

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

Provided by MassDEP:
 MassDEP File #:128-1698
 eDEP Transaction #:1301852
 City/Town:CHARLTON

A. General Information

1. Conservation Commission CHARLTON
 2. Issuance a. OOC b. Amended OOC

3. Applicant Details

- a. First Name CONNOR b. Last Name WITSKEN
 c. Organization DG NORTHEAST 2020 HOLDING, LLC
 d. Mailing Address 700 UNIVERSE BOULEVARD
 e. City/Town JUNE BEACH f. State FL g. Zip Code 33408

4. Property Owner

- a. First Name b. Last Name
 c. Organization STURBRIDGE ROAD SOLAR FARM, LLC
 d. Mailing Address 2020 MAIN STREET, SUITE 300
 e. City/Town IRVINE f. State CA g. Zip Code 92614

5. Project Location

- a. Street Address 0 NORTH STURBRIDGE ROAD
 b. City/Town CHARLTON c. Zip Code 01507
 d. Assessors 14-B e. Parcel/Lot# 7 & 11.1
 Map/Plat#
 f. Latitude 42.17331N g. Longitude 72.02143W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
WORCESTER		49768	246
WORCESTER		49768	249

7. Dates

- a. Date NOI Filed : 8/1/2018 b. Date Public Hearing Closed: 9/8/2021 c. Date Of Issuance: 9/14/2021

8. Final Approved Plans and Other Documents

- a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
 SEE ATTACHED

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

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 eDEP Transaction #:1301852
 City/Town:CHARLTON

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

Approved subject to:

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

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

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

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

55
 a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input 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				
Cubic Feet Flood Storage	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<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				
Cubic Feet Flood Storage	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet

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

Provided by MassDEP:
 MassDEP File #:128-1698
 eDEP Transaction #:1301852
 City/Town:CHARLTON

9. <input type="checkbox"/> Riverfront Area					
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet			
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet	
	g. square feet	h. square feet	i. square feet	j. square feet	

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. 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	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y 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		
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet	c. square feet	d. square feet
	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			
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

22.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:128-1698

eDEP Transaction #:1301852

City/Town:CHARLTON

Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:128-1698

eDEP Transaction #:1301852

City/Town:CHARLTON

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "128-1698"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:128-1698

eDEP Transaction #:1301852

City/Town:CHARLTON

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

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Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:128-1698

eDEP Transaction #:1301852

City/Town:CHARLTON

-
- 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:

SEE ATTACHED

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
MassDEP File #:128-1698
eDEP Transaction #:1301852
City/Town:CHARLTON

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

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

Provided by MassDEP:
MassDEP File #:128-1698
eDEP Transaction #:1301852
City/Town:CHARLTON

E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

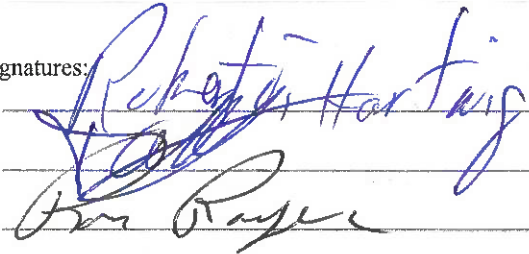
12/5/2018
1. Date of Original Order

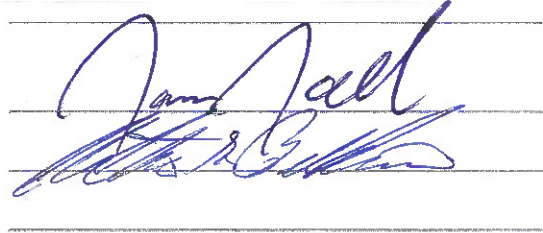
Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

4
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:





by hand delivery on _____

by certified mail, return receipt requested, on 7018 068000015161 2914

Date _____

Date 9/14/2021

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:

MassDEP File #:128-1698

eDEP Transaction #:1301852

City/Town:CHARLTON

Signature of Applicant

Rev. 4/1/2010

**TOWN OF CHARLTON CONSERVATION COMMISSION
APPROVED PLANS & DOCUMENTS**

DEP File # 128-1698: 0 North Sturbridge Road (Map 14-B-7 and 14-B-11.1)
Sturbridge Road Solar Farm, LLC; 6 MW Solar Array

The work permitted under this order shall conform to the following plans and documents:

TITLE	PREPARED BY	STAMPED BY	SCALE	DATE
Request for Amended Order of Conditions DEP File #128-1698 – 0 North Sturbridge Road Solar Farm	BETA Group, Inc	Jonathan Niro		7/28/2021
Request for Amended Order of Conditions DEP File #128-1698– 0 North Sturbridge Road Solar Farm Supplemental Information	BETA Group, Inc	Jonathan Niro		8/31/2021
Revised WPA Form 3: Notice of Intent – 0 North Sturbridge Road Solar Farm	BETA Group, Inc	Danny P. Rebello, P.E.		7/28/2021
NextEra Energy Resources North Sturbridge Road Solar Facility, BETA Job No:5989 (Sheets 1-13), including:	BETA Group, Inc	Danny P. Rebello, P.E.		8/20/2021
Title Page (Sheet 1)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=400'	8/20/2021
General Notes and Legend (Sheet 2)	BETA Group, Inc	Danny P. Rebello, P.E.	NA	8/20/2021
Existing Conditions Plan (Sheet 3)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=100'	8/20/2021
Site Preparations and Erosion and Sediment Control Plan (Sheet 4)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=80'	8/20/2021
General Site Plan (Sheet 5)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=80'	8/20/2021
Drainage and Grading Plan (Sheet 6)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=80'	8/20/2021
Drainage and Grading Plan Enlarged North (Sheet 7)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=40'	8/20/2021

Drainage and Grading Plan Enlarged South (Sheet 8)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=40'	8/20/2021
Utility Plan (Sheet 9)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=80'	8/20/2021
Landscape Plan (Sheet 10)	BETA Group, Inc	Danny P. Rebello, P.E.	1"=80'	8/20/2021
Details I (Sheet 11)	BETA Group, Inc	Danny P. Rebello, P.E.	NA	8/20/2021
Details II (Sheet 12)	BETA Group, Inc	Danny P. Rebello, P.E.	NA	8/20/2021
Details III (Sheet 13)	BETA Group, Inc	Danny P. Rebello, P.E.	NA	8/20/2021
Checklist for Stormwater Report and Supporting Calculations	BETA Group, Inc	Danny P. Rebello, P.E.	NA	8/19/2021
Watershed Plans	BETA Group, Inc	Danny P. Rebello, P.E.	1"=200'	8/17/2021
Long Term Operation & Maintenance Plan	BETA Group, Inc	Danny P. Rebello, P.E.		8/19/2021
Stormwater Management Report	BETA Group, Inc	Danny P. Rebello, P.E.		8/17/2021
Drainage Report	BETA Group, Inc	Danny P. Rebello, P.E.		8/17/2021
Construction Methodology & Sequencing	BETA Group, Inc	Danny P. Rebello, P.E.		8/19/2021
Soils Data & Test Pit Information	O'Reilly, Talbot & Okun Engineering Associates	Michael J Talbot		6/1/2018
Phase 1 Environmental Site Assessment	BETA Group, Inc	Stephen Borgatti		April 2020
EPA NOI & Stormwater Pollution Prevention Plan	BETA Group, Inc	Stephen Borgatti		1/7/2021
Local Land Disturbance/Stormwater Management Permit Application (Town of Charlton Stormwater Management Bylaw Chapter 175)	BETA Group, Inc	Stephen Borgatti		7/28/2021

TOWN OF CHARLTON CONSERVATION COMMISSION
AMENDED SPECIAL ORDER OF CONDITIONS
DEP File # 128-1698: 0 North Sturbridge Road (Map 14-B-7 and 14-B-11.1)
Sturbridge Road Solar Farm, LLC; 6 MW Solar Array

FINDING OF FACTS:

- A. **Description of Scope of Approved Project:** This project proposes the installation of a large-scale ground-mounted Solar Facility. Facility components and associated work will take place outside of the wetland areas and their associated buffer zones, with the exception of the gravel access road which crosses through the 100-foot wetland buffer. The array has been primarily positioned towards the top of the hill, and the surrounding area is to be cleared of trees to allow sufficient sunlight to reach the proposed solar array. The gravel access road will provide access to the array from North Sturbridge Road to be used primarily for maintenance.

