

December 6, 2021

Marlborough Conservation Commission  
140 Main Street  
Marlborough, MA 01752

Re: Amended Notice of Intent (NOI)  
DEP File # 212-1215  
107 Simarano Drive, Marlborough MA (Green District)

Dear Marlborough Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Amended Notice of Intent (NOI) on behalf of the Applicant, Andrew Montelli of Post Road Realty LLC, for the construction of a trail system on the lot known as 107 Simarano Drive, Marlborough MA (Map: 116, Lot: 5, 11, 12 & 13). This is a filing under the Massachusetts Wetland Protection Act (WPA).

Titles of all enclosed documents are as follows:

- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form
- Copy of Checks
- Certified Abutters List (from Marlborough and Southborough)
- *Wetland Border Report*, Goddard Consulting LLC, 9/22/2021
- *Invasive Species Management Plan (ISMP)*, Goddard Consulting LLC, 12/6/2021
- *Order of Resource Area Delineation - DEP File #212-1212*, Marlborough Conservation Commission, 8/28/19
- *Order of Conditions - DEP File #212-1215*, Marlborough Conservation Commission, 2/4/2020
- *USGS of Site*, Goddard Consulting LLC, 9/22/2021
- *Orthophoto View of Site*, Goddard Consulting LLC, 9/22/2021
- *New Proposed Site Plan for Trial System: Nature Trail Layout Plan, Green District, 107 Simarano Drive, Marlborough, MA*, Eric Rains Landscape Architecture LLC, 10/29/2021

### Existing Conditions

The project site is currently being developed according to the currently approved site plans (*Green District, 107 Simarano Drive*, Hancock Associates, 8/20/2020) and Order of Conditions - DEP File #212-1215. A short trail system with two stream crossings were previously approved, providing access between two main residential areas.

The currently approved site plan shows one large, central Bordering Vegetated Wetland (BVW) with two internal ponds. The approved plans demarcate the area between the ponds as wetlands.

On September 22, 2021, Goddard delineated the wetlands between these two ponds to define the wetland boundaries more precisely. Please refer to Goddard's *Wetland Border Report*, dated 9/22/2021, for details on the new delineation. A new site plan, *Nature Trail Layout Plan, Green District, 107 Simarano Drive, Marlborough, MA*, by Eric Rains Landscape Architecture LLC, dated 10/29/2021, has been created to show the newly delineated wetland boundaries in this area. It was discovered that there is a significant amount of upland between the two ponds, providing adequate upland space to propose a trail system within that area.

According to the Mass GIS data layers for NHESP, this site is not located within an Estimated and/or Priority Habitat of Rare Wildlife. A mapped certified vernal pool is located on-site within the delineated wetland resource area, however the newly proposed trail system is not proposed nearby the certified vernal pool. The site is not located in an ACEC and does not have a jurisdictional FEMA Flood Zone.

### **Proposed Conditions**

The applicant proposes extending the preapproved trail system so that pedestrians can access natural settings throughout the site. The proposed trail is 5 feet wide and will be comprised of pervious materials, i.e., wood mulch and elevated boardwalks with decking material. Several seating areas (7 in total) are proposed with wood mulch ground cover material and will have Adirondack chairs installed for seating. 18,465 SF of area will be impacted by the new portions proposed trail system and seating area footprint (17,825 SF of impacts to Buffer Zone, 640 SF of boardwalks elevated over BVW). As mitigation for the impacts to wetland resource areas and Buffer Zone, an Invasive species Management Plan has been crafted by Goddard (see the attached *Invasive Species Management Plan*, dated 12/6/2021, for details). Invasive species removal will occur at a minimum 5-foot area along each side of the trail. The total area of the ISMP Area is  $\pm 19,175$  SF ( $\pm 10,500$  SF within the 20-foot Buffer Zone,  $\pm 7,785$  SF within the 20'-100' Buffer Zone, and  $\pm 890$  SF within Bordering Vegetated Wetland). Additional invasive species removal may occur at select locations along the trail and seating areas. Overall, the trails footprint and the ISMP area total 37,640 SF of impacts (36,110 SF within Buffer Zone, 1,530 SF within BVW).

A majority of the work is proposed within Buffer Zone to BVW. Several sections of the trail are proposed within the 20-foot Buffer Zone to BVW. Impacts to the Buffer Zone include the removal of vegetation and minor grading. Large, native, woody vegetation will be spared from removal wherever possible by slightly shifting the trails footprint around native trees or shrubs. If woody vegetation is disturbed, a seed mix is proposed within 5-feet from the edge of the trail as mitigation. Goddard's *Invasive Species Management Plan (ISMP)*, dated 12/6/2021, includes details on the proposed upland seed mix, which includes seeds for native woody plant propagation, i.e., staghorn sumac, grey dogwood, and silky dogwood. No trees are proposed to be removed within the Buffer Zone. Grading along the trail will be limited only to areas where improved accessibility is required.

One portion of the trail system is proposed within BVW. This stretch of trail is ~37 LF and will require negligible wetland impacts (<5 SF). The impacts will be a result of the installation of an

elevated boardwalk (5-feet wide). The boardwalks will be built with helical piers and decking that elevate the boardwalk. Impacts to wetland soils and vegetation will be avoided to the maximum extent practicable, and sunlight penetration will avoid shading impacts to the BVW. Impacts to woody vegetation will be avoided wherever feasible. If woody vegetation is disturbed, a seed mix is proposed within 5-feet from the edge of the trail as mitigation. Goddard's *Invasive Species Management Plan*, dated 12/6/2021, includes details on the proposed wetland seed mix, which includes seeds for native woody plant propagation, i.e., silky dogwood, arrowwood viburnum, and elderberry. No trees are proposed to be removed within the BVW. No grading is proposed within BVW.

Within the BVW, there are intermittent streams that will need to be crossed. There are three (3) stream crossing involved with the trail system. Two stream crossings were previously approved under DEP File # 212-1215. A new stream crossing is proposed with this Amended NOI. The newly proposed 5-foot wide bridge will span over 14 LF of Bank nearby wetland flags B23 and U12. In total, the crossings (both approved and proposed) will span over 42 LF of Bank to the intermittent streams. The stream crossings will include a bridge design which will avoids impacts to the actual Banks of the intermittent streams.

## **Compliance under the Massachusetts Wetland Protection Act**

### ***Buffer Zone***

The WPA Regulations [310 CMR 10.02(2)(b)] do not contain performance standards for Buffer Zone Alteration.

*Activities within the buffer zone which do not meet the requirements of 310 CMR 10.02(2)(b)1. and 2. are subject to preconstruction review through the filing of a Determination of Applicability to clarify jurisdiction or a Notice of Intent under the provisions of 310 CMR 10.05(4) and 10.53(1)."*

All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered, but the project design requires that Buffer Zone be altered in order to achieve the desired project design. Erosion and sedimentation controls in the form of staked mulch socks will be installed along the limit of work in order to prevent any siltation into the wetlands during construction and to clearly demarcate the limit of work.

Additionally, unpaved pedestrian walkways created for private use and built less than 30 inches wide are the first minor activity listed in the Wetlands Protection Regulations (310 CMR 10.02(2)(b)2.a.) and are not subject to filing a Notice of Intent. 310 CMR 10.02(2)(b)2.a. states:

2. *The following minor activities, provided that they comply with 310 CMR 10.02(2)(b)1., are not otherwise subject to regulation under M.G.L. c. 131, § 40:*
  - a. *Unpaved pedestrian walkways less than 30 inches wide for private use and less than three feet wide for public access on conservation property;*

Due to the wideness of the path and expanded seating areas, a Notice of Intent (Amended) has thus been filed for this specific trail system. Given the path is wider than an otherwise exempt trail system, mitigation has been proposed in the form of invasive species management to offset impacts incurred on the Buffer Zone and wetland resource areas.

