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# DEP Order of Conditions



**TOWN OF WELLESLEY MASSACHUSETTS**  
**WETLANDS PROTECTION COMMITTEE**  
525 WASHINGTON STREET, WELLESLEY, MASSACHUSETTS 02482-5992

Eric Seaborn, Chair  
Carlos J. Gilmeno, Vice Chair  
Laurel Landers  
Debra Takacs

Adam Bossi, Conservation Administrator  
abossi@wellesleyma.gov  
(781) 431-1019 x2292  
Fax: (781) 237-6495

June 30, 2009

**Via Certified Mail**

Gershman Brown Crowley, Inc.  
14 Breakneck Hill Road  
Suite 101  
Lincoln, RI 02865

Re: Order of Conditions, DEP# 324-607 - 984, 990, & 990R Worcester Street, CVS Pharmacy

Dear Gershman Brown Crowley, Inc;

Please find enclosed the **ORIGINAL** signed Order of Conditions for the above referenced project. This document must be recorded at the Norfolk County Registry of Deeds and evidence of recording submitted to the Wetlands Protection Committee. Note, there is a 10-business day legal appeal period associated with all Orders in which work on the project cannot begin. The appeal period begins the day after the date of issuance. Please read the document carefully as there are conditions that must be adhered to before, during and after work on your project.

Please keep this document in a safe place, as it is the only original signed copy.

If you have any questions, please feel free to contact me anytime. Thank you.

For the Committee,

Adam Bossi  
Conservation Administrator

Cc: MA Department of Environmental Protection, Northeast Regional Office  
Marc Bergeron, Vanasse Hangen Brustlin, Inc.  
Brian Murphy, Vanasse Hangen Brustlin, Inc.  
Brian Levy, Beverage and Diamond  
Kehoe Chrysler, Inc. C/O Marie-Louise Kehoe (property owner)  
Zoning Board of Appeals, Town of Wellesley  
Planning Board, Town of Wellesley  
Building Department, Town of Wellesley  
Working Copy  
File Copy



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 &  
 Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
Wellesley  
 City/Town

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input checked="" type="checkbox"/> <b>Bordering Land Subject to Flooding</b>	<u>1,068 cubic yards</u> a. square feet	<u>1,068 cubic yards</u> b. square feet	<u>1,205 cubic yards</u> c. square feet	<u>1,205 cubic yards</u> d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> <b>Isolated Land Subject to Flooding</b>	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> <b>Riverfront Area</b>	<u>41,898</u> a. total sq. feet	<u>41,898</u> b. total sq. feet		
Sq ft within 100 ft	<u>15,538</u> c. square feet	<u>15,538</u> d. square feet	<u>See Exhibit A</u> e. square feet	<u>See Exhibit A</u> f. square feet
Sq ft between 100-200 ft	<u>26,540</u> g. square feet	<u>26,540</u> h. square feet	<u>See Exhibit A</u> i. square feet	<u>See Exhibit A</u> j. square feet

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

10.  Designated Port Areas Indicate size under Land Under the Ocean, below
11.  Land Under the Ocean
- |                |                |
|----------------|----------------|
| a. square feet | b. square feet |
| c. c/y dredged | d. c/y dredged |
12.  Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below
13.  Coastal Beaches
- |                |                |                   |                   |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
14.  Coastal Dunes
- |                |                |                   |                   |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
15.  Coastal Banks
- |                |                |
|----------------|----------------|
| a. linear feet | b. linear feet |
|----------------|----------------|
16.  Rocky Intertidal Shores
- |                |                |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|
17.  Salt Marshes
- |                |                |                |                |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
18.  Land Under Salt Ponds
- |                |                |
|----------------|----------------|
| a. square feet | b. square feet |
| c. c/y dredged | d. c/y dredged |
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
- |                |                |
|----------------|----------------|
| a. c/y dredged | b. c/y dredged |
| a. square feet | b. square feet |
21.  Land Subject to Coastal Storm Flowage
- |                |                |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607  
MassDEP File Number

Document Transaction Number  
Wellesley  
City/Town

### 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. 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 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.
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, "MassDEP"]

"File Number 324-607 "



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 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

**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 MassDEP.
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.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

18. **The work associated with this Order (the "Project") is 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.



## WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

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

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;
- 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.



### WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

#### 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 Q&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):

**See Attached Exhibit A for Special Conditions issued under both the Massachusetts Wetlands**

**Protection Act and Town of Wellesley Wetlands Protection Bylaw.**

#### D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wellesley Wetlands Protection Committee hereby finds (check one that applies):
  - 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.



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 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

#### D. Findings Under Municipal Wetlands Bylaw or Ordinance (cont.)

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

Wellesley Wetlands Protection Bylaw

Article 44

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

**See Attached Exhibit A for Special Conditions issued under both the Massachusetts Wetlands**

**Protection Act and Town of Wellesley Wetlands Protection Bylaw.**



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Mass DEP File Number:

**WPA Form 5 – Order of Conditions**

324-607

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Wellesley Wetlands Protection Bylaw (Article 44)

**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.

June 30, 2009  
1. Date of Issuance

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

3

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.