The footprint of the array will be surrounded by a chain-link perimeter fence. The area within this fence will be re-vegetated with grass and wildflowers. The area between the perimeter fence and the clearing limits will be allowed to regrow naturally and will only be maintained occasionally to prevent tall vegetation from interfering with the solar panels. No grubbing will be performed in this area. Proposed impervious areas will be limited to the paved access road apron and the small pads beneath transformers and inverters. These areas encompass less than 0.20% of the Site. Changes to site topography will be limited to grading for the proposed gravel access road, transformer pads, grassed swales, and detention basins. The total area of disturbance is approximately 21.4 acres.

Description of Revision: The Project has undergone the following revisions

- i. Revised existing conditions plan:** The existing conditions plan has been revised to depict the approximate locations of septic systems on adjacent properties.
- ii. Adjusted solar array layout:** The limits of work have expanded approximately 100 feet in a southwesterly direction at the southwest corner of the Site. This expansion is required to make up for the loss of panels within the newly designed Basin A and results in approximately 14,500 square feet of additional clearing. All additional clearing is located outside of the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW). In addition, solar panels were removed from the steep slope at the west-central portion of the Site, and panels were slightly adjusted along the western side of the Project to accommodate an additional gravel access road.
- iii. Modified access roadway layout:** The geometry of the eastern gravel access road has been slightly modified, though it generally occupies the same footprint as permitted. Due to concerns associated with emergency vehicle access, a 14-foot-wide gravel access road is now proposed at the western side of the Project along the previously approved limits of work. A portion of this roadway is located along but not within the boundary of the 100-foot Buffer Zone to BVW.
- iv. Development of a construction phasing plan:** A construction phasing plan has been developed to better promote stability at the Site, thereby reducing the chances of stormwater pollution and erosion during construction. Although the entirety of the Site within the limits of work has already been cleared of trees, the construction phasing plan will be adhered to for the

remainder of ground-disturbing work. This includes the stumping and grubbing of the Site, implementation of temporary erosion control measures, and grading. The project has been divided into five (5) phases that will each be independently stabilized upon construction ceasing in any given phase. Any disturbed area exposed for more than seven (7) days will be stabilized with perennial rye grass seed or an approved equivalent. The Project Stormwater Pollution Prevention Plan (SWPPP), a requirement for work under the National Pollutant Discharge Elimination Systems (NPDES) Construction General Permit (CGP) and a construction period erosion and sediment control plan associated with the stormwater report has been updated to reflect the changes above.

v. Revised construction-period stormwater management: Construction phasing now also includes temporary sediment settling basins, depicted as Basins B & C. In the previous design, construction-period stormwater was directed to swales that would dissipate flows over riprap at their termini. In the revised design, temporary swales outfitted with stone check dams will collect construction-period runoff and direct it to temporary sediment settling basins at the southern end of the Site. Temporary basins and swales will be maintained in place until permanent stabilization is achieved in their contributing areas.

Construction of panels over the temporary sediment settling basins will only occur following the abandonment of the temporary basins. All temporary sediment settling basins will be located within the permitted limit of work boundary.

vi. Revised long-term stormwater management system: The stormwater management system has undergone revisions, particularly at the western extent of the Site. Most notably, the two (2) basins originally proposed at the south end of the Site are now proposed as temporary sediment settling basins, and a new permanent basin (Basin A) is being proposed at the southwest corner of the Site to better control runoff associated with this subcatchment. The location of Basin A was selected based on the opportunity to site the basin further down the slope, resulting in an increased tributary area, thereby better attenuating and filtering runoff that is directed towards the BVW to the west. Supporting calculations for the sizing and placement of stormwater management features using NOAA Atlas 14+ rainfall data has been submitted and approved by the Commission.

In addition, some of the riprap aprons at the Site have been supplemented with level spreaders. These additional stormwater control features are being provided to attenuate the rate of runoff being discharged from the steep portions of the Site. This will promote improved infiltration and reduce the risk of erosion or scour.

vii. Modified planting plan: The planting plan has undergone minor revisions in order to accommodate the newly proposed gravel access road at the northwest portion of the Site. The quantity and species of proposed plantings remains unchanged from the original submission.

viii. Revised WPA Form 3: The WPA Form 3 has been revised to provide an updated applicant, property owner, and revised plan date.

ix. Charlton Stormwater Bylaw Permit Application: At the time of the original NOI filing, the Town of Charlton did not have regulations associated with the Stormwater Bylaw (Chapter 175). However, as of June 30, 2021, the Town has promulgated rules and regulations. Pursuant to the requirement set forth therein, a Land Disturbance/Stormwater Management Permit (Major Permit) has been prepared and included with this filing. Both the attachments to this document and the

Land Disturbance/Stormwater Management Permit include the necessary documentation as required by the rules and regulations.