Invasive species management can enhance the health of Buffer Zones and wetlands by inviting native species to grow and provide wildlife with suitable vegetation for foraging and shelter. The overall impacts to the Buffer Zone and wetland resource areas may be offset by the mitigation efforts offered by the Invasive Species Management Plan.

### ***Bordering Vegetated Wetlands***

The impacts to BVW are subject to the performance standards set forth in 310 CMR 10.55(4)(b). The following discussion will describe the projects compliance with each aspect of this regulation.

310 CMR 10.55(4)(b):

*“Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:*

The proposed wetland impacts are negligible due to the small impact of installing helical piers within the wetland (to elevate a boardwalk). The loss of BVW is negligible, thus no BVW replacement is proposed and the project compliance with the standards related to wetland replacement have not been included with this regulatory discussion.

### ***Bank***

Impacts to Bank resource areas have been avoided by designing the newly proposed bridge to span across the stream channel without impacting the soils of the Bank; impacts will be confined to the BVW. Details on the bridge desing will be provided to the commission prior to construction.

### **Compliance with Marlborough Conservation Commission 20-foot Wetlands Setback Policy**

The impacts to the 20-foot Buffer Zone are subject to the Marlborough Conservation Commission’s *20-foot Wetlands Setback Policy*. The following discussion will describe the projects compliance with each aspect of this policy.

The 20-foot Wetland Setback Policy

*In acting upon Notices of Intent and Determination of Applicability, the Conservation Commission will presume that any **alteration or construction** within 20 ft. of a wetland boundary would have a significant adverse impact on the wetlands, and such **alteration or construction** shall not be permitted unless the applicant demonstrates that (1) such activity would not have such an impact, or (2) public benefits, such as health or safety, outweighs any such impact, or*



*(3) the activity involves the maintenance of existing structures, or (4) the activity is the installation of the stormwater outlet structure. The applicant will have the burden of proof by clear and convincing evidence on this issue. Factors to be considered by the Conservation Commission in determining whether the applicant has met this burden shall include, but are not limited to, the following:*

- 1. Slope of the buffer zone*
- 2. Type and structure of vegetation, soil type and hydrology in the buffer zone*
- 3. Degree and scale of past alterations in the buffer zone*
- 4. Ecological integrity of the adjacent wetlands*
- 5. Importance of the buffer zone to wildlife utilizing the wetland*
- 6. Whether the proposed activity in the buffer zone would be permitted if it were in the wetland*
- 7. Any ecological benefits arising from the proposed activity, such as removal of exotic vegetation or creation of enhanced wildlife habitat*
- 8. Any public benefits arising from the proposed activity*
- 9. Alternatives have been considered and in the judgment of the Commission no practical alternative is available. However, restoration or plantings in the zone may be required, to help define and protect the remainder of the buffer zone.*
- 10. Project scope and design minimized the work in close proximity to resource area*
- 11. Project will not lead to encroachment on the resource area after the project is completed*
- 12. Commission may impose a wider undisturbed buffer zone to ensure protection of wetland resource areas if the project involves: sensitive habitats, steep slopes, highly erodible soils, extensive disturbed area or hydraulic conditions likely to promote significant erosion*

All reasonable efforts to avoid, minimize and mitigate adverse impacts on the 20-foot Buffer Zone have been considered, but the project design requires that the 20-foot Buffer Zone be altered in order to achieve the desired project design. Erosion and sedimentation controls in the form of staked mulch socks will be installed along the limit of work in order to prevent any siltation into the wetlands during construction and to clearly demarcate the limit of work.

Factors to be considered in permitting the trail system within the 20-foot Buffer Zone:

- The proposed trail system is modeled on the public trail systems within Marlborough Buffer Zones and BVW
  - Elevated boardwalks using decking and helical piers are proposed within BVW.
  - Stream crossings will employ bridge designs that avoid impacts to Bank resource areas.
- Type and structure of vegetation within the ISMP Area will be diversified
  - Reduction in non-native, invasive species
  - Introduction of native plant species, both herbaceous and woody
  - Improvement in wildlife habitat
- Soil type and hydrology are not anticipated to be altered

- Slope of the Buffer Zone is not proposed to change in a way which increases the risk of erosion
- Recreational value of the Buffer Zone is utilized
- Smaller scale trail systems are exempt from filing a Notice of Intent under the wetlands Protection Act
- Ecological integrity of the adjacent wetlands may be enhanced with the implementation of invasive species management
- Importance of the buffer zone to wildlife utilizing the wetland may be enhanced with the control of invasive plant species and the introduction of native species in their place
- During the trails construction, a wetland scientist with knowledge of local fauna shall be on-site to ensure significant wildlife habitat features are not impacted for the construction of the trail
- Invasive species removal provides ecological benefits
- Public benefit in the form of health and mindfulness. Meaningful connections can be formed between public residents and the land that the trail is proposed on.
- Alternative trail routes would result in impacts generally closer to wetland resource areas. The current design minimized work in close to the wetland resource areas wherever feasible.
- Historically altered area can be enhanced by removing invasive plant species and inviting the establishment of native plant species.

## **Conclusions**

Goddard Consulting believes that the proposed project meets all regulatory compliance standards under the WPA and provides an adequate burden of proof validifying the project's ability to enhance the 20-foot Buffer Zone that the Marlborough Wetland Protection Policy regulates and protects. The project is not anticipated to have an adverse impact on wetland resource areas. Negligible BVW impacts are proposed for the installation of elevated boardwalks, and stream crossings will avoid impacts to the Banks of stream channels. Erosion and sediment controls will be placed at the limit of work in the form of compost mulch sock to avoid impacts to the resource areas and demarcate the limit of work. Impacts are proposed to be offset by an Invasive Species Management Plan within the Buffer Zone and BVW adjacent to the trail. As such, Goddard respectfully requests that the Marlborough Conservation Commission issues an Amended Order of Conditions approving the project.

Please feel free to contact us if you have any questions.

