



October 21, 2021

Lynnfield Conservation Commission
55 Summer Street
Lynnfield, MA 01940

**RE: Request for a Certificate of Compliance
DEP File No. 209-0637
339 Line Geotechnical Soil Borings Project
Lynnfield, Massachusetts
New England Power Company**

33 Waldo Street
Worcester, MA 01608

Tel: 508-792-4500
800-288-8123
Fax: 508-792-4509

www.bscgroup.com

Dear Members of the Lynnfield Conservation Commission:

BSC Group, Inc. (BSC), on behalf of New England Power Company (NEP), is pleased to submit this Request for a Certificate of Compliance for activities associated with exploratory geotechnical soil borings along the 339 Transmission Line Right-of-Way (ROW) in Lynnfield, Massachusetts. The Notice of Intent (NOI) was submitted to the Commission on February 28, 2020, and an OOC (DEP File No. 209-0637) was issued on May 28, 2020. Completed activities include exploratory soil borings at three (3) transmission line structures. The OOC contains provisions for work within Bordering Vegetated Wetlands (BVW), 100-foot Buffer Zone to BVW, the locally regulated “no-disturb zone”, and the Natural Heritage and Endangered Species Program (“NHESP”) Estimated Habitat of Rare Species .

At this time, ground disturbing activities are complete and disturbed areas have been permanently stabilized. Please find attached a copy of WPA Form 8A and representative photographs of the site and project components. Due to the nature of the work, no engineering plans were developed for this project and were not required during the permitting process. As such, an as-built plan has not been included with this request, since it is not applicable to the permitted project.

We respectfully request that you place this matter on your agenda for the next available public hearing. A BSC representative can attend this meeting, if necessary. If you have any questions, please do not hesitate to contact me at 401-742-0487 or Andrew Cole of NEP at 508-948-9376. Thank you for your consideration in this matter.

Truly yours,

Project Manager

cc: Andrew Cole, NEP

- Engineers
- Environmental Scientists
- GIS Consultants
- Landscape Architects
- Planners
- Surveyors



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
209-0637
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Andrew Cole, New England Power Company (NEP)
 Name
40 Sylvan Road
 Mailing Address
Waltham MA 02451
 City/Town State Zip Code
508-948-9376
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

New England Power Company (NEP)
 Applicant
5/28/2020 209-0637
 Dated DEP File Number

3. The project site is located at:

339 Transmission Line ROW Lynnfield
 Street Address City/Town
33 & 39 33-2235, 39-0941
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
South Essex District Registry of Deeds 38802 481
 County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



SO.ESSEX #123 Bk:38802 Pg:481
08/10/2020 10:21 AM CONDN Pg 1/20
eRecorded



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:
209-0637
MassDEP File #
eDEP Transaction #
Lynnfield
City/Town

A. General Information

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

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



1. From: Lynnfield
Conservation Commission
2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
a. First Name Andrew b. Last Name Cole
c. Organization New England Power Company
d. Mailing Address 40 Sylvan Road
Waltham MA 02451
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
a. First Name _____ b. Last Name _____
Town of Lynnfield (Right of way with town - no book and page BC)
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:
a. Street Address 339 Transmission Line b. City/Town Lynnfield
33 & 39 c. Assessors Map/Plat Number 33-2235 & 39-0941
d. Parcel/Lot Number _____
Latitude and Longitude, if known: 42d31m506s 71d26m433s
d. Latitude e. Longitude

Legal File #: #10 LYNFMA T-GH 00031

Please return to:
Grace Walsh / Legal
National Grid
40 Sylvan Rd
Waltham, MA 02451



**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 Lynnfield Wetland Protection Bylaw

Provided by MassDEP:
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex South
a. County _____ b. Certificate Number (if registered land) _____
Right of Way with Town
c. Book _____ d. Page _____

7. Dates: 2/28/2020 5/19/2020 5/28/2020
a. Date Notice of Intent Filed _____ b. Date Public Hearing Closed _____ c. Date of Issuance _____

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

339 Line Soil Borings Plan N. Reading, Reading & Lynnfield 6 pages
a. Plan Title _____
BSC Group Inc n/a
b. Prepared By _____ c. Signed and Stamped by _____
2/27/2020 1 = 100
d. Final Revision Date _____ e. Scale _____
339 Line Geotechnical Soil Borings Project Narrative Feb 2020
f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of 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 (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0 a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	5 a. square feet _____	5 temporary b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ cu yd c. nourishment	_____ cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ cu yd c. nourishment	_____ cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

* #23. 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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
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.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 209-0637 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

 - h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
 - i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
 - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
 - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.
- Special Conditions (if you need more space for additional conditions, please attach a text document):

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Lynnfield hereby finds (check one that applies):
Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
Wetland Protection
- | | |
|---------------------------------|-------------|
| 1. Municipal Ordinance or Bylaw | Ch 240 |
| | 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



**Massachusetts Department of Environmental Protection
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E. Signatures

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



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

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

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

By vote on May 19, 2020, the individuals listed below have authorized the Conservation Coordinator to sign on their behalf pursuant to the signature authorization attached. The typed names below represent the intent to sign in accordance with MGL Ch 110G Sec 9.