Signatures:

[Signature]  
[Signature]  
Carlos J. Jimenez

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Norfolk

On this 26<sup>th</sup> Day of

June 2009  
Month Year

Before me, the undersigned Notary Public, personally appeared

Wellesley Wetlands Protection Committee  
Name of Document Signer

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

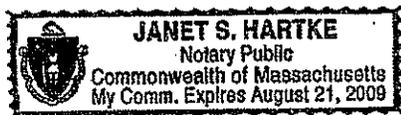
Personal Knowledge of Signers  
Description of evidence of identification

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

Wellesley  
City/Town

Conservation Commission



Place notary seal and/or any stamp above

[Signature]  
Signature of Notary Public  
Janet S. Hartke  
Printed Name of Notary Public  
August 21, 2009  
My Commission Expires (Date)

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

June 30, 2009



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 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

### 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 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.

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



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 &  
Town of Wellesley Wetlands Protection Bylaw, Article 44

324-607

MassDEP File Number

Document Transaction Number

Wellesley

City/Town

### 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 this page shall be submitted to the Conservation Commission listed below.

Wellesley Wetlands Protection Committee  
Conservation Commission

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

To:

Wellesley Wetlands Protection Committee  
Conservation Commission

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

984, 990 & 990R Worcester Street  
Project Location

324-607  
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

**990 & 994 Worcester Street, CVS Pharmacy Construction**

**EXHIBIT A**

**Project:** The proposed project is to construct a CVS Pharmacy building, parking lot and associated site appurtenances.

**Applicant:** Gershman Brown Crowley  
14 Breakneck Hill Road, Suite 101  
Lincoln, RI 02865

**Property Owner:** Kehoe Chrysler, Inc.  
C/O Marie-Louise Kehoe  
11 Warren Road  
Dedham, MA 02026

**Date of Issuance:** June 30, 2009

**Documents of Record:**

- Notice of Intent and supporting documents; Prepared by Vanassee Hangen Brustlin, Inc; Stamped received by the Natural Resources Office on November 6, 2008;
- "Stormwater Management Report"; Prepared by: Vanassee Hangen Brustlin; Dated: October 2008 and revised: March 2009;
- "Release Abatement Measure (RAM) Plan"; Prepared by: Cyn Environmental Services; Dated: November 20, 2008;
- "Supplemental Information for a Notice of Intent Application (DEP file No. 324-0607) and attachments"; To: Wellesley Wetlands Protection Committee; From: Vanassee Hangen Brustlin; 3 Separate Documents, Dated: December 17, 2009, March 19, 2009 and May 14, 2009;
- "Regulatory Compliance Report for CVS/Pharmacy Worcester Street & Overbrook Drive"; Prepared by Vanassee Hangen Brustlin, Inc; Dated: March 19, 2009 and revised: May 12, 2009;
- Letter: "Reply to Notice of Intent Peer Review"; To: Wellesley Wetlands Protection Committee; From: Cyn Environmental Services; Dated April 10, 2009;
- Letter: "Notice of Intent Peer Review, Proposed CVS Pharmacy, 984, 990 & 990R Worcester Street (labeled DRAFT)"; To: Wellesley Wetlands Protection Committee; From: Beta Group, Inc; Dated: April 3, 2009;
- Letter: "Notice of Intent – Second Peer Review, Proposed CVS Pharmacy, 984, 990 & 990R Worcester Street (labeled DRAFT)"; To: Wellesley Wetlands Protection Committee; From: Beta Group, Inc; Dated: May 20, 2009;
- Emails: To/From: Wetlands Protection Committee, Conservation Administrator, BETA Group, Vanassee Hangen Brustlin, Beverage and Diamond, others; Dated: November 2008 – June 2009;

**990 & 994 Worcester Street, CVS Pharmacy Construction**

**EXHIBIT A**

• Plans:

- Site Plans (13 Sheets Total): "CVS/Pharmacy 980 Worcester St. (Route 9), Wellesley, Massachusetts"; Prepared by: Vanasse Hangen Brustlin, Inc;
  - "Cover Sheet"; Signed and stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-1 "Legend and General Notes"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-2 "Existing Wetland Resource Areas"; Dated: March 19, 2009 and Revised May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-3 "Layout and Materials Plan"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-4 "Grading, Drainage and Erosion Control Plan"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-4A "Degraded Riverfront Area Impacts and Restoration"; Dated May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-4B "25' No Disturb Zone Impacts and Restoration"; Dated May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-5 "Utility Plan"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-6 "Landscape Plan"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Frank G. Stewart, RLA #004
  - Sheet C-7 "Site Details 1"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-8 "Site Details 2"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet C-9 "Site Details 3"; Dated: November 11, 2008 and Revised March 19, 2009 and May 12, 2009; Signed and Stamped by: Renee L. Codega, PE Civil #37772
  - Sheet Sv-1 "Existing Conditions Plan of Land"; Dated: June 18, 2008 and Revised August 1, 2008, March 16, 2009 and May 12, 2009; Signed and Stamped by: Russell J. Bousquet, PLS # 35389