- B. Site /Project History:** The project site encompasses two currently undeveloped parcels located along North Sturbridge Road in Charlton, Massachusetts (the "Site"). The Charlton Assessor's Office identifies the Site as Lots 14-B-7 and 14-B-11.1. The existing Site is located along the south side of North Sturbridge Road a short distance east of the Charlton/Sturbridge town line and south of the East Brookfield/Charlton town line (refer to Figure 1: Site Locus). The area within and around the Site is zoned as Agricultural A, with primarily undeveloped wooded areas in the vicinity of the Site as well as several low-density residential properties. The project area includes two undeveloped lots with a combined area of 31.934 acres.

The entirety of the Site is predominantly woodlands with a light underbrush, with an area of vegetated wetlands present in the northwest corner of the property as well as to the east, adjacent to the Site. Topography at the Site generally slopes to the west and east from a hill located on the east side of the property. Topography along the sides of this hill is generally between 15% and 35%, with shallower slopes to the west near the wetlands. Separate sections of wetlands are present to both the east and west of the property, with the wetlands to the east located directly adjacent to the eastern property line. Both wetland areas appear to connect to McKinstry Brook to the South. Refer to the watershed plans for existing topography. Natural Resources Conservation Service soil maps indicate soils in the project area are generally Charlton Fine Sandy Loam and extremely stony or Chatfield-Hollis-Rock outcrop complex. The central area of the Site is listed as Hydrologic Soil Group (HSG) A, bounded to the east and west by areas of HSG B.

A soils analysis was conducted by O'Reilly, Talbot & Okun Engineering Associates (OTO) in June of 2018 to determine the quality and infiltration capacity of the onsite soils. Based on this study, soils are primarily comprised of fine to coarse sand with varying amount of gravel, cobbles, and boulders. OTO noted that several bedrock outcroppings were observed near the surface throughout the Site. Infiltration rates were highly varied, with very high rates observed in some locations and negligible infiltration at others. Due to the unreliable nature of the observed rates, infiltration was not accounted for in the design of the proposed stormwater controls.

- C. Permit Expiration Date:** The original Order of Conditions was issued on December 5, 2018. Under Governor Baker's COVID-19 Order No. 42: Permit Tolling the new expiration date of this Amended Order of Conditions will be March 12, 2023.
- D. Bordering Vegetated Wetland (310 CMR 10.55):** Bordering Vegetated Wetlands are located to the northwest and southeast of the Site. Both wetland systems are headwaters to the southerly flowing McKinstry Brook. Wetland resource areas on the project site were delineated on April 27, 2018 by Pete Levesque & Heather Comee of Wetlands Consultants, Inc; and confirmed under the original order of Conditions issued on December 5, 2018. Two separate wetlands were delineated on site and are represented by W-Series and X-Series, respectively.

The W-Series (flags W95-W143) delineate the southerly edge of a BVW associated with a westerly flowing intermittent stream located south of residences along North Sturbridge Road. The BVW receives hydrology from surficial runoff of the surrounding land and supports the growth of the following hydrophytes and upland vegetative species: Sensitive Fern - *Onoclea sensibilis*, Cinnamon Fern - *Osmunda cinnamomea*, Sphagnum Moss - *Spagnum sp.*, Tussock Sedge - *Carex stricta*, Indian Pokeweed - *Veratrum viride*, Gold Thread - *Coptis trifolia*, Witch Hazel - *Hammemalis virginiana*, Spice Bush - *Lindera benzoin*, Mountain Laurel - *Kalmia latifolia*,

Yellow Birch – *Betula alleghaniensis*, Red Maple – *Acer rubrum*, American Beech – *Fagus grandifolia*, Eastern Hemlock – *Tsuga canadensis*, and Red oak – *Quercus rubrus*. The banks of the intermittent stream were not separately delineated because they fell within the BVW boundaries.