Signatures:

Paul Martindale
Don Gentile
Janice Soloman
Melanie Lovell
Angelo Salamone
Kirk Mansfield
William Thompson

Ernile Cademartori, for the Conservation
pursuant to the above-referenced
authorization

by hand delivery on

by certified mail, return receipt
requested on

Date

Date

5/29/2020

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.

Vote Authorizing Signatures of Commissioners

On May 19, 2020 the Lynnfield Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Lynnfield Conservation Commission.

Motion: To authorize the Conservation Administrator, Emilie Cademartori to electronically sign Lynnfield Conservation Commission Documents on behalf of individual Conservation Commission members. The term Conservation Commission Documents as used in the preceding sentence means only those documents that the Conservation Commission voted to issue and sign at a public meeting during Covid-19 State of Emergency.

Chair Paul Martindale - Aye

Commissioner Donald Gentile -Aye

Commissioner Janice Soloman -Aye

Commissioner Melanie Lovell -Aye

Commissioner Angelo Salamone--Aye

Commissioner William Thompson- Aye

Commissioner Kirk Mansfield - Aye

Vote: Unanimous

A handwritten signature in cursive script, reading "Emilie Cademartori", written over a horizontal line.

Emilie Cademartori



**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 Lynnfield Wetland Protection Bylaw

Provided by MassDEP:
209-0637
MassDEP File #

eDEP Transaction #
Lynnfield
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Lynnfield
Conservation Commission

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

To:

Lynnfield
Conservation Commission

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

339 Transmission Line
Project Location

209-0637
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 _____

SPECIAL CONDITIONS
GENERAL

1-20. See DEP General Conditions pages 5 – 9 of 12 on Form 5, Order of Conditions.

21. When used in this Order of Conditions, the terms below shall have meanings as follows:

- a. The project location is defined as the New England Power Company 339 Transmission Line Right of Way, Lynnfield, Massachusetts, Assessor's Map 33 Parcel 2235 and Map 39 Parcel **0941**.
- b. The activity consists of conducting exploratory soil borings within both Bordering Vegetated Wetland (at structures 114 & 118) and upland (at structure 102) as well as the temporary installation of construction mats in Bordering Vegetated Wetland and associated buffer zone for equipment access. Approximately 37,879 sq feet of BVW will be temporarily impacted.
- c. All work is depicted on plan set titled "339 LINE Soil Borings Plan North Reading, Reading & Lynnfield, MA" and described in accompanying Project Narrative "Attachment A 339 Line Geotechnical Soil Borings Project Lynnfield Massachusetts Notice of Intent" prepared by BSC Group February 2020.

22. **Findings:** After conducting a public hearing, the Lynnfield Conservation Commission has found as fact that portions of this project location are defined as Bordering Vegetated Wetlands (BVW), Stream, Bank and Bordering Land Subject to Flooding and the associated 100 foot Wetlands Buffer Zone (WBZ). The portions that are BVW and WBZ are approximately as shown on the approved plans for the project referenced in this Order.

The Lynnfield Conservation Commission has found as fact that a portion of this property and the proposed project are subject to the provisions of the Lynnfield Wetland Protection Bylaw and the Regulations of the Conservation Commission of the Town of Lynnfield enacted pursuant to the Lynnfield Wetland Protection Bylaw.

The Applicant has requested a Variance from the provisions of Regulation 320-2(a) of the Regulations of the Conservation Commission of the Town of Lynnfield established pursuant to the Lynnfield Wetland Protection Bylaw for the following activity within the 25-foot "No-Disturb Zone" and 50-foot "No build Zone":

- Temporary disturbance to vegetation due to the installation of construction matting along access routes.

After holding a Public Hearing and considering written and oral testimony, the Conservation Commission finds that (a.) literal compliance with Regulation 320-2(a) of the Regulations of the Conservation Commission of the Town of Lynnfield would cause substantial hardship because of conditions peculiar to the project location and not shared generally by property owners within the Town of Lynnfield; (b.) the hardship is not being created by the Applicant himself; and (c.) the Variance will only result in temporary harm to the values protected by the Bylaw. The Conservation Commission hereby grants the requested waiver.