Sincerely,  
**Goddard Consulting, LLC**



**Mitch Maslanka**  
*Wetland Scientist*

CC:

- MassDEP Central Regional Office, Wetlands Division, 8 New Bond Street, Worcester, MA 01606
- Andrew Montelli, Post Road Realty LLC, 11 Unquowa Rd, Fairfield CT, 06824
- John J. Shipe, P.E., Shipe Consulting, 336 Baker Avenue, Suite 1-11, Concord, MA 01742



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Amended Notice of Intent**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

212-1215

MassDEP File Number

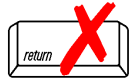
Document Transaction Number

Marlborough

City/Town

**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

107 Simarano Drive (Green District)

a. Street Address

Marlborough

b. City/Town

01752

c. Zip Code

Latitude and Longitude:

42.318755

d. Latitude

-71.578607

e. Longitude

116

f. Assessors Map/Plat Number

5, 11, 12, & 13

g. Parcel /Lot Number

2. Applicant:

Andrew

a. First Name

Montelli

b. Last Name

Post Road Realty LLC

c. Organization

11 Unquowa Road

d. Street Address

Fairfield

e. City/Town

CT

f. State

06824

g. Zip Code

203-895-0174

h. Phone Number

i. Fax Number

Andrew.montelli@snet.net

j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Mitch

a. First Name

Maslanka

b. Last Name

Goddard Consulting, LLC

c. Company

291 Main Street, Suite 8

d. Street Address

Northborough

e. City/Town

MA

f. State

01532

g. Zip Code

508-615-2041

h. Phone Number

i. Fax Number

mitch@goddardconsultingllc.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$500

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid



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### A. General Information (continued)

6. General Project Description:

Proposed trail system with seating areas. Pervious materials will be used (wood mulch). Trail system involves crossing Bordering Vegetated Wetlands and one (1) stream. Boardwalks are raised by helical piers to minimize impacts. The bridge design has avoided impacts to stream Banks.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial          | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex County

a. County

76501; 76501

c. Book

b. Certificate # (if registered land)

316; 321

d. Page Number

### B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<5 SF 1. square feet	0 SF 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <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	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4.  Restoration/Enhancement  
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.2.b or B.3.h above, please enter the additional amount here.

\_\_\_\_\_ a. square feet of BVW \_\_\_\_\_ b. square feet of Salt Marsh

5.  Project Involves Stream Crossings  
1 (elevated boardwalk only)  
a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

- 2021  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

- Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

2.  Assessor’s Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





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### C. Other Applicable Standards and Requirements (cont'd)

- (c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm)).  
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
  2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
  3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 –Amended Notice of Intent

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

Provided by MassDEP:

212-1215

MassDEP File Number

Document Transaction Number

Marlborough

City/Town

### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:  
**Trail with Seating Areas (Pervious Materials Proposed)**
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 –Amended Notice of Intent

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

Provided by MassDEP: 212-1215 MassDEP File Number
Document Transaction Number Marlborough City/Town

## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Nature Trail Layout Plan, Green District, 107 Simarano Drive, Marlborough, MA

a. Plan Title

Eric Rains Landscape Architecture LLC

b. Prepared By

10/29/2021

d. Final Revision Date

c. Signed and Stamped by

1" = 30'

e. Scale

Invasive Species Management Plan (ISMP), Goddard Consulting LLC

12/6/2021

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1561

2. Municipal Check Number

11/3/2021

3. Check date

1560

4. State Check Number

11/3/2021

5. Check date

Andrew

6. Payor name on check: First Name

Montelli

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
212-1215
MassDEP File Number
Document Transaction Number
Marlborough
City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

*Andrew Montelli*

1. Signature of Applicant (Andrew Montelli of Post Road Realty LLC)

*11.3.21*

2. Date

3. Signature of Property Owner (if different)

*Mitch Maslanka*

5. Signature of Representative (Mitch Maslanka of Goddard Consulting LLC)

4. Date

*11/3/2021*

6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

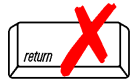
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

107 Simarano Drive (Green District)	Marlborough
a. Street Address	b. City/Town
1560	\$237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Andrew	Montelli	
a. First Name	b. Last Name	
Post Road Realty LLC		
c. Organization		
11 Unquowa Road		
d. Mailing Address		
Fairfield	CT	06824
e. City/Town	f. State	g. Zip Code
203-895-0174	andrew.montelli@snet.net	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2j. Walking Path with Seating Areas	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$500
State share of filing Fee:	\$237.50
City/Town share of filling Fee:	\$262.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



BERKSHIRE BANK

1560

GREEN DISTRICT OWNER LLC  
11 UNQUOWA RD  
FAIRFIELD, CT 06824

53-7169/2118  
1911  
CHECK ASSURE  
PROTECT YOUR INVESTMENT

11/3/2021

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$\*\*237.50

Two Hundred Thirty-Seven and 50/100\*\*\*\*\*

DOLLARS

Commonwealth of Massachusetts

MEMO

State NOI Filing Fee



AUTHORIZED SIGNATURE

⑈001560⑈ ⑆211871691⑆ 631653219⑈

Photo Safe Deposit  
Details on Back

BERKSHIRE BANK

1561

GREEN DISTRICT OWNER LLC  
11 UNQUOWA RD  
FAIRFIELD, CT 06824

53-7169/2118  
1911  
CHECK ASSURE  
PROTECT YOUR INVESTMENT

11/3/2021

PAY TO THE ORDER OF City of Marlborough

\$\*\*262.50

Two Hundred Sixty-Two and 50/100\*\*\*\*\*

DOLLARS

City of Marlborough

MEMO

City NOI Filing Fee



AUTHORIZED SIGNATURE

⑈001561⑈ ⑆211871691⑆ 631653219⑈

Photo Safe Deposit  
Details on Back

ABUTTERS - 107 SIMARANO DR (116-12), SIMARANO DR (116-12A AKA 116-13), AND CEDAR HILL ST (116-5 AND 116-11) - MARLBOROUGH, MA - 100 FT

Parcel Number	GIS Number	Carma Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip	Use Code
112-6A	M_193633_896 910	112-6A	400 VALUE WAY	TJX COMPANIES INC		PO BOX 5369		COCHITUATE	MA	01778-6369	3400
116-1	M_193265_896 494	116-1	445 SIMARANO DR	METROPOLIS BLOOMFIELD INVESTORS LP		ONE MARKET ST STE 4025		SAN FRANCISCO	CA	94105	4000
116-10	M_193363_896 751	116-10	377 SIMARANO DR	IPG PHOTONICS CORPORATIO N		50 OLD WEBSTER RD		OXFORD	MA	01540	3400
116-3A	M_193862_896 487	116-3A	65 CEDAR HILL ST	GS STONEGATE PROJECT OWNER LLC		750 BERING DR SUITE 300		HOUSTON	TX	77057	1120
116-5A	M_193711_896 749	116-5A	SIMARANO DR	CITY OF MARLBOROUGH H		140 MAIN ST		MARLBOROUGH H	MA	01752	9300
116-5B	M_193565_896 723	116-5B	SIMARANO DR	CITY OF MARLBOROUGH H		140 MAIN ST		MARLBOROUGH H	MA	01752	9300
116-6	M_193156_896 345	116-6	100 CEDAR HILL ST	SUBURBAN PROPANE LP		240 ROUTE 10 WEST		WHIPPANY	NJ	07981-0206	4020
116-7	M_193451_896 185	116-7	40 CEDAR HILL ST	40 CEDAR HILL LLC		PO BOX 836		MARLBOROUGH H	MA	01752	4000
116-9	M_193353_896 251	116-9	72 CEDAR HILL ST	CMJ REALTY TRUST LLC		72 CEDAR HILL ST #C		MARLBOROUGH H	MA	01752	4020

*John H. Valade*





Town of Southborough  
Board of Assessors  
Abutters List

Date: 11/18/2021  
Address: NORTHBORO ROAD  
Parcel ID: 70-0000-003-0  
Distance: { feet

Property Location	Owner of Record	Deed Information
156 NORTHBORO ROAD 70-0000-002-0	KANE BUILT INC PO BOX 620-636 NEWTON, MA 02462	61562-370
155 NORTHBORO ROAD 70-0000-004-0	DOLAN, PAULA TRUSTEE 100 TECH REALTY TRUST 13 WHEELING AVENUE WOBBURN, MA 01801	11591-217

This list contains the certified list of owners on record with the Town of Southborough. The Record Owner is the property owner as of July 1<sup>st</sup>.