The X-Series (flags X-100-X115) delineate the northwesterly boundaries of a large seasonally inundated BVW associated with an intermittent stream flowing southwesterly out of it. The BVW boundaries were clearly defined by an abrupt change in topography, which correlated well with changes in vegetation and hydrology. Due to the defined change between hydrophytic and non-hydrophytic vegetation the X-Series Wetland did not require soil or vegetative data confirmation. The vegetation within the area consisted primarily of Sensitive Fern – *Onoclea sensibilis*, Sphagnum Moss – *Sphagnum* sp, Cinnamon Fern – *Osmunda cinnamomea*, Gold Thread – *Coptis trifolia*, Witch Hazel – *Hammemalis virginiana*, Highbush Blueberry – *Vaccinium corymbosum*, Winterberry – *Ilex verticullata*, Spice Bush – *Lindera benzoin*, Mountain Laurel – *Kalmia latifolia*, Red Maple – *Acer rubrum*, Yellow Birch – *Betula alleghaniensis*, and Eastern Hemlock – *Tsuga canadensis*

Under this Order of Conditions 0 SF of wetland will be altered.

- E. **Buffer Zone Alterations (Temporary & Permanent):** Work is proposed within the 50-foot to 100-ft Buffer Zone and includes clearing of vegetation, site preparation and grading and a gravel perimeter road. Work proposed outside of the 100-ft Buffer Zone includes clearing of vegetation, site preparation and grading, installation of solar arrays, installation of the security fence, and construction of stormwater management facilities.

The closest limit of work to jurisdictional resource areas is 50-feet.

- F. **Wildlife Habitat Protection (310 CMR 10.60):** According to the Charlton Quadrangle of the current Massachusetts Natural Heritage Atlas 15th Edition (August 1, 2021 Edition), published by the Natural Heritage & Endangered Species Program (NHESP) and the MassGIS data layer, the property is not mapped within Priority Habitats of Rare Species or Estimated Habitats for Rare Wildlife protectable under the Massachusetts Endangered Species Act (MGL c. 131 §. 23). In addition, there are no mapped Certified or Potential Vernal Pools, drinking water areas, or ACECs within the parcels.
- G. **Stormwater:** Stormwater management will be accomplished through the re-vegetation of developed areas and the installation of three detention basins throughout the Site. These basins have been designed to capture, store, and steadily discharge the increased runoff volume resulting from the proposed development, as well as to mitigate stormwater peak discharge rates to below pre-development conditions. Each of the basins has been designed with an emergency spillway, an outlet control structure, a minimum of 1' freeboard, and to drain within 72 hours for the 100-year storm event. Each detention basin is designed with an outlet control structure to control overflow and peak flow rates. Inlets into these structures are provided in the form of a circular orifice at the basin floor along with a trapezoidal weir near the top of the structure. As the circular orifices are designed to be 3", 4", or 5" in diameter, a trash rack is proposed at the inlet to each orifice to prevent clogging from vegetation, rocks, and other sources. Runoff is further managed through the use of several grass lined swales. These swales have been configured and designed to divert stormwater runoff in order to capture a sufficient volume in the basins to mitigate peak runoff rates. As topography in the northwestern portion of the watershed is generally unsuitable

for a basin of sufficient size and configuration, the swale has been designed to divert sufficient runoff to a flat area in the southwestern portion of the watershed.

Two additional diversion swales are proposed in the northern portion of the Site. The first is positioned near the downgradient side of the gravel access road. This swale is intended to divert water away from Lot 14-B-11, which at the time of this report was recently developed with several construction activities taking place within the wetland buffer zone. The second swale is located along the upgradient side of the gravel access road. As the access road is located on a low-lying portion of the property adjacent to vegetated wetlands, this swale is designed to capture stormwater runoff from the area upgradient from the access road and divert it to a culvert. This culvert runs beneath the access road and discharges to a riprap apron intended to control runoff velocities and mitigate sedimentation into the wetlands. See Appendix G for supplemental calculations related to this area.

Diversion swales have been designed to manage the calculated 10-year runoff from their respective catchment areas. Sizing calculations were performed using HydroCAD and checked using the Mannings equation. The vegetative cover needed for each swale, as well as Stormwater Management as the riprap size required for each swale's outlet, was determined using the Federal Highway Administration (FHWA) Hydraulic Toolbox program. Additional riprap calculations were completed based on the HEC 14 design manual. To prevent sedimentation on North Sturbridge Road and the surrounding wetlands, a series of 1' deep grassed swales will be installed along the downgradient side of the gravel access road. Unlike the diversion swales, these swales are designed to run parallel to the natural topography of the Site and are intended to capture sediment while causing minimal interference to drainage patterns. The design intent of the project is to retain existing drainage patterns to the maximum extent practicable. Stormwater from the Site will continue to discharge towards nearby wetland systems, and measures have been implemented to mitigate changes to peak discharge rate. As the project is at a lower elevation than North Sturbridge Road, stormwater flow into the Town's Right-of-Way will be minimal. Pollutants of concern associated with the project include sediment.