23. The Conservation Commission has found as fact that a portion of this project is subject to the MA Wetlands Protection Act. (The use of construction mats are regulated by an Administrative Consent Order and not subject to this OOC) DEP has issued file number 209-0637 for this project. Per General Condition 10 of this Order, **a sign shall be displayed at the site entrances**

not less than two square feet or more than three square feet in size bearing the words "MA DEP # 209-0637".

24. No work shall commence on-site until all appeal periods have elapsed. Due to the tolling of deadlines for state agency action, no work should be performed prior to the end of the state of emergency **unless receiving written authorization from MA DEP** that they do not intend to appeal the decision. You may contact the DEP Regional Office via email (at this address: NERO_NOI@mass.gov) with the subject line format of "LYNNFIELD NO_SOC_New England Power 209-0637" to request that letter. Remember to also send hard copy via first class regular mail.
25. No work shall commence on-site until all appeal periods have elapsed. After the expiration of all appeal periods in accordance with General Condition 8 on page 5 of this Order and prior to commencement of any work on the affected property, this Order of Conditions must be recorded at the Southern Registry District of the Essex County Registry of Deeds. Failure to record this Order of Conditions will result in automatic revocation of this Order as provided by General Condition 1 of this Order of Conditions.
26. This Order shall be made part of all construction contracts and subcontracts dealing with the work proposed, and the requirements of this Order of Conditions shall supersede any conflicting contract requirements. The contractor responsible for the project's completion shall be notified and understand the requirements of this Order of Conditions. Any person performing work on the activity that is the subject of this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order of Conditions. The contractor shall have a copy of this Order of Conditions, as well as all approved plans and documents referenced in Section A 8 of this Order available on-site upon commencement of any site work and shall make the plans and documents available to any person doing work on the site at all times.
27. **Prior to any work being done on the project site**, the applicant shall inform the Conservation Commission in writing of the names, addresses, business & mobile telephone numbers of the contractor who will be responsible for ensuring on-site compliance with this Order. The notification shall occur at least 48 hours prior to commencement of work on the site. The 48 hours shall not be over weekends or holidays. The applicant shall also notify the Commission in writing of any changes in this information.
28. All work shall be conducted in strict accordance with the Notice of Intent and above-referenced plans and supporting documentation unless otherwise specified in this Order of Conditions, which shall be the controlling document. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission.
29. If the Conservation Commission finds, by majority vote, changes as referenced in General Conditions 13 of this Order of Conditions to be significant and/or to deviate from the original plans, the Notice of Intent, or this Order of Conditions, the applicant shall provide written notice of the Conservation Commission for approval prior to implementing the change in the field. The Commission shall determine whether the change is significant enough to require a new Public Hearing and/or the filing of a new Notice of Intent within 21 days. If a new public hearing is required or a new Notice of Intent is required, these shall all be at the expense of the applicant in order to take testimony from all interested parties. Within 21 days of the close of said hearing, the Commission shall issue an amended or new Order of Conditions.
30. Any errors found in the plans or information submitted by the applicant shall be considered as changes, and the procedures outlined in Special Condition 29 above shall be followed.

31. The applicant agrees with the Conservation Commission's position that the Order of Conditions as written, individually or as a group, protects the Interests of the Act. In the event that an Enforcement Order is issued to the applicant and the applicant fails to act after ten business days from the receipt of said Enforcement Order, the Commission may satisfy the requirements of the Enforcement Order and the applicant agrees to reimburse the Commission for all administrative costs and other expenses required to satisfy the Enforcement Order including but not limited to all costs incurred by the Town due to the use of its own resources or the use of outside resources including the employment of experts, specialized contractors or any other individual or organization it deems necessary to satisfy the requirements of the Enforcement Order.
32. The Administrator or members of the Conservation Commission or their designees may enter and inspect the property and the project pursuant to Condition 15, with or without probable cause or prior notice, and until a Certificate of Compliance is issued. The Commission or its designee will follow on-site check-in and safety procedures.
33. It is the responsibility of the applicant to satisfy all procedural requirements of all agencies having jurisdiction over the activity that is the subject of this Order, and to obtain all required licenses, permits, or authorizations. These include but are not limited to the following: **a)** Massachusetts Department of Environmental Protection **b)** Permits from the Town of Lynnfield Building Inspector and other applicable Lynnfield Boards/Commissions.