  
Authorized Signature

CERTIFIED COPY \*

\* ADDITIONAL ABUTTERS ARE LOCATED IN THE CITY OF MARLBOROUGH

September 22, 2021

Andrew Montelli  
Post Road Realty LLC  
11 Unquowa Road  
Fairfield, CT 06824

Re: Wetland Border Report  
DEP File # 212-1215  
107 Simarano Drive, Marlboro, MA (Green District)

Mr. Montelli,

An upland break was discovered in a certain section of a previously approved wetland boundary delineation (WF A1 – WF A51). To better define the boundaries of the wetland resource areas located interior to flags WF A1 – WF A51 the wetlands adjacent to this upland break were delineated on September 22, 2021. The wetland resource areas were flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The upland break was determined to be located between pre-approved wetland flags WF A45 and WF A49. At WF A45, a new wetland flag series (WF U1 – WF U17) was tied into the A series flags to better define the northern wetland boundary of the large, central BVW on-site (with an interior ponded area); wetland flag WF U1 was connected to WF A45. At flag WF A49, a new wetland flag series (WF T1 – WF T19) was tied into the A series flags; wetland flag WF T19 was connected to WF A49.

The new sets of flag series (U & T) now clearly define the boundary of a large BVW system. The most northern extent of the BVW system abuts the northern property boundary. This flooded wetland is hydrologically connected to the larger, more central, flooded wetland through a culvert. The inlet of the culvert is located at wetland flag WF T17 and the outlet is located at wetland flag WF U3.

This hydrologically connected wetland system is vegetated with red maple, glossy buckthorn, highbush blueberry, poison ivy, oriental bittersweet, skunk cabbage, cinnamon fern, and sensitive fern. The adjacent upland is dominant in red maple, red oak, white pine, multiflora rose, honeysuckle and oriental bittersweet. Department of Environmental Protection BVW field data forms were documented at wetland flag # WF U8.

Interior to the U series wetland boundary is an intermittent stream which discharges into the central BVW (the large central pond) between wetland flags WF U11 and WF B24. This stream

has Bank resource areas that were not delineated because its 100-foot Buffer Zone would not extend past the BVW's 100-foot Buffer Zone.

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife. A mapped vernal pool is located on-site but is hundreds of feet away from the newly delineated resource areas. The site is not located in an ACEC and does not have a jurisdictional FEMA Flood Zone.

The MA Wetlands Protection Act takes jurisdiction over BVW and Bank resource areas. In addition, the BVW and Bank resource areas have a jurisdictional 100-foot Buffer Zone. The local wetland policy has a 20-ft no-disturb setback. Any work within the resource area and/or 100-foot buffer zone requires a Request for Determination (RDA) or Notice of Intent (NOI) be filed with the Conservation Commission. If you would like to file either of these applications, please feel free to contact us, we would be happy to assist.

Sincerely,  
**Goddard Consulting, LLC**

A handwritten signature in black ink that reads "Mitch Maslanka". The signature is written in a cursive, flowing style.

**Mitch Maslanka**  
*Wetland Scientist*

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Andrew Montelli

Prepared by: Goddard Consulting LLC

Project location: 107 Simarano Drive, Marlboro, MA DEP File #: 212-1215

Check all that apply:

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only                   |
| <input checked="" type="checkbox"/> | Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II |
| <input type="checkbox"/>            | Method other than dominance test used (attach additional information)                                   |

Section I. Vegetation	Observation Plot Number: <b>U8</b>	Transect Number: <b>Upgradient</b>	Date of Delineation: <b>22-Sep-21</b>		
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<b><u>Tree Layer</u></b>					
White Pine	<i>Pinus strobus</i>	38%	48.7%	yes	FACU
Red Oak	<i>Quercus rubra</i>	20%	25.6%	yes	FACU
Red Maple	<i>Acer rubrum</i>	20%	25.6%	yes	FAC*
<b><u>Sapling Layer</u></b>					
White Pine	<i>Pinus strobus</i>	20%	100.0%	yes	FACU
<b><u>Shrub Layer</u></b>					
Honeysuckle	<i>Lonicera sp.</i>	38%	65.5%	yes	FACU
Multiflora Rose	<i>Rosa multiflora</i>	20%	34.5%	yes	FACU
<b><u>Climbing Woody Vine</u></b>					
Oriental Bittersweet	<i>Celastrus orbiculatus</i>	38%	100.0%	yes	UPL
<b><u>Ground Cover</u></b>					
		10%	100.0%	yes	
<b>Remarks:</b> * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth					
<b>Morphological Adaptations:</b> 0					
<b>Description:</b>					
* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.					
<b>Vegetation conclusion:</b>					
<b>Number of dominant wetland indicator plants: 1</b>			<b>Number of dominant non-wetland indicator plants: 6</b>		
<b>Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no</b>					

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no

title/date: Soil Survey of Worcester County, Southern Part - 1998

map number: 103B

soil type mapped: Charlton-Hollis-Rock Outcrop complex, 3 to 8 percent slopes

hydric soil inclusions: none listed

Are field observations consistent with soil survey?  yes  no

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Soil Description

<u>Horizon</u>	<u>Depth (inches)</u>	<u>Matrix Color</u>	<u>Mottles Color or Texture</u>
O	0-2	10yr 2/1	organic
A	2-20	10yr 3/4	Fine sandy laom
<u>Resistance</u>			

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Conclusion: Is soil hydric?  yes  no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other):  
 \_\_\_\_\_
- Other: \_\_\_\_\_

<b>Vegetation and Hydrology Conclusion for Upgradient of U8</b>		
	<u>yes</u>	<u>no</u>
<b>Number of wetland indicator plants</b>		
<b>&gt;= number of non-wetland plants</b>		<b>X</b>
<b>Wetland hydrology present:</b>		
hydric soils present		
other indicators of hydrology present		<b>X</b>
<b>Sample location is in a BVW</b>		<b>X</b>

*Submit this form with the Request for Determination of Applicability or Notice of Intent*

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

 Applicant: Andrew Montelli

 Prepared by: Goddard Consulting LLC

 Project location: 107 Simarano Drive, Marlboro, MA DEP File #: 212-1215

Check all that apply:

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only                   |
| <input checked="" type="checkbox"/> | Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II |
| <input type="checkbox"/>            | Method other than dominance test used (attach additional information)                                   |

Section I. Vegetation	Observation Plot Number: <b>U8</b>	Transect Number: <b>Downgradient</b>	Date of Delineation: <b>22-Sep-21</b>		
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<b><u>Tree Layer</u></b>					
Red Maple	<i>Acer rubrum</i>	63%	100.0%	yes	FAC*
<b><u>Sapling Layer</u></b>					
Red Maple	<i>Acer rubrum</i>	63%	100.0%	yes	FAC*
<b><u>Shrub Layer</u></b>					
Glossy Buckthorn	<i>Frangula alnus</i>	10%	50.0%	yes	FAC*
Highbush Blueberry	<i>Vaccinium corymbosum</i>	10%	50.0%	yes	FACW*
<b><u>Climbing Woody Vine</u></b>					
Oriental Bittersweet	<i>Celastrus orbiculatus</i>	10%	50.0%	yes	UPL
Eastern Poison Ivy	<i>Toxicodendron radicans</i>	10%	50.0%	yes	FAC*
<b><u>Ground Cover</u></b>					
Cinnamon Fern	<i>Osmundastrum cinnamomeum</i>	10%	25.0%	yes	FACW*
Eastern Poison Ivy	<i>Toxicodendron radicans</i>	10%	25.0%	yes	FAC*
Sensitive Fern	<i>Onoclea sensibilis</i>	10%	25.0%	yes	FACW*
Skunk Cabbage	<i>Symplocarpus foetidus</i>	10%	25.0%	yes	OBL*
<b>Remarks:</b> * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth					
<b>Morphological Adaptations:</b> 0		<b>Description:</b>			
* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.					
<b>Vegetation conclusion:</b>					
Number of dominant wetland indicator plants: <b>9</b>			Number of dominant non-wetland indicator plants: <b>1</b>		
<b>Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes</b>					

