3'-4' WHIPS FOR THE TREE SPECIES



D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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



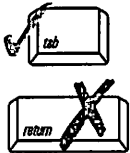
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E. Signatures

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



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

12-14-15
 1. Date of Issuance

Please indicate the number of members who will sign this form.

6
 2. Number of Signers

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 must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

 David Aguiar

 John Reynolds

 Grace Orr

 Paul Jonas

 Richard Lambert

 Michael Duval

 Jason Powell

by hand delivery on
12-14-15
 Date

by certified mail, return receipt requested, on

 Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request 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 appelliant.

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

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

