

Staff Report

Date: 11/3/20

To: **Devens Enterprise Commission**

From: Peter Lowitt, Director and Neil Angus, Environmental Planner

RE: **Shabokin Water Treatment Facility – Level 2 Unified Permit Continued Public Hearing**

This new treatment facility will replace the temporary PFAS treatment system and provide permanent treatment for PFAS, as well as iron and manganese for both the existing Shabokin Well and the approved, but yet to be constructed Sheridan well. Since the last meeting, the Applicant has revised the plans to pull development further away from the wetland resource area to satisfy comments from the MA DEP and DEC Staff. The revised plans pull the grading along the driveway further away from the wetland and the proposed detention/infiltration basin has shifted to the north and east to meet the MA DEP setback requirement of 50 feet. Nothing else on the plans has changed.

Remaining Issues:

Access/Safety: The Devens Fire Department requires 20' solid surface for emergency access so the Applicant modified their original design from an 18' to a 20'-wide paved driveway. If the Applicant does not need 20', they should consider an alternative permeable surface like reinforced turf for a portion of the driveway width to provide a stable but porous surface. This would aid in stormwater management, could reduce grading impacts, and further protect the adjacent wetland resources. The proposed facility will have a number of fuels, chemicals, and other materials stored and used on-site. Proper storage, handling, containment and management will be key to protecting water quality. MassDEP requires an Operations and Maintenance Plan Manual be completed for the entire facility prior to approval. A copy of this manual should be provided to the DEC for its records as well and has been included as a condition of approval in the draft ROD.

Building/Property Boundary: The proposed building straddles the property boundary between parcels 002.0-0099-0202.2 (Lot W-1) and 003.0-0099-203.0 (Parcel 1). MassDevelopment will need to file a Level 1 Lotting Plan to adjust the property boundary in order to meet setback requirements. This has also been included as a condition of approval in the draft ROD.

Stormwater Management: The stormwater design incorporates a number of low-impact development techniques to collect, treat, and infiltrate stormwater runoff from the new building and site. The remaining open item is the proposal to pave the bottom of the sediment forebays to avoid infiltration prior to treatment. This requirement is usually met by providing a geotextile (fabric) liner covered by soil and vegetation – similar to the proposed vegetated swales being proposed. This method provides more treatment and low-impact stabilization than a concrete pavement surface. Staff would request the Applicant modify the design of the forebays to include a geotextile liner, topsoil and vegetation to fully comply with 974 CMR 4.08. This has been included as a condition of approval in the draft ROD

Wetland Notice of Intent: As previously mentioned, the plans have been revised to further limit disturbance within 50' of the small existing wetland pocket just off of Sheridan Road and adjacent to the existing gravel access road. With conditions, the revised plans should have no negative impacts to the wetland resource areas. The DEC, acting in its capacity as the Conservation Commission for Devens, will need to issue Wetland Order of Conditions (WOC) for this project. A draft WOC is attached and includes 20 Standard General Conditions of Approval that will reference the ROD conditions of approval. The ROD contains additional conditions that will help further protect the wetland resources such as inspection of limits of clearing and erosion and sediment control installation, as well as no dewatering within 50 feet of any wetland areas.

Natural Heritage Endangered Species: The project is within an Area of Critical Environmental Concern and contains Blanding's turtle habitat. The Applicant hired Caron Environmental to prepare a Turtle Protection Plan. A copy of

the plan and Application to Natural Heritage Endangered Species Program (NHESP) was provided by the Applicant. Any conditions of NHESP will be referenced in the DEC's approval.

Environmental Notification Form: Because this project is a public water treatment facility, the Applicant submitted an Environmental Project Notification Form (ENF) to the State office of Energy and Environmental Affairs Massachusetts Environmental Policy Act Office. This process included a 20-day public comment period and virtual site walk. No significant issues were raised. Within 10 days of the close of the comment period, the Secretary will issue a Certificate on the ENF stating whether or not an Environmental Impact Report (EIR) is required and, if so, identify the scope of the EIR. It is expected that an EIR will not be required.

Miscellaneous details: Based on the initial review of the Application and the revised submittal, the following items are still outstanding:

1. Erosion and Sediment Control Plan Notes must be updated to include notes as required under 974 CMR 3.02(3)(e)
2. Space for Chairman's signature and date missing from Sheets C-1, C-2, C-4, C-5, and C-7 through C-11.
3. Correct Note on Sheet C-3 re: Air Quality Permit Not required and Diesel generator certification requirements with MA DEP and DEC.
4. FEMA/FIRM Map number to be included on plans
5. Need to provide design details for the loading dock and exterior pads.
6. The Site Data Table on C-3 will need to be updated to reflect the revised parcel area once the lot is reconfigured to meet the setback requirements.
7. Design Review Letter from MassDevelopment
8. Cover sheet, site plan and landscaping plan to be recorded.

These are all fairly minor details and have been included as a condition of approval in the draft ROD.

Requested Waivers:

974 CMR 3.04 (3)(a)1. a - Parking shall be on rear or side of buildings, 10% max allowed in front of building.

The proposed use does not require a significant amount of parking and as such the parking has been located in front of the building to reduce the need for excess pavement. Placing the parking nearest the doors is the most efficient and safest layout for staff. Use of the parking will be intermittent, and it is desirable for safety purposes to have the parking close to the building doors as the facility may occasionally have staff at the site during night-time hours.

This is a municipal use, has minimal parking, and will not be visible from any public way, therefore Staff has no concerns with this waiver request.