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no

title/date: Soil Survey of Worcester County, Southern Part - 1998

map number: 103B

soil type mapped: Charlton-Hollis-Rock Outcrop complex, 3 to 8 percent slopes

hydric soil inclusions: none listed

Are field observations consistent with soil survey?  yes  no

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Soil Description

<u>Horizon</u>	<u>Depth (inches)</u>	<u>Matrix Color</u>	<u>Mottles Color or Texture</u>
O	0-10	10yr 2/1	Organic
C	10-20	10yr 6/1	Fine Sandy Loam; 10r 4/8; 2%

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Conclusion: Is soil hydric?  yes  no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other):  
 \_\_\_\_\_
- Other: \_\_\_\_\_

<b>Vegetation and Hydrology Conclusion for Downgradient of U8</b>		
	<u>yes</u>	<u>no</u>
<b>Number of wetland indicator plants</b>		
<b>&gt;= number of non-wetland plants</b>	X	
<b>Wetland hydrology present:</b>		
hydric soils present	X	
other indicators of hydrology present		X
<b>Sample location is in a BVW</b>	X	

*Submit this form with the Request for Determination of Applicability or Notice of Intent*

December 6, 2021

Marlborough Conservation Commission  
Marlborough City Hall  
140 Main St.  
Marlborough, MA 01752

Re: Invasive Species Management Plan (ISMP)  
DEP File # 212-1215  
107 Simarano Drive, Marlborough MA (Green District)

Dear Marlborough Conservation, Commission:

Goddard Consulting, LLC is pleased to submit this Invasive Species Management Plan (ISMP) for the parcel known as 107 Simarano Dr. Marlborough, MA. This ISMP is being submitted for consideration in the Amended Notice of Intent (NOI) which has been filed for the property.

Documents included within this plan are as follows:

- Seed Mix Spec. Sheet: *New England Roadside Matrix Upland Seed Mix*, New England Wetland Plants
- Seed Mix Spec. Sheet: *New England Roadside Matrix Wet Meadow Seed Mix*, New England Wetland Plants
- Site Plan: *Nature Trail Layout Plan, Green District, 107 Simarano Drive, Marlborough, MA*, Eric Rains Landscape Architecture LLC, 10/29/2021

### **Existing Conditions**

107 Simarano Drive is a ±43-acre site which is currently being developed according to the currently approved site plans (*Green District, 107 Simarano Drive*, Hancock Associates, 8/20/2020) and Order of Conditions - DEP File #212-1215.

Two Bordering Vegetated Wetlands were delineated on-site. The large central BVW was delineated with series A1-51, AA1-30, B1-150, T1-T19, and U1-U17. This wetland contains interior resources such as two ponds, a mapped vernal pool and intermittent stream channel Banks. This wetland is vegetated with red maple, buckthorn, sweet pepperbush, arrow-wood, high bush blueberry, poison ivy, alder, willow, skunk cabbage and wetland ferns. The adjacent upland is dominant in maple, oak, white pine, rose, honeysuckle, buckthorn, sumac, oriental bittersweet, and upland herbs. A smaller wetland located in the southwestern section of the site was flagged with series C1-55. This wetland is dominant in red maple, alder, cattail, dogwood, buckthorn, skunk cabbage, wetland ferns and poison ivy. The upland is dominant in white pine, oak, maple, buckthorn, rose, honeysuckle, and brier.

Several areas throughout the site have been identified as displaying a predominance of invasive species including oriental bittersweet, honeysuckle, glossy buckthorn, and multiflora rose (Photos 1-3).





**Photo 1.** Oriental bittersweet vine, honeysuckle, multiflora rose, and glossy buckthorn are pervasive within the ISMP Area. Note that many of the trees in and adjacent to the ISMP Area have been heavy impacted by bittersweet vines (Winter 2021).



**Photo 2.** Large trees are sparse within sections of the ISMP Area, especially nearby area of wetland flag B29. The dominance of low-lying shrubs results in an open canopy within the area (Winter 2021).





**Photo 3.** Note the extensive impacts to mature trees caused by oriental bittersweet vines within the ISMP Area (Winter 2021).

### **Invasive Species Management Proposal**

The goal of this ISMP is the restoration of a primarily native plant community within the target area and the reduction of invasive species across the site. Pending approval by the Marlborough Conservation Commission the following target area will be treated and the proposed methods of treatment will be implemented.

#### **Target Area**

Invasive species removal has been proposed as mitigation for a proposed trail system within jurisdictional areas on site. The Applicant proposes that that invasive species be managed within five (5) linear feet of each edge of the proposed trail and associated seating areas. The total area of the ISMP Area is  $\pm 19,175$  SF ( $\pm 18,285$  SF within upland Buffer Zone,  $\pm 890$  SF within Bordering Vegetated Wetland). For details on the location and extent of the ISMP Area, please reference the Site Plan created by Eric Rains Landscape Architecture, LLC, titled *Nature Trail Layout Plan, Green District, 107 Simarano Drive, Marlborough, MA*, dated 10/29/2021.

As previously stated, invasive species may be found throughout the site but generally do not represent dominant species within vegetative communities. While considerably smaller than the target ISMP Area, these sporadic groupings of invasive species represent a point source for re-establishment of invasive species across the site. Accordingly, the applicant seeks the ability to address these areas as deemed necessary. All additional removal shall be supervised by a

qualified wetland scientist and methods utilized shall consist only of low impact methods such as hand pulling/cutting or cut stump herbicide treatment (in upland Buffer Zones).

## **Vegetation Management Methods**

### ***Mechanical Cutting and Pulling with Construction Machinery***

Mechanical cutting and pulling with construction machinery (i.e. a brush hog) will take place in the following areas:

- Upland areas within the footprint of the proposed trail
- Upland areas within 5-feet of the edge of the proposed trail where invasive species are dominant (as determined by a wetland scientist)

Mechanical cutting and pulling with construction machinery will involve on-site construction machinery (i.e. a brush hog) being used to mow over invasive species. The brush hog will be used to mechanically cut invasive plants before mulch is installed within the footprint of the trail. All vegetative material shall be removed from the site and disposed of in a manner consistent with state and local regulations.

For upland areas within 5-feet of the edge of the proposed trail, if invasive species are dominant (as determined by a wetland scientist), the areas should be brush hogged and flagged for future treatment with cut stump treatment (see below for details) to ensure no invasive species resprout.

### ***Physical Cutting and Pulling by Hand***

Physical cutting and pulling by hand will take place in the following areas:

- Wetland areas within the footprint of the proposed trail
- Wetland areas within 5-feet of the edge of the proposed trail
- Upland areas within 5-feet of the edge of the proposed trail

Physical cutting and pulling by hand will involve laborers physically cutting and removing the roots of invasive species with shovels and other hand tools. All vegetative material shall be removed from the site and disposed of in a manner consistent with state and local regulations.