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

Findings:Existing Conditions:

The project site at 990 and 994 Worcester Street (Route 9) is an existing developed commercial property comprised of 3 separate lots and a paper street. The site is bound by Worcester Street to the north, a commercial lot to the east (currently being redeveloped per MA DEP #324-574 into a mix use development), and forested conservation land owned by the Town of Wellesley to the west and south. Existing on the north half of the site are 3 single story structures and several underground petroleum tanks associated with the site's past use as an automobile dealership and repair facility. The majority of this portion of the site is covered with asphalt. This portion of the site is currently being used by several off-site businesses to store automobiles and trucks. The majority of the southern half of the site is covered with a mix of hard-packed gravel, asphalt and trash/debris piles. The western and southern edges of the site are a transitional area from asphalt and gravel to vegetated wetlands. There are numerous piles of debris, trash, old car parts, gravel and soil located along this edge area.

Wetlands Filing History:

- 2001: The Wetlands Protection Committee issued Order of Conditions MA DEP #324-379 permitting remediation of contaminated soils at the site and the removal of some subsurface petroleum storage tanks. A Certificate of Compliance was issued in 2009.
- 2004: Enforcement Actions were taken against Lee Imported Cars (located at 962 Worcester Street) for the unpermitted alteration of wetland resource areas at 990 Worcester Street. Lee has been using this property to store automobiles. Fines were levied and wetland restoration plantings were installed in the southwest corner of the property.
- 2009: The Committee issued a Negative Determination of Applicability for a series of geotechnical borings to be conducted at the site.

Proposed Conditions:

The proposed project is to redevelop the existing site. Proposed work consists of demolishing the existing structures, remediating all site contamination and removing subsurface petroleum tanks in accordance with the Massachusetts Contingency Plan (MCP), and removing all other existing site appurtenances and piles of debris. A new single-story commercial structure, parking area, stormwater management system and other associated site appurtenances are proposed for construction. The commercial structure is to house a CVS Pharmacy with a drive-thru window. This project will be completed in essentially 2 phases. The first phase is for the remediation of contaminated materials at the site. The second phase of the project will be the overall redevelopment/construction of the new CVS at the site.

Wetland Resource Areas Associated with the Site:

- Bordering Vegetated Wetlands
- Bordering Land Subject to Flooding
- Riverfront Area of Bogle Brook
- Lands Within 200 Feet of Perennial Streams or Rivers (Bylaw Only)
- Buffer Zone (Bylaw Only)

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

The Committee finds that the delineation of wetland resource areas is accurate as shown on the NOI plans and as flagged in the field. Under the Massachusetts Wetlands Protection Act Buffer Zone is not a resource area but is a regulated wetland area and is located within 100-feet of an area specified in 310 CMR 10.02(1)(a).

3<sup>rd</sup> Party Peer Review of the NOI:

In accordance with the applicable provisions of the Wetlands Protection Act and Wellesley Wetlands Protection Bylaw, the Wetlands Protection Committee engaged the services of the BETA Group, Inc; a professional engineering, planning and science firm with experience working with the wetlands laws and MA Stormwater Management Standards to "peer" review the entire proposed project for compliance with the applicable standards of the Act, Bylaw and MA Stormwater Management Standards. BETA Group conducted a series of in-the-field investigations of the project site, extensively reviewed the entire NOI packet, all plans, all drainage calculations and all other supporting and supplemental information submitted to the Committee by the applicant. BETA worked with Lenore Mahoney of Wetlands Solutions in reviewing the "degraded areas" of the site and determining the proposed project's compliance with the Riverfront Area performance standards. Ultimately, BETA concluded that the proposed project could be conditioned to comply with all applicable standards of the Act, Bylaw and MA Stormwater Management Standards.

Compliance with Applicable Performance Standards by Resource Area:General Conclusion:

The Town of Wellesley Wetlands Protection Committee has determined the proposed project can be conditioned to comply with the applicable performance standards of the Massachusetts Wetlands Protection Act and Town of Wellesley Wetlands Protection Bylaw as described within this document.

Bordering Vegetated Wetlands

The applicant had proposed to fill and replicate areas of Bordering Vegetated Wetlands (BVW) in their original NOI filing. During the review of the NOI, the applicant modified their plans so that no work for the project would alter BVW. As no alteration to BVW is proposed, the project complies with all applicable BVW standards of the Bylaw and 310 CMR 10.55.