Steep slopes are present on the Site which may present a potentially serious erosion problem. As indicated on the construction plans, such areas which are impacted by construction will be regraded to create shallower slopes. Jute mesh or approved equal is proposed to control erosion for steep slopes to remain. Construction materials will be stored on-site only in the designated staging and stockpile areas. Waste materials are anticipated to be stored in dumpsters.

GENERAL CONDITIONS:Overall Conditions

1. The **findings of fact** are incorporated as a special condition and given equal status as a special condition of this Order.
2. **Violation of any condition may result in Enforcement Action**
3. **Work shall be halted** on the site if an Director of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions.
4. The Commission reserves the **right to require additional conditions if deemed necessary** to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00).

Responsibility/Authority of the CCC

5. Members, Administrators or Directors of the Charlton Conservation Commission shall have the right to enter and inspect the property, in which the project site is located, at any time to evaluate compliance with these Order of Conditions, the Act, and the Wetlands Regulations, 310 CMR 10.00, until a Certificate of Compliance is issued, and shall have the right to request and receive any data or documentation that the Charlton Conservation Commission deems necessary for that evaluation.

Responsibility/Authority of the Conservation Director

6. With respect to all conditions, the Conservation Commission designates the Conservation Director as consultant to the Commission, with full powers to act on its behalf in administering and enforcing this Order.

Applicant's Responsibilities

7. **This document shall be included in all construction contracts**, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements.
8. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, **the contractor will be held jointly liable for any violation** of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this order.
9. This Order and a copy of approved drawings and **plans shall be available at the project site** at all times for easy reference.
10. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its Director immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission.

Applicant's Responsibility to Notify CCC before Work on Project Site

11. The applicant shall notify the Charlton Conservation Commission seventy-two (72) hours before any work begins on the project site, other than the marking of the limit of work and the installation of erosion and sedimentation controls cited in **Conditions # 17 & 18**, which should be completed before any activity commences.

Responsibility of Applicant to Report Changes/Alterations in Plans to NOI/OOC

12. If changes are necessary to any of the above listed Approved Plans & Documents the applicant shall immediately contact the Commission or its Director for review. The Commission or its Director will then determine whether the changes are significant enough to require the filing of an amended or new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

Responsibility of Applicant's Representative

13. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00.

PRIOR TO CONSTRUCTION:Applicant's Responsibility to Submit Information to the Conservation Commission

14. Prior to commencing any activity on the site, the applicant shall submit a **statement** signed by the applicant, owner of the property and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, and this Order.
15. Prior to commencing any activity on the site, the applicant shall submit the **Final Stormwater Pollution Prevention Plan (SWPPP)** submitted to US EPA as part of the NPDES CGP.

Applicant's Responsibility to retain an Environmental Monitor

16. The Applicant/owner shall **designate an Environmental Monitor**, acceptable to the Conservation Commission for this project who will be available on a 7-day a week, 24-hour a day basis to address any emergency situations related to the construction and wetland resources at this location. The Monitor shall also **perform inspections on a weekly basis and after all storm events with 0.5-inches or more of rainfall in a 24-hour period**. The Monitor shall keep a log of the site conditions during construction, the condition of erosion control devices, and daily climatic conditions. The consultant shall submit this log monthly to the Commission including, at minimum: when inspections of the site were done, the progress of the construction, potential issues with erosion/siltation control and problems occurring within the resource areas.

Marking Limit of Work

17. Prior to any activity on site, the surveyed limit of work shall be clearly marked with brightly colored or otherwise highly visible field demarcation, and shall be confirmed by the Commission or its Director. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.

Erosion & Sedimentation Controls

18. Prior to the Pre-Activity Meeting and commencement of any activity on this site, the approved erosion and sedimentation control measures shall be implemented as shown on final approved plan entitled NextEra Energy Resources North Sturbridge Road Solar Facility, BETA Job No:5989

(Sheet 4): Site Preparations and Erosion and Sediment Control Plan; Signed & Stamped by Danny P. Rebello, P.E.; Scale 1"=80'; Dated 8/20/2021

- Siltation fencing shall be/ firmly staked and toed in at the bottom, and
- Straw wattles shall be firmly anchored with stakes and placed end to end to ensure sediments do not travel through the barriers.
- Where possible, erosion controls should go around trees, shrubs, and other vegetation, on the uphill side.