### ***Cut Stump Treatment***

Cut stump treatment will take place in the following areas:

- Upland areas within the footprint of the proposed trail (where large diameter invasive plants pose a threat of resprouting)
- Upland areas within 5-feet of the edge of the proposed trail

Cut stump treatments consist of mechanical cutting of target species followed by an herbicide treatment applied with a nozzle or painted onto the surface of the stump. This method allows for accurate use of the product, and has minimal impact on the environment versus broad spectrum sprays. The recommended herbicide is glyphosate, which rapidly biodegrades when it reaches soil, and acts to inhibit photosynthesis.

Due to the proximity of the ISMP Area to the adjacent wetland resource areas, glyphosate formulations for use in aquatic applications are recommended. These formulations use surfactants which are less detrimental to aquatic organisms, thereby reducing the likelihood of negative impacts to established aquatic communities within the pond. The specific formulation which is recommended for this application goes by the industry name Rodeo.

All herbicide application shall be performed by an applicator licensed in the state of Massachusetts possessing a sound working knowledge of native/invasive plant identification.

All cut vegetative debris will be removed from the site and discarded of in a method consistent with state and local regulations.

**Proposed Seeding of Disturbed Areas**

Due to the density of invasive species within portions the ISMP Area, invasive removal will result in significant reduction in vegetative cover. It is therefore anticipated that supplemental seeding will be required to aid in the establishment of a primarily native plant community within the ISMP Area. The species within the proposed seed mixes can be reference via the attached spec sheet. The seed mixes include herbaceous plants and woody plants to ensure a diverse establishment of native species. No tree plantings are proposed because tree removal is not proposed for the trail system or ISMP.

**Seed Mix Table**

Quantity	Seed Mix Name	Species Included
15 lbs	New England Roadside Matrix Upland Seed Mix*	See Spec. Sheet
1 lbs	New England Roadside Matrix Wet Meadow Seed Mix *	See Spec. Sheet

\*Comparable seed mix may be supplemented upon the approval of the overseeing wetland scientist.

**General Procedures**

**Supervision:** All work within the ISMP Area shall be supervised by a qualified wetland scientist. The supervisor shall submit monitoring reports to the Conservation Commission as described below. Reports shall contain details of all work performed and photographs of completed conditions.

**Step 1: Stake Limits of Work, Confirm Wetland Flags are in place, & Install Erosion Control Barriers (ECB)**

Stake out limits of work for the ISMP Area and confirm wetland flags are in place on site. Erosion control barriers (ECB) shall then be installed at the limit of work for the project. ECB measures will remain in place and be maintained until the site is completely stabilized and then may be removed after approval of the Conservation Commission. The wetland scientist shall have the authority to require additional erosion control measures if deemed necessary.

### **Step 2: Remove Invasive Species**

Invasive species shall be removed from the ISMP Area in accordance with the methods and restrictions proposed in this document.

### **Step 3: Seeding**

Seed mix comparable to that specified in this document, shall be scattered evenly throughout the ISMP Area (within 5-feet of the edge of the proposed trail). Following seeding, a light application of weed free straw mulch shall be applied to the restoration area to encourage seed germination and reduce water loss.

### **Step 4: Erosion Controls Removal**

Once the ISMP Area is stable, a request shall be submitted to the Conservation Commission to remove the erosion controls. Upon approval of stabilization, erosion controls shall be removed promptly, and any significant disturbance shall be seeded with a seed mix as specified above.

### **Step 5: ISMP Monitoring**

**a. Seasonal monitoring reports** shall be prepared for the ISMP Area by a qualified wetland scientist for a period of two additional years after the initial invasive species removal effort. This monitoring program will consist of early summer and early fall inspections, and will include photographs and details about the vitality of the ISMP Area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the ISMP Area with respect to presence of invasive species, soil stability, survival of native vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). Any invasive species will be documented if present, monitored and removed in a manner consistent with the methodology proposed in this document.

**b. At least 75% of the surface area** of the ISMP Area shall be re-established with indigenous plant species within two growing seasons. If the ISMP Area does not meet the 75% re-vegetation requirement by the end of the second growing season after installation, the Applicant shall submit a remediation plan to the Commission for approval that will achieve ISMP goals under the supervision of a wetland scientist. This plan must include an analysis of why the areas have not successfully re-vegetated and how the Applicant intends to resolve the problem.

### **Step 6: Continued Management**

Due to the high likelihood of invasive recurrence on the site, the applicant seeks the ability to conduct as-necessary removal of invasive species in perpetuity. Additional vegetative management efforts shall implement only low impact removal methods such as hand cutting/pulling and cut stump herbicide application (in upland areas only). All work beyond the scope of this ISMP shall be conducted in coordination with a qualified wetland scientist. If deemed necessary, all herbicide application shall be performed by an applicator licensed in the state of Massachusetts possessing a sound working knowledge of native/invasive plant identification.

## **Conclusion**

This ISMP is for the removal of invasive plants within the ISMP Area, with a goal of establishing a primarily native plant community and improving wildlife habitat adjacent to the proposed trail system. To achieve these goals, this plan has proposed an approach consisting of mechanical, physical, and chemical management methods. It is our professional opinion that the distinction in removal methods between the areas specified previously in this report will allow for the efficient removal of invasives from within the ISMP Area, while affording maximum protection to wetland resource areas and reducing the amount of herbicide which will need to be used.

In addition to invasive removal within the ISMP Area, the applicant also seeks the ability to perform, under the supervision of a qualified wetland scientist, the targeted removal of invasive species identified outside of the ISMP Area in perpetuity. Based on the high likelihood of invasive recurrence, particularly after site disturbance, it is our professional opinion that granting the applicant this ability will afford the greatest chance of the ISMPs success. We therefore respectfully request that the Commission approve this ISMP in conjunction with the Amended NOI.

If there are any questions concerning this ISMP, please do not hesitate to contact us.

Sincerely,  
**Goddard Consulting, LLC**



**Mitch Maslanka**  
*Wetland Scientist*

# **NEW ENGLAND WETLAND PLANTS, INC**

820 WEST STREET, AMHERST, MA 01002

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

## **New England Roadside Matrix Upland Seed Mix**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Indicator</b>
<i>Elymus virginicus</i>	Virginia Wild Rye	FACW-
<i>Desmodium paniculatum</i>	Panicleleaf Tick Trefoil	
<i>Schizachyrium scoparium</i>	Little Bluestem	FACU
<i>Andropogon gerardii</i>	Big Bluestem	FAC
<i>Festuca rubra</i>	Red Fescue	FACU
<i>Sorghastrum nutans</i>	Indian Grass	UPL
<i>Panicum virgatum</i>	Switch Grass	FAC
<i>Rhus typhina</i>	Staghorn Sumac	
<i>Cornus racemosa</i>	Grey Dogwood	FAC
<i>Cornus amomum</i>	Silky Dogwood	FACW
<i>Oenothera biennis</i>	Evening Primrose	FACU-
<i>Asclepias tuberosa</i>	Butterfly Milkweed	NI
<i>Rudbeckia hirta</i>	Black Eyed Susan	FACU-
<i>Chamaecrista fasciculata</i>	Partridge Pea	FACU
<i>Eupatorium fistulosum (Eutrochium fistulosum)</i>	Hollow-Stem Joe Pye Weed	FACW