974 CMR 3.04 (3)(a)1.h – bicycle parking required.

Site use is expected to be limited to employees, vendors, and delivery personnel. None of these users are expected to visit the site by bicycle.

This is a municipal use and visitors to the facility will be for monitoring and maintenance which requires utility vehicles. Staff has no concerns with this waiver request.

974 CMR 3.04(6)(a)2.a – Vertical granite curb or cement concrete curb required at all driveway entrance roundings to the point of rounding tangency.

Sheridan road is an uncurbed roadway. Adding curb in the driveway entrance would add to the scope of drainage work adjacent to and within the roadways.

Staff reviewed this with Devens Engineering and since there is no curbing on Sheridan Road, there is no need for the vertical granite curb on the driveway entrances. Staff has no concern with this waiver request.

974 CMR 3.04(6)(a)3.a – Commercial and industrial property lights may only be illuminated between 11 p.m. and 7 a.m. unless the DEC determines lights are needed to ensure safety for night operations on the premises.

The proposed Water Treatment Plant is considered critical infrastructure and will need to operate 24 hours per day. In order to respond to malfunctions, emergencies, etc. the Applicant's standard procedure is for the area surrounding the building to be illuminated from dusk to dawn. Lighting proposed is minimal and consists of only

building wall mounted cut-off fixtures with shielding, photocells, and motion-activation which will further minimize lighting. No pole mounted fixtures are proposed at either site. In addition, the building is setback from the road by approximately 300 feet and will be mostly buffered by existing vegetation which would serve to minimize visibility from surrounding areas.

The proposed exterior lights will be down lit, recessed and properly shielded to prevent excess light pollution. The exterior lights will also be equipped with photocells and motion sensors to ensure they only provide illumination when necessary. The lighting color was reduced from 5000K to 3000K which will also help reduce the brightness and any impacts to nocturnal wildlife. Staff would suggest the Applicant withdraw this waiver request and the DEC make a finding that lighting for the Shabokin Water Treatment Facility has been minimized and the proposed municipal use requires illumination between 11 p.m. and 7 a.m for public safety, operations, and maintenance.

974 CMR 3.04(6)(a)7.a.1– All sewage generated by site development at Devens shall connect to the Devens public sewer system.

Public sewer is not available at the site given the remote location in Devens. Sewage generated is expected to be minimal with only one bathroom proposed for employee and visitor use. Sewage is proposed to be stored in a tight tank with level monitoring and be pumped out on a regular basis. Because the site is located in a Zone 1 Water Resource protection District, a septic system is not a feasible option.

The Applicant will need to obtain approval for the tight tank from MA DEP. The operation, monitoring and maintenance of the tank, including pumping records, will need to be included in the facility Operations and Maintenance Plan. A complete copy of this Plan is required as a condition of approval prior to issuance of a Certificate of Occupancy for the building.

Recommendation:

The 30-day town comment period ended on October 23, 2020. No public comments were received. Once the Commission and public have had an opportunity to ask and questions and comments, Staff would recommend the Commission close the public hearing. Staff has prepared a draft Record of Decision for the DEC's consideration that covers the majority of outstanding items as conditions. If there are additional outstanding items that cannot be addressed as conditions, the DEC should continue this public hearing to the November 17, 2020 zoom public meeting at 6:45PM.

Attachments:

-Revised Grading Plan



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:
 352-0044
 MassDEP File #
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A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

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



1. From: Devens Enterprise Commission
Conservation Commission

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

3. To: Applicant:
James Moore
 a. First Name b. Last Name
MassDevelopment
 c. Organization
33 Andrews Parkway
 d. Mailing Address
Devens MA 01434
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Jessica Strunkin
 a. First Name b. Last Name
Massachusetts Development Finance Agency
 c. Organization
99 High Street
 d. Mailing Address
Boston MA 02110
 e. City/Town f. State g. Zip Code

5. Project Location:
39 and 88 Sheridan Road Devens
 a. Street Address b. City/Town
2-99 and 3-99 202 and 203
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: 41d31m12.3Ns 71d36m41.9Ws
 d. Latitude e. Longitude



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B. Findings (cont.)

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 the 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 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).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 20 a. linear feet

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



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B. Findings (cont.)

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

	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. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. 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	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
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. c/y dredged	d. c/y 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. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <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



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. 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.
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 352-0044 "
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 MassDEP.
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.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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 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;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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 18(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 Pollution 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 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(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.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

Special Conditions (if you need more space for additional conditions, please attach a text document):

Special Condition #1. This order is also subject to the conditions of approval listed in the November 5, 2020 Devens Enterprise Commission Record of Decision for the Shabokin Water Treatment Facility (copy attached).

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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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 Devens Enterprise Commission hereby finds (check one that applies):
Conservation Commission
 - a. that the proposed work 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 of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
Zoning By-Laws of the Devens Regional Enterprise Zone established Article XII
pursuant to Chapter 498 of the Acts of 1993 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 (if you need more space for additional conditions, attach a text document):

This order is also subject to the conditions of approval listed in the November 5, 2020 Devens Enterprise Commission Record of Decision for the Shabokin Water Treatment Facility (copy attached).



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E. Signatures

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

11/5/20

1. 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.

2. Number of Signers

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.

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



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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 for 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 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.



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:
 352-0044

 MassDEP File #

 eDEP Transaction #
 Devens

 City/Town

G. Recording Information

Prior to commencement of work, 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 this page shall be submitted to the Conservation Commission listed below.

Devens Enterprise Commission
 Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP 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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

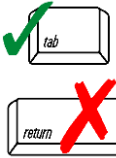
4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. 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.