PRIOR TO CONSTRUCTION

34. Prior to the commencement of any construction or activity on the project site, an **on-site Preconstruction Meeting** will be held with the contractor, designated agent, and Conservation Administrator to review this Order of Conditions to ensure that all the conditions of this Order are understood and review the construction sequencing.
35. **At the Preconstruction Meeting**, the Applicant shall submit the construction sequencing plan and construction schedule.
36. No clearing of vegetation, including trees, or disturbance of soil on any areas within 100 feet of any wetland resource area shall occur prior to the Preconstruction Meeting, except such minimal disturbance required in order to stake the required erosion control lines.
37. **After the Preconstruction Meeting** and prior to any construction at the site, a row of staked straw wattle of adequate size (or equivalent) shall be installed. Erosion controls shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go around trees, shrubs, and other vegetation, on the uphill side. Upon installation, the Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed. No other work on the project may occur until the installed erosion controls have been inspected and approved.

DURING CONSTRUCTION

38. Accepted engineering and construction standards shall be followed in the completion of this project. This includes proper installation and maintenance of Erosion & Sediment Control (E&SC) Best Management Practices (BMPs) per applicable DEP, US Department of Agriculture Natural Resource Conservation Service (NRCS), and/or manufacturers' guidelines.
39. The erosion controls shall be maintained per General Condition 18 of this Order of Conditions until the referenced stabilization efforts are inspected and approved by the Conservation Administrator. Upon completion of the project, the applicant shall request permission from the

- Conservation Commission to remove and discard all E&SC materials determined to be detrimental to the resource areas and restore the soil and vegetation beneath the barriers to pre-disturbance condition.
40. The applicant must maintain erosion control devices and check on a weekly basis and after any rain event totaling more than 0.5" of precipitation over any 24-hour period. Accumulated sediment upgradient of erosion control devices shall be removed immediately if its depth exceeds six (6) inches or every two weeks during construction.
 41. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project. Erosion control devices may be modified based upon experience at the site. Additional or modified erosion control measures may be required by the Conservation Administrator at any time before, during and after construction. These will be maintained until the Applicant's Engineer and a member or agent of the Commission agree that they are not longer needed, at which time they will be removed, using mutually satisfactory removal procedures. The area where the erosion control devices are removed from shall be stabilized and seeded immediately after the devices are removed.
 42. All equipment shall be operated and maintained so as to prohibit alterations of wetlands not allowed by this Order of Conditions and to minimize disturbance in buffer zones to those areas clearly identified on the plans, demarcated in the field, and permitted by this Order of Conditions. **No equipment is to enter or cross any wetland resource area at any time without the use of construction mats.**
 43. Subsequent to seeding, disturbed areas will be covered with salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching. Netting shall be required on all slopes 3:1 or steeper unless the slope is covered by stone riprap. As an alternate to the salt hay mulch, erosion control blanket or netting, biodegradable mulch incorporated into a hydro seed mixture is acceptable.
 44. The area of construction shall remain in an environmentally stable condition at the close of each construction day.
 45. Bare ground in the Buffer Zone that cannot be permanently stabilized within thirty (30) days shall be stabilized by a temporary cover of rye or other grass following U.S. Natural Resource Conservation Service (NRCS) procedures to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting, or other NRCS approved methods. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding.
 46. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area or buffer zone. Also, there shall be no refueling of mechanical equipment within a wetland resource or within the 100 foot buffer zone. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.

CERTIFICATE OF COMPLIANCE

47. Upon completion of the work on the project, the applicant shall request in writing a Certificate of Compliance from the Conservation Commission and shall submit the following information with the request:
- a. A written statement from the engineering firm certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth deviations, if any exist.
 - b. Two sets of field surveyed as-built site plans prepared, signed and stamped by a Massachusetts Registered Professional Land Surveyor or a Massachusetts Registered Professional (Civil) Engineer. The as-built plan shall include, at a minimum, and as applicable to the project, limits of clearing, grading and fill; all structures, pavement and spot elevations and two foot contour elevations within 100 feet of wetlands boundaries; locations of wetland boundaries; all alterations within wetland resource areas; all wetland replication areas; and all dates of fieldwork.
 - c. Post-construction photographs demonstrating compliance with the Order of Conditions, including established vegetation where required.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

209-0637

Provided by DEP

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

A. Request Information

1. Location of Project

339 Transmission Line

a. Street Address

Lynnfield MA 01940

b. City/Town, Zip

c. Check number

d. Fee amount

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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

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

National Grid c/o Andrew Cole

Name

40 Sylvan Road

Mailing Address

Waltham

City/Town

MA

State

02451

Zip Code

781 907 4768

Phone Number

Fax Number (if applicable)

4. DEP File Number:

209-0637

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



B. Instructions

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

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

DEP File Number:

209-0637

Provided by DEP

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



Photo #1: View of restored areas proximate to Structure 102. *Facing northwest.*



Photo #2: View of restored areas proximate to Structure 114. *Facing north.*



Photo #3: View of restored areas proximate to Structure 118. *Facing northwest.*