PRICE PER LB. \$69.00 MIN. QUANTITY 1 LBS. **TOTAL:** \$69.00 APPLY: 35 LBS/ACRE :1250 sq ft/lb

The New England Roadside Matrix Mixes are designed for use along roads and highways. These mixes are unusual in that they contain native grasses, wildflowers, and shrubs that are blended together as a native matrix seed mix. In areas that receive frequent mowing, the cold season grasses will dominate, such as those areas closest to the roadway shoulder. In areas farther from the road, which may be mown only once each year, or in hard to mow areas, such as around sign posts, the wildflower component will become dominant. Along cuts and side slopes which may never be mown, the shrub component will add diversity and beauty to the roadside plantings. It is a particularly appropriate seed mix for roadsides, industrial sites, or cut and fill slopes. These mixes may be applied by hydroseeding, or by mechanical spreader. Always apply on a clean, weed-free seed bed. After sowing, lightly rake or roll the site to improve seed-to-soil contact. Best results are obtained with a mid-late spring seeding. Summer seeding will benefit from a light mulching of clean, weed-free straw to conserve soil moisture.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is \$/bulk pound, FOB warehouse, Plus SH and applicable taxes.

# **NEW ENGLAND WETLAND PLANTS, INC**

820 WEST STREET, AMHERST, MA 01002

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

## **New England Roadside Matrix Wet Meadow Seed Mix**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Indicator</b>
<i>Elymus riparius</i>	Riverbank Wild Rye	FACW
<i>Elymus virginicus</i>	Virginia Wild Rye	FACW-
<i>Festuca rubra</i>	Red Fescue	FACU
<i>Panicum virgatum</i>	Switch Grass	FAC
<i>Carex scoparia</i>	Blunt Broom Sedge	FACW
<i>Cornus amomum</i>	Silky Dogwood	FACW
<i>Carex lurida</i>	Lurid Sedge	OBL
<i>Iris versicolor</i>	Blue Flag	OBL
<i>Asclepias incarnata</i>	Swamp Milkweed	OBL
<i>Viburnum dentatum</i>	Arrow Wood Viburnum	FAC
<i>Aster novae-angliae (Symphyotrichum novae-anglia</i>	New England Aster	FACW-
<i>Eupatorium perfoliatum</i>	Boneset	FACW
<i>Eupatorium maculatum (Eutrochium maculatum)</i>	Spotted Joe Pye Weed	OBL
<i>Sambucus canadensis</i>	Elderberry	FACW-
<i>Scirpus atrovirens</i>	Green Bulrush	OBL
<i>Aster umbellatus (Doellingeria u.)</i>	Flat Topped/Umbrella Aster	FACW

PRICE PER LB. \$65.00 MIN. QUANTITY 1 LBS. **TOTAL:** \$65.00 APPLY: 35 LBS/ACRE :1250 sq ft/lb

The New England Roadside Matrix Mixes are designed for use along roads and highways. These mixes are unusual in that they contain native grasses, wildflowers, and shrubs that are blended together as a native matrix seed mix. In areas that receive frequent mowing, the cold season grasses will dominate, such as those areas closest to the roadway shoulder. In areas farther from the road, which may be mown only once each year, or in hard to mow areas, such as around sign posts, the wildflower component will become dominant. Along cuts and side slopes which may never be mown, the shrub component will add diversity and beauty to the roadside plantings. It is a particularly appropriate seed mix for roadsides, industrial sites, or cut and fill slopes. These mixes may be applied by hydroseeding, or by mechanical spreader. Always apply on a clean, weed-free seed bed. After sowing, lightly rake or roll the site to improve seed-to-soil contact. Best results are obtained with a mid-late spring seeding. Summer seeding will benefit from a light mulching of clean, weed-free straw to conserve soil moisture.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is \$/bulk pound, FOB warehouse, Plus SH and applicable taxes.





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4B – Order of Resource Area**  
**Delineation**

Provided by MassDEP:  
 212-1212  
 MassDEP File Number  
 eDEP Transaction Number  
 City/Town

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

**A. General Information**

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



**Note:** Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Marlborough  
 1. Conservation Commission

2. This Issuance is for (check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

3. Applicant:

Andrew Montelli  
 a. First Name b. Last Name  
Post Road Residential  
 c. Organization  
11 Unquowa Road  
 d. Mailing Address  
Fairfield CT 06824  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

BP Crane Meadow, LLC   
 a. First Name b. Last Name  
800 Boylston Street Suite 1900  
 c. Organization  
Boston MA 02199-8103  
 d. Mailing Address e. City/Town f. State g. Zip Code

5. Project Location:

Simarano Dr. Marlborough 01752  
 a. Street Address b. City/Town c. Zip Code  
Map 116 Parcels 5, 11, 12  
 d. Assessors Map/Plat Number e. Parcel/Lot Number  
 Latitude and Longitude (in degrees, minutes, seconds):  
       
 f. Latitude g. Longitude

6. Dates: 7/11/2019 8/8/2019 8/28/2019  
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Crane Meadow Existing Conditions Plan. Scale 1"=100' Prepared by Precision Land Surveying, Inc. Stamped by Michael Pustizzi. Rev. 8/6/2019  
 b. Date  
Crane Meadow ALTA/NSPS Land Title Survey. Scale 1"=10'. Prepared by Precision Land Surveying, Inc. Stamped by Michael Pustizzi. (6 Sheets) Rev. 8/6/2019  
 d. Date



# WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

212-1212

MassDEP File Number

eDEP Transaction Number

City/Town

## B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. \_\_\_\_\_  
\_\_\_\_\_

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1.  Bordering Vegetated Wetlands *ONLY*

2.  Other resource area(s), specifically:

a. **Except Flag B-146 shall be eliminated and B-145 connected with B-147 (potential ILSF were NOT analyzed; further review will be required.)**

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:  
\_\_\_\_\_  
\_\_\_\_\_

3.  The boundaries were determined to be inaccurate because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## WPA Form 4B – Order of Resource Area Delineation

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

### C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

### D. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. 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 of Resource Area Delineation 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4B – Order of Resource Area**  
**Delineation**

Provided by MassDEP:  
 212-1212  
 MassDEP File Number  
 eDEP Transaction Number  
 Marlborough, MA  
 City/Town

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




**E. Signatures**




Simarano Dr. (Map 116 Parcels 5,11 & 12)

8-28-2019  
 Date of Issuance

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

6  
 1. Number of Signers

✓ Edward Clancy   
 Signature of Conservation Commission Member  
 David Williams   
 Signature of Conservation Commission Member  
 William Dunbar  
 Signature of Conservation Commission Member  
 Allan White   
 Signature of Conservation Commission Member

John Skarin   
 Signature of Conservation Commission Member  
 Dennis Demers   
 Signature of Conservation Commission Member  
 Karin Paquin   
 Signature of Conservation Commission Member

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2.  By hand delivery on \_\_\_\_\_

3.  By certified mail, return receipt requested on \_\_\_\_\_

a. Date \_\_\_\_\_

a. Date 8-28-2019



**City of Marlborough  
Conservation Commission**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

Edward Clancy – Chairman  
Allan White  
William Dunbar  
David Williams  
John Skarin  
Dennis Demers  
Karin Paquin

Priscilla Ryder – Conservation Officer

February 4, 2020

Andrew Montelli  
Post Road Realty, LLC  
11 Unquoa Road  
Fairfield, CT 06824

**RE: DEP 212-1215 Order of Conditions  
107 Simarano Dr. Map 116, Parcels 5, 11 and 12 (Green District)**

Dear Sir:


The Marlborough Conservation Commission has voted to issue the enclosed Order of Conditions for the above referenced project. Please be sure to read the conditions carefully, especially those which must be satisfied before work begins.