Bordering Land Subject to Flooding:

Alterations to Bordering Land Subject to Flooding (BSLF) have been proposed in accordance with the standards of 310 CMR 10.57(4)(a) as:

1. Overall, the project will yield an increase in flood storage capacity over existing conditions. New flood storage areas will have an unrestricted hydraulic connection to Bogle Brook and its associated BVW;
2. This flood storage area and work associated with its construction will not restrict flows so as to cause an increase in flood stage or velocity;
3. The area in which flood storage is proposed is within 100-feet of the Bank of Bogle Brook and directly adjacent to BVW. However, this area has been determined not to be significant to the protection of wildlife habitat as the area has been extensively altered by human activity (paved with asphalt, utilized for automobile storage) and maintained in such a state since at least 1987. Overall,

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

the proposed compensatory flood storage area will yield an increase the wildlife habitat value of this portion of the site by removing asphalt and installing vegetation.

Riverfront Area of Bogle Brook:

The proposed project meets the definition of a Riverfront Area redevelopment project and meets the performance standards of 10.58(5)(a-h) and meets the performance standards of 310 CMR 10.58 (4)(c and d) to the satisfaction of the Wetlands Protection Committee. The project has been proposed in accordance with said standards as:

10.58(5) Redevelopment Within Previously Developed Riverfront Areas-

The proposed project site became regulatorily degraded prior to August 7, 1996 by impervious surfaces from existing pavement and absence of topsoil (packed gravel areas). Consequently, the proposed project qualifies as a Riverfront Area redevelopment project as long as it results in an improvement over existing conditions of the capacity of Riverfront Area to protect the wetlands interests listed in the Wetlands Protection Act and fulfills the other performance standards of 310 CMR 10.58(5).

10.58(5)(a)- The Committee has determined that the proposed project will yield an overall improvement over existing conditions of the capacity of the Riverfront Area at the site to protect the interests of the Act and Bylaw. Improvements proposed within the Riverfront Area include:

- *Installation and long-term operation of a stormwater management system* in accordance with the MA Stormwater Management Standards; Currently there is no stormwater management system on-site and stormwater sheet flows overland, untreated directly into Bogle Brook and BVW associated with the Brook.
- *Restoration of 4,931 square feet of existing degraded area* within the Riverfront Area; Restoration is to include the removal of a considerable amount of trash and debris, grading to reduce runoff and promote infiltration, installation of topsoil and installation of vegetation.
- *Removal of trash and debris*; including car parts and construction/demolition debris from the BVW within the Riverfront Area of the site. This work is in addition to the Restoration work noted above. The applicant has committed to hand remove debris from the BVW on-site.
- *Management of Invasive Plant Species* within the Riverfront, BVW and buffer areas is to be conducted "in perpetuity" at the site. Given conditions at and directly adjacent to the site, the Committee, applicant and peer reviewer agree that eradication of invasive plants at this site is likely impossible. The expectation is that the existing invasives will be managed in a fashion that restricts their spreading into non-infested areas of the site.

10.58(5)(b)-The proposed project's stormwater management system has been designed in accordance with the MA Stormwater Management Standards.

10.58(5)(c)- Some portions of the proposed project will be located closer to the River than existing conditions. As such, work has been proposed in accordance with 10,58(5)(f). See below for details.

990 & 994 Worcester Street, CVS Pharmacy Construction

EXHIBIT A

10.58(5)(d)-Some portions of the proposed project will not be located outside of the Riverfront Area or toward the Riverfront Area boundary. As such, work has been proposed in accordance with 10,58(5)(f). See below for details

10.58(5)(e)- Work has been proposed within the existing degraded areas to the maximum extent practicable, however, work will exceed the amount of existing degraded area within the Riverfront Area on the site. As such, work has been proposed in accordance with 10,58(5)(f). See below for details

10.58(5)(f)- The project will result in the restoration of 4, 931 square feet of existing degraded area in the Riverfront Area to compensate for the 3,331 square feet of proposed impacts to existing non-degraded area within the Riverfront Area of the site. Thus restoration is proposed at a ratio of roughly 1.5:1, which is greater than the required 1:1 restoration. Proposed restoration consists of:

- The removal of debris from the Riverfront Area but retention of mature vegetation;
- Grading that reduces runoff and increases infiltration;
- Installation of topsoil consistent with natural conditions at the site;
- Seeding with erosion control seed mix followed by the installation of additional herbaceous and woody plantings appropriate to the site;

Performance standards of 10.58(5)(g) is not applicable to this project.

10.58(5)(h)- In accordance with this standard, a Special Condition of this order provides that a Continuing Condition shall be included in the Certificate of Compliance for this proposed project prohibiting further alteration within the 1:1 mitigation area proposed in accordance with 10.58(5)(f) and requiring maintenance of the area in its restored or mitigated condition, except as may be required by that portion of the Town's access easement, which lies within the mitigation area.

In addition to the Redevelopment Performance Standards the proposed project also meets:

10.58(4)(c) Practicable and Substantially Equivalent Economic Alternatives-

The applicant presented a thorough alternatives analysis and made major revisions to the proposed plans during the course of the NOI review based on comments received by MA DEP, BETA Group and the Committee to develop the plans approved this Order. The culmination of these efforts is the plans approved by this Order. Said plans are the best alternative with the least impact to the interests of the Act and Bylaw. As such, the Committee has determined that there are no other practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests of the Act and Bylaw.