Pre-Activity Meeting/Inspection

19. Immediately after installation of erosion and sedimentation controls, and prior to the commencement of any activity on site, the applicant shall arrange with the Commission, or its Director, a Pre-Activity Meeting to inspect the erosion and sedimentation controls and ensure they have been properly installed according to the approved plans. The meeting shall be between the applicant or the applicant's representative, the persons or supervisor responsible for the work, and a member of the Conservation Commission or its Director.

Restrictions on Clearing Vegetation or Disturbance of Soil Prior to Pre-Activity Meeting

20. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion control where required.

CCC's Authority to Change/Add Conditions

21. At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its Director may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.

DURING CONSTRUCTION:

Equipment on Site

22. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately. Equipment operators shall be prepared to immediately respond to, and contain, accidental releases of fuel, motor oil, lubricating oils, etc. On site absorbent materials shall be maintained for use in containing accidental spills. If an accidental spill occurs, the commission shall be notified immediately, and contaminated areas shall be treated according to guidelines established by the DEP's Bureau of Waste Site Cleanup (BWSC).
23. All equipment shall be operated, parked, and maintained so as to limit alterations of water bodies, wetlands and buffer zones to those areas clearly identified on the approved plans. No equipment is to enter or cross the approved limit of work, as shown on the approved plans and marked in the field; and referenced and approved in this Order.
24. Equipment shall be stored outside of the identified buffer zone at the end of each work day.
25. Equipment for fuel storage and refueling operations shall be located outside of all resource areas and associated buffer zones within the jurisdiction of the Commission.

Erosion Monitoring & Site Stabilization

26. The construction area shall remain in a stable condition at the close of each construction day. All disturbed or exposed soil surfaces shall be temporarily stabilized straw, mulch, or other methods approved by the USDA Soil Conservation Service.
27. Erosion controls shall be inspected daily, replaced immediately if required, and remain in place until all areas have been stabilized. Removal of the erosion controls will require approval of the Commission or its Director, and shall not occur until all work is complete and the site is revegetated.
28. Erosion controls shall be inspected after every rainfall to assure that maximum control has been provided. The applicant shall immediately control or correct any erosion problems that occur at the site and shall also immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
29. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, straw wattles, erosion control blankets, stone riprap, fiber berms or any other devices planned for use during construction.
30. The Charlton Conservation Commission 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.

Resource Area Protection

31. At no time shall sediments or debris be deposited in a wetland or water body. All activities shall be undertaken in such a manner as to prevent erosion and siltation of adjacent water bodies and wetlands.
32. There shall be no pumping of water from wetland resource areas.
33. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its Director.

Stormwater

34. All stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan, found in the Final Stormwater Management Report - 0 Sturbridge Road (Compiled); Dated June 23, 2021; Signed & Stamped by Danny P. Rebello, P.E. and submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis. **This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.**
35. The Operation and Maintenance Plan **shall be recorded by the applicant and/or owner in the land records of the Worcester County Registry of Deeds.**
36. Construction period controls, including pollution prevention and erosion/sediment control measures, shall be implemented strictly in accordance with the construction period control plan/**EPA Stormwater Pollution Prevention Plan (SWPPP) and such plans shall be submitted to the Commission prior to construction-related land disturbance on the site.**