Prior to starting work, the Order must be recorded at the Registry of Deeds and **written evidence of the recording must be returned to the Commission.** (Address is below) A copy of Page 12 of 12 (the last page) of the Order can be used for this purpose. A site visit with the Conservation Officer is also required. Please provide at least 24-hour notice to arrange a site meeting. Also, note that there is a 10-day appeal period from the date of issuance of the Order in which no work can commence.

When the work is completed according to the Order of Conditions, you must request a **Certificate of Compliance** to close out our file. If this is not done, it may hold up the future sale of your property.

If you have any questions, please do not hesitate to call me at 508-460-3768.

Sincerely,

  
Priscilla Ryder  
Conservation Officer  
PR/sb

Enc. DEP Central Regional Office  
cc Scott Goddard

Registry of Deeds (Southern District)  
208 Cambridge Street  
P.O. Box 68  
East Cambridge, MA 02141  
Tel. - (617) 679-6310 or Fax (617) 494-9083 Recording Hours: Monday-Friday 8 AM - 4 PM  
Website: [www.cambridgedeeds.com](http://www.cambridgedeeds.com)



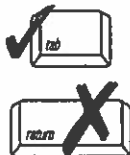
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 212-1215  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Marlborough  
 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: Marlborough  
 Conservation Commission

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

3. To: Applicant:  
 Andrew Montelli  
 a. First Name b. Last Name  
 Post Road Realty LLC  
 c. Organization  
 11 Unquoa Road  
 d. Mailing Address  
 Fairfield CT 06824  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
 \_\_\_\_\_  
 a. First Name b. Last Name  
 BP Crane Meadow, LLC  
 c. Organization  
 800 Boylston Street, Suite 1900  
 d. Mailing Address  
 Boston MA 02199-8103  
 e. City/Town f. State g. Zip Code

5. Project Location:  
 107 Simarano Dr. (Green District) Marlborough  
 a. Street Address b. City/Town  
 Map 116 Parcels 5, 11, 12  
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
 d. Latitude e. Longitude



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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### A. General Information (cont.)

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

South Middlesex

a. County

32163

c. Book

b. Certificate Number (if registered land)

598

d. Page

7. Dates: Oct. 25, 2019 Jan. 9, 2020 Feb. 4, 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):

Green District, Special Permit and Site plan approval, 107 Simarano Dr. Marlborough, MA  
Sheets 1 thru 32, Survey-Sheets 1-6, Landscape Architecture-Sheets 1-6, Snow Storage  
Management-Sheet 1.

Hancock Associates, Inc.

b. Prepared By

Last revised 1/30/2020

d. Final Revision Date

Robert A. Chrusciel

c. Signed and Stamped by

e. Scale

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.



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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) \_\_\_\_\_ 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"/> <b>Bordering Vegetated Wetland</b>	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet <i>2 elevated boardwalks with no BVW impacts</i>
6. <input type="checkbox"/> <b>Land Under Waterbodies and Waterways</b>	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> <b>Bordering Land Subject to Flooding</b>	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
<b>Cubic Feet Flood Storage</b>	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> <b>Isolated Land Subject to Flooding</b>	_____ a. square feet	_____ b. square feet		
<b>Cubic Feet Flood Storage</b>	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> <b>Riverfront Area</b>	_____ a. total sq. feet	_____ b. total sq. feet		
<b>Sq ft within 100 ft</b>	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
<b>Sq ft between 100-200 ft</b>	_____ 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	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
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):

2 (elevated boardwalks only)

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            212-1215 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c)* The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.)* the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.)* the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d)* Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e)* Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f)* The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

**SPECIAL CONDITIONS # 21 THRU # 65 ARE ATTACHED AND MUST BE FOLLOWED.**

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- 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.

**Findings of Fact**

The project involves the construction of 475 units in two multi-story buildings. Site 1 with one building contains 235 units and a pool patio area; Site 2 contains 240 units and its own pool patio area. The project involves two stream crossings for two helical pier walking bridges. The stormwater is to be treated on a separate lot with three separate detention basins equipped with water quality infiltration units. During the hearing process the project was modified from the NOI plans submitted to move more of the work out of the 20' buffer zone, and reduce the wetland impacts of all the bridge crossings. The main ring road was constructed in 2000 under a separate order of conditions DEP 212-803 which involved two stream crossings totaling 1,420 sf of disturbance for the construction of the gravel roadway. A 9,000 sf Bordering Vegetated Wetland (BVW) replication area was constructed as mitigation for on-site BVW impacts associated with the gravel roadway. A certified Vernal Pool #2544 is located on the property and show on the plans.

Based on the Commission's review of this project, the documents and plans provided, and the site visits held, the Commission approved the project with the following conditions. These conditions when followed should serve to protect the adjacent wetland system and water quality.

**SPECIAL CONDITIONS**

21. Prior to the beginning of work, the applicant shall:
- a) Obtain approval of the City of Engineer for the design of all drainage structures and facilities.
  - b) Properly install all siltation controls according to the plans approved by the Conservation Commission.
  - c) Provide the Conservation Officer with the name and telephone number in writing, of the person who will be immediately responsible for supervision of all work on the project site and compliance with this Order of Conditions. The Conservation Officer shall be notified in the event that the site supervisor or contractor is changed.
  - d) Clearly mark the limits of work in the field and instruct all workers not to work beyond the limits.
  - e) Notify Conservation Officer of the date upon which work will commence.
  - f) Hold a meeting on the project site with the Conservation Officer, the project site supervisor identified in Condition No. 21-c above, and other relevant

parties identified by the applicant or the Conservation Commission to review the project and this Order of Conditions. Siltation controls shall be inspected at this time.

- g) Failure to comply with Condition Nos. 21a-f, as well as Nos. 8 &9, shall constitute sufficient grounds for the Conservation Commission to order all work to cease until compliance is achieved.
- 22. The Conservation Officer shall serve as the Commission's agent in all matters pertaining to the interpretation and enforcement of this Order of Conditions. Accepted engineering and construction standards shall be followed in the conduct of all work.
- 23. Issuance of this Order of Conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
- 24. All work shall conform to the Notice of Intent, all plans, and all other documents, records, correspondence and representations of the applicant as presented to and approved by Conservation Commission.
- 25. The applicant shall notify the Commission before performing the modified work. If the Commission deems the modification significant, the applicant shall submit an amended Notice of Intent with any necessary documentation and obtain an amended Order of Conditions. The Commission shall reopen the public hearing in accordance with the provisions of 310 CMR 10.05 (5). The Commission may impose additional or modified conditions to protect the interests of the Wetlands Protection Act.
- 26. No excavated material shall be disposed of in violation of any local, state, or federal laws. All stumps must be removed from the site; no burying of stumps on site is permitted.
- 27. Prior to the issuance of a Certificate of Compliance, the applicant shall submit to the Conservation Commission for review and approval an as-built plan and a letter of compliance stamped by a registered professional engineer. Said plan and letter shall show that all conditions of this Order have been complied with in a satisfactory manner.
- 28. The Conservation Commission shall be notified in writing at the time of any transfer in the title to the property or any change in contractor/developers prior to issuance of the