10.58(4)(d) No Significant Adverse Impact:

The Committee has determined that the proposed project will not have a significant adverse impact on the Riverfront Area's ability to protect the interests of the Act as:

- 1a. Where possible at the site, at least a 100-foot wide area of undisturbed vegetation is provided between work and Bogle Brook. In areas of the site where Bogle Brook is in closer proximity to existing degraded areas and proposed work, the applicant has made all efforts to preserve, extend and enhance the existing vegetative cover.
- 1b. Stormwater management has been proposed in accordance with the MA Stormwater Management Standards.

990 & 994 Worcester Street, CVS Pharmacy Construction

EXHIBIT A

- 1c. Proposed work will not impair the capacity of the Riverfront Area to provide important wildlife habitat functions. In fact, the project will yield an overall improvement in the Riverfront Area's ability at this site to provide wildlife habitat functions.
- 1d. Proposed work will not impair groundwater or surface water quality. Adequate erosion and sediment control BMPs are proposed for use throughout the construction process. The long-term operation and maintenance of the proposed stormwater management will also improve the quality of water leaving the site through infiltration and direct discharge to the BVW.

Performance standards 2, 3, and 4 of 10.58(4)(d) are not applicable to this project.

Lands within 200-feet of Perennial Streams or Rivers and Bordering Land Subject to Flooding (Bylaw Only):

The Committee finds that by meeting or exceeding the performance standards of the Wetlands Protection Act for Riverfront Area and BSLF, the project will yield overall enhancements to the Bylaw resource areas of Land within 200-feet of Perennial Streams or Rivers and BSLF.

Buffer Zone

*Wetlands Protection Act*- As stated in 310 CMR 10.58(4)(a), fulfillment of performance standards for Riverfront Area also fulfills performance standards for any Buffer Zone within the Riverfront Area. Consequently, as all Buffer Zone associated with the proposed project is also within Riverfront Area, determination of proposed project compliance with Buffer Zone performance standards has been achieved by determining the proposed project compliance with Riverfront Area performance standards and does not need to be reviewed separately.

Accordingly, as the proposed project fulfills all applicable Riverfront Area performance standards, it also satisfies all performance standards for Buffer Zone under the Wetlands Protection Act.

*Wellesley Wetlands Bylaw*- The project will yield overall improvements in the buffer zone at the site. The entire existing 75-foot "Limited Disturbance Zone" is totally degraded and stormwater flows untreated and uncontrolled. Under proposed conditions, the majority of the Limited Disturbance Zone will be degraded but all stormwater from the new impervious surfaces will be directed to a stormwater management system for treatment and infiltration.

Within the 25-foot "No Disturbance Zone", the project will yield an overall reduction of 76 square feet of degraded area. This small improvement coupled with the stormwater management improvements and removal of debris and installation of vegetation will yield a significant improvement in the ability of this area to protect the interests and values of the Bylaw. As such, the Committee has found clear and convincing evidence to grant a waiver allowing work within the Bylaw's 25-foot No Disturbance Zone of the wetland buffer zone at the project site.

Massachusetts Stormwater Management Standards:

The stormwater management system for the site has been designed in accordance with all of the stormwater management standards. The Committee finds that the proposed project is in compliance with the Massachusetts Stormwater Management Standards.

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

Additional Findings:

The Wellesley Wetlands Protection Committee finds that the proposed project and long and short-term mitigation measures can be conditioned to protect the Interests of the Massachusetts Wetlands Protection Act and Wellesley Wetlands Bylaw. As such, in addition the General Conditions of the Order, the project must comply with the following Special Conditions to protect the Interests of both the Act and Bylaw:

Special Conditions:

## GENERAL:

1. Except where modified by the following conditions, all work shall be performed in accordance with the plans and the Notice of Intent referenced above. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
2. The Wellesley Wetlands Protection Committee reserves the right to enter upon the premises to inspect the work for compliance with the Order of Conditions.
3. If the Applicant intends to make any change in the work permitted hereunder, the Applicant must submit a written request to the Committee with plans or description that reflect the proposed changes. Upon review of said request, the Committee may require the Applicant to submit a request for amendment to the Order of Conditions. No changes may be made before said written request has been reviewed and approved by the Committee. Changes needing approval include (but are not limited to) additional decks, patios, and landscaped areas, changes in elevation of structures, alteration of vegetation, alteration of approved construction sequence, regrading, and all other alterations within resource areas and buffer zones.
4. If any change is made, or plans altered or revised, without prior approval of the Committee, additional conditions and/or enforcement actions may be imposed to protect the interests of the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw.
5. The Committee reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
6. The term "applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documentation and this Order. The Committee shall be notified in writing within 30 days of all transfers of title of any portion of the property that take place prior to the issuance of the Certificate of Compliance.
7. Copies of all documents pertaining to the remediation of contamination at the site within buffer zones and Riverfront Area shall be submitted to the Wetlands Protection Committee for review.
8. The Long-Term Stormwater Management Operation and Maintenance Plan (O & M Plan) shall be revised and submitted to the Committee for review and approval. The O & M Plan shall, at a minimum, be revised to include:
  - a) Stormwater management system(s) owners;

990 & 994 Worcester Street, CVS Pharmacy Construction

EXHIBIT A

- b) The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
  - c) A plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point;
  - d) The location of snow stockpile areas;
  - e) A description and delineation of public safety features; and
  - f) Language specifying that a log/records are to be kept of all inspections and maintenance performed on the system. Said log/records shall be made available to the Wellesley Conservation Commission and Board of Health upon request.
9. This project will disturb more than 1 acre of land therefore a Stormwater Pollution Prevention Plan (SWPPP) will be required. The SWPPP shall be submitted to the Wetland Protection Committee for review prior to construction. The SWPPP shall include the follow additional items:
- a. Provide 24 hour emergency contact information of responsible party to implement and maintain SWPPP;
  - b. Evidence that a NOI has been filed with EPA;
  - c. Good housekeeping BMPs;
  - d. All construction vehicles shall be restricted to exit the site via a crushed stone tracking pad/driveway;
  - e. Indicate locations of potential stockpile areas and include associated erosion controls on plans;
  - f. Plans indicate that the infiltration basin is not to be used as a sedimentation basin during construction. Runoff from the entire site flows toward wetland resources. Accommodations (sedimentation trenches or basins) should be provided to protect wetlands where sheet flows will be concentrated during construction;
10. The applicant shall obtain all permits, variances and approvals required by local bylaw in accordance with 310 CMR 10.05(4)(e).
11. 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 Order of Conditions, 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:
- a) Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
  - b) Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;
  - c) Review by the Massachusetts NHESP for any projects within estimated and/or priority habitat and any permits or approvals identified by the program;
  - d) Review by the local planning boards, boards of health, zoning boards and building inspectors, and procurement of any permits or approvals required by these boards or agencies;

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

**Contamination Remediation:**

*Conditions 12 – 23 are specifically for work associated with the remediation of contamination at the project site. The remaining conditions are for all work associated with the redevelopment of the site.*

12. The applicant shall submit an erosion and sediment control plan for work associated with the remediation of contaminated materials at the site to the Committee for review and approval. Said plan shall be signed and stamped by the project engineer. The Committee and/or Conservation Administrator must approve of the erosion and sediment control plan prior to implementation.
13. The applicant shall submit a dewatering plan for work associated with the remediation of contaminated materials at the site to the Committee for review and approval. Said plan shall be signed and stamped by the project engineer or licensed site professional. The Committee and/or Conservation Administrator must approve of the dewatering plan prior to any contamination remediation work commencing.
14. The applicant shall submit, in writing, the names and contact information of the person(s) responsible at all times for compliance with this Order for work associated with contamination remediation. Such parties shall consist of the contractor, project engineer, wetlands specialist, etc.
15. The applicant shall install the MA DEP sign for the project as required by General Condition 9 of this Order.
16. The applicant shall arrange for a preconstruction site meeting with the Committee and/or Conservation Administrator to review the Order and to ensure that all preconstruction conditions pertaining to the work associated with the remediation of contamination have been satisfied.
17. All "Preconstruction" conditions of the Order pertaining to the contamination remediation shall be satisfied prior to the start of remediation.
18. All work associated with the remediation of contaminated materials at the site shall be done in accordance with the MCP and under the direction of a Licensed Site Professional (LSP).
19. All work associated with the remediation of contaminated soils and removal of petroleum storage tanks shall be completed in accordance with the Massachusetts Contingency Plan (MCP). If additional contamination is discovered during work on this project, the project LSP in coordination with MA DEP shall assess the matter and develop additional remediation measures to undertake in accordance with the MCP. If any work beyond what is specified in the existing RAM plan (within buffer zones and Riverfront Area) is found to be necessary to remediate contamination, the applicant shall contact the Committee or its Administrator to review the new proposed scope of work and determine if this Order of Conditions must be amended to permit the additional work within buffer zones and wetlands resource areas.
20. Applicant's LSP shall coordinate closely with MA DEP regarding the total amount of soil approved for excavation under the RAM Plan.
21. Excavation for site cleanup within resource areas shall not proceed beyond that necessary to achieve a condition of no significant risk as defined in the MCP.
22. If contamination is found in the vicinity of the proposed stormwater infiltration basin, the applicant shall inform the Committee and develop plans for stormwater that will not exacerbate the contamination issues.

**990 & 994 Worcester Street, CVS Pharmacy Construction**

**EXHIBIT A**

at the site. Said plans shall be developed by the project LSP and engineers and shall be reviewed and approved by the Committee prior to installation.

23. Upon completion of the remediation activities, the LSP shall submit a written report the Committee documenting the outcome of the work.

**PRECONSTRUCTION:**

24. Erosion controls shall be installed at the site in accordance with the plans approved by this Order. If hay bales and silt fencing are used as erosion controls – hay bales shall be entrenched 4-inches in the ground and double staked – silt fencing shall be entrenched a minimum of 4-inches in the ground. Silt sacks (not filter fabric) shall be installed in all catch basins located adjacent to the site that may receive stormwater runoff from the site.
25. The applicant shall submit, in writing, the names and contact information of the person(s) responsible at all times for compliance with this Order and for maintenance of erosion and sedimentation controls. Such parties shall consist of the contractor, project engineer, wetlands specialist, etc.
26. The applicant shall designate an area on-site for snow storage and submit a single-page site-plan illustrating this location. Snowmelt from this area must be able to flow unrestricted into the on-site drainage system.
27. The applicant shall submit an invasive plant species management plan for the short and long term control of invasive plant species on the property. This plan shall note the locations of established stands of invasive plants (on a plan/map) and prescribe initial removal methods and long-term management strategies. This plan shall be reviewed and approved by the Committee prior to construction.
28. After erosion controls and the MA DEP sign have been installed and prior to the start of construction, the applicant shall request the Committee and/or its Administrator to conduct a pre-construction site meeting. The applicant's contractor, wetlands specialist and project engineer shall attend this site meeting. The purpose of this meeting shall be to designate locations at the site appropriate for vehicle fueling and maintenance and for the stockpiling of materials (if necessary), to ensure all preconstruction conditions have been fulfilled and to review this Order of Conditions with all parties responsible for maintaining compliance with the Order during construction.
29. All "Preconstruction" conditions of the Order shall be satisfied prior to the start of construction. The Committee may grant a waiver from this condition if/when a request has been made by the applicant in writing and unique circumstances warrant such a waiver.

**CONSTRUCTION:**

30. A copy of the above-referenced plans and this Order of Conditions must be provided to the Contractor **prior to the commencement of work** and must be available at all times at the construction site for reference. A copy of the Order and approved plans shall be kept on-site at all times during construction.
31. No work, disturbance, or alteration may occur on the Resource Area side of the erosion control barrier, which will also serve as a limit of work. No heavy equipment may operate beyond the limit of work at any time. No construction materials, stockpiled soil or fill, debris, brush, leaves, or other materials may be

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

placed beyond the limit of work. The only work permitted on the Resource Area side of the erosion control barrier shall be for the hand-removal of trash and debris.

32. No plants listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List may be brought onto or planted anywhere on the property. (Plant List is available at [http://www.mass.gov/agr/farmproducts/Prohibited\\_Plant\\_Index2.htm](http://www.mass.gov/agr/farmproducts/Prohibited_Plant_Index2.htm).)
33. Compensatory flood storage shall be constructed prior to any filling of land subject to flooding.
34. Surface debris (car parts, construction debris, oil cans, filters, trash, etc) in BVW and buffer zones shall be removed by hand carefully so as not to disturb existing vegetation.
35. Invasive plant species in BVW and buffer zone shall be removed/managed in accordance with the approved invasive species management plan.
36. The applicants must keep at least 50 feet of extra silt fence or 15 extra hay bales on site in case there is a need for immediate repair of erosion controls or if sediment is found to be leaving the site at any location.
37. The applicants must remove all silt caught by haybales and siltation fence at least once every two weeks and whenever the silt collects to a height greater than 1/2 the height of the barrier in any location. The applicant must immediately report to the Committee any sediment that goes beyond the erosion control line. The applicant must take whatever steps necessary to prevent further damage to the resource area, and must then submit to the Committee a plan for remediation and/or restoration.
38. Silt sacks shall be emptied at least once every two weeks and whenever silt and debris has collected to a level that is affecting the functionality of the silt sack and/or catch basin. Silt sacks shall be maintained in good working order and must be repaired or replaced when damaged.
39. If dewatering is necessary for construction, the Applicant must submit a plan to the Wetlands Protection Committee identifying how dewatering will be accomplished, where water will be discharged, and what measures will be used to protect adjacent resource areas. **No dewatering is allowed until the Committee or its Administrator has reviewed and approved said dewatering plan.** No dewatering may proceed until the Committee or its Administrator has inspected and approved the installation of the dewatering controls.
40. There shall be no stockpiling of soil, sand or similar unconsolidated material within the 100-foot Buffer Zone of wetlands unless otherwise authorized by these Conditions, by the Committee, or by the Administrator. Any stockpile of soil, sand, or similar materials that may be permitted within a buffer zone or Resource Area, must be enclosed within an erosion control barrier. In the event that all earthwork ceases for more than 30 days, all exposed soils must be stabilized with a temporary vegetative cover, straw mulch, or other method of erosion control accepted by the Wetlands Protection Committee.
41. No fueling, maintenance or other servicing of vehicles shall be allowed within wetland Buffer Zones and/or Riverfront Areas unless otherwise authorized by these Conditions, by the Committee or by the Administrator.
42. No construction materials, debris, brush, leaves or other materials shall be deposited within the Resource Areas or down gradient of the limit of work.

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

43. At the end of each workday, the applicant or contractor shall mechanically sweep or manually sweep sediments from the adjacent streets, unless tracking and sediment is not evident on the streets.
44. Following the completion of construction and grading, all exposed soils within resource areas, and buffer zones must be stabilized with a permanent vegetative cover. Bark mulch or wood mulch will not be considered to provide a permanent stabilization on slopes with a gradient steeper than 3:1.
45. The Committee reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

## POST CONSTRUCTION:

46. The Applicant must submit a request for a Certificate of Compliance on WPA Form 8A following the completion of construction and stabilization. An As-Built plan showing all structures and grading, the 1:1 wetland mitigation area established in accordance with 10.58(5)(f and h) and plantings, signed and stamped by a Professional Engineer, Registered Land Surveyor or Registered Landscape Architect must be submitted to the Commission at the time a Certificate of Compliance is requested. Two full-size copies of the As-built plan and a single 8 1/2" x 11" copy of the plan shall be submitted with the Certificate of Compliance request. A certificate signed by a registered professional engineer, surveyor or landscape architect stating that all work has been completed strictly in accordance with the Order of Conditions shall accompany this plan. If such work has not been so completed, said certificate must describe in detail any deviations from the plans as approved by the Committee.
47. The Committee shall require two (2) full growing seasons to determine that the wetland mitigation plantings, compensatory flood storage area plantings and stormwater detention basin plantings have successfully established, and may require replanting in case of significant failure; the Committee will not consider issuing a Certificate of Compliance until two full growing seasons have elapsed. During this 2-year period, the applicant/property owner shall submit a report from a qualified consultant (wetlands scientist, landscape architect, etc.) at the end of each growing season describing the condition of the plantings following installation. In addition, the consultant shall prepare a final report on plantings as part of the request for a Certificate of Compliance. The Committee shall consider "successful establishment" of the plantings to mean that at least 75% of plantings have survived and are in good health and that the planting area is free of invasive plant species. "Significant failure" shall be considered 25% failure of plantings and/or the colonization of the planting area by invasive plant species. Plantings that have "failed" are those that have died, are in poor health or otherwise have failed to successfully establish.
48. Upon completion of the project, excess material including but not limited to soil, cut vegetation or other landscape debris generated from work associated with this project shall be removed from the site and disposed of in a legal fashion.
49. With the approval of the Committee or Administrator, erosion controls may be removed from the site when the surface is permanently stabilized. These must be removed before the issuance of a Certificate of Compliance.
50. The applicant shall install signage at the site to designate the snow storage area.
51. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.

## 990 &amp; 994 Worcester Street, CVS Pharmacy Construction

## EXHIBIT A

## CONDITIONS IN PERPETUITY

52. Wetlands or wetland buffers located on this property are subject to the Massachusetts Wetlands Protection Act (MGL Ch. 131, s. 40) and the Wellesley Wetlands Bylaw. Other than in the course of maintaining landscaping, detention basins and flood compensatory storage area, any work within a wetland resource area or adjacent buffer zones that might fill, excavate, or otherwise alter that area requires approval by the Wellesley Wetlands Protection Committee, in accordance with the Act and Bylaw. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance or a Certificate of Compliance.
53. Fertilization of lawn and landscaped areas are a significant source of excess nutrient loading in downstream water bodies. No fertilization of any wetland resource area is allowed. Only organic fertilizers may be used on lawn and landscaped areas within wetlands buffer zones and the Riverfront Area. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance or a Certificate of Compliance.
54. No synthetic pesticides or herbicides may be applied within the Riverfront Area and wetlands buffer zones. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance or a Certificate of Compliance.
55. Only calcium-based deicing chemicals may be used on surfaces where runoff or drainage will discharge into wetland resource areas. Note: The entire property drains to wetlands resource areas. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance or a Certificate of Compliance.
56. Snow shall be stockpiled only within the limits of the designated snow storage area. At no time shall snow be stored elsewhere on the site. If/when the designated snow storage area is filled to capacity, excess snow shall be removed from the site and disposed of in a legal fashion. The snow storage area sign shall be maintained in its designated location in perpetuity. Snow removal contractors shall be made aware of the conditions of this Order governing snow and ice management.
57. Invasive plant species in the Riverfront Area, BVW and buffer zone shall be managed in accordance with the approved invasive species management plan. This condition is ongoing and does not expire with the expiration of this Order or the issuance of a Certificate of Compliance.
58. A Continuing Condition shall be included in the Certificate of Compliance for this project prohibiting further alteration the 1:1 mitigation area under 10.58(5)(f), except as may be required to allow easement access and to maintain the area in its restored or mitigated condition. The 8 1/2" x 11" copy of the As-built plan showing the 1:1 mitigation area required per Condition 46 shall be attached to the Certificate of Compliance and recorded at the Registry of Deeds with the Certificate.