37. Temporary storm water controls shall be constructed and managed in accordance with the project's construction period control plan. Erosion and sediment control practices shall be constructed before the beginning of site work in order to trap and detain water and sediments.
38. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
39. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the parcel shall maintain the drainage system in accordance with the following schedule:
 - a. Detention Basin: Inspect basin after the first several rainfall events, after all major storms, and at least once every 6 months. Remove accumulated sediment, trash, debris, leaves, and grass clippings, particularly in area of trash racks. Mow the buffer area, side slopes, and basin bottom. Rake basin floor and remove tree or other plant seedlings before they become established. Check for ponding within basin. Check for erosion along basin slopes. Inspect to ensure proper functioning.
 - b. Outlet Control Structure: Inspect concurrently with Detention Basin. Check grates to verify that inlet openings are not clogged. Clean debris from grate and from sump as necessary. Repair and replace damaged structure components. Check for erosion along overflow riprap apron.
 - c. Emergency Spillway: Inspect concurrently with Basins. In the event that the Emergency Spillway is used, inspect for and repair any damage caused to the Gravel Access Road and on-site vegetation.
 - d. Grassed Swale: Inspect each swale after the first several rainfall events, after all major storms, and at least once every 6 months. Remove accumulated sediment, trash, debris, leaves, and grass clippings. Mow the side slopes and swale bottom so that grass height does not exceed 6 inches but is no shorter than 3 inches. Replace dead vegetation and reseed as necessary. Remove tree or other plant seedlings before they become established. Check for erosion in vicinity of and within swale. Repair any rills or gullies. Repair damage to check dams as needed. Check for excessive ponding between check dams.
 - e. Culvert: Inspect concurrently with Grassed Swale. Remove accumulated sediment, trash, debris, leaves, and grass clippings. Inspect to ensure proper functioning. Check for erosion along riprap apron. Inspect embankment for stability.
 - f. Level Spreader: Inspect spreader after the first several rainfall events, after all major storms, and at least once every 6 months. Check structural integrity and flatness of granite curb. Remove accumulated sediment, trash, debris, leaves, and grass clippings. Mow the buffer area, side slopes, and basin bottom. Check for erosion along slopes. Rake spreader floor and remove tree or other plant seedlings before they become established. Check for ponding within spreader and inspect to ensure proper functioning.
 - g. Erosion at Panel Drip Edge: Inspect ground surface in vicinity of panels for erosion after the first several rainfall events, after all major storms, and at least once every 6 months. Note presence and severity of any erosion. Restore and stabilize impacted areas.
 - h. Vegetation: Monitor establishment and health of vegetation area at least once a month for the first several months, then at least once every 6 months. Check vegetation growth rate, health, and stability. Note presence of any failing vegetation. Reseed low-growth areas as necessary.

40. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas and shall maintain the integrity of vegetative cover on the site.

Trash and Debris Control

41. All construction materials, earth stockpiles, landscaping materials, waste products, refuse, debris, stumps, slash, or excavated materials shall be stored outside of all resource areas and associated buffer zones. The above mentioned must also be cover-up to prevent contact with rain water and surrounded by erosion controls to prevent sediment from entering these resource areas.
42. Construction refuse and debris shall be disposed of promptly and properly, and the project site shall be maintained in a clean condition. Records as to the destination of all material to be removed from the project site, including stumps, brush, construction waste, excess fill, loam, and peat shall be kept and made available to the appropriate town officials upon request. All such disposition shall conform to the Town of Charlton bylaws.
43. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.

Compliance with This Order

44. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its Director.

Emergency Notification

45. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its Director during business hours at during business hours at (508) 248-2247 or after hours / weekends at (508) 439-3293.

UPON COMPLETION OF CONSTRUCTION:

46. Grading shall be accomplished so that runoff shall not be directed to the property of others without mitigation as described in the construction and contingency plans. This project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others.
47. All exposed soils and other fills shall be permanently stabilized at the earliest practicable date. **Only upon completion of this project, and when The Commission and/or its Director is assured that there is complete stabilization of all areas,** shall erosion control measures be removed. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion in a waterway or wetland.
48. Within 30 days of final grading, all disturbed areas shall be permanently stabilized with rapidly growing cover and a minimum of 4 to 6 inches of organic topsoil, if necessary and a USDA, Natural Resources Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II," or other acceptable stabilization method to assure long-term stabilization of disturbed areas. Maintenance of these areas shall be in a manner that assures permanent

stabilization and precludes any soil erosion and shall be the responsibility of the owner of record of the property or the responsibility of the applicant. **This condition is ongoing and does not expire upon completion of this project or the issuance of a Certificate of Compliance.**

49. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
 - An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act and the [name of municipality] Wetlands Protection Bylaw.
 - Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

PERPETUAL CONDITIONS:

All of these conditions shall survive the expiration of this Order, and shall be included as continuing conditions in perpetuity on the Certificate of Compliance

50. **Dumping Prohibited:** There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
51. **Additional Alteration Prohibited:** There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). No future work of any kind, including but not limited to site grading, clearing, or cutting of vegetation, shall be allowed beyond the limit of work line shown on the above referenced plan(s). Any proposed construction not shown on the plan within 100 feet as delineated on wetland boundary map as shown on plans as submitted shall require additional review and approval by this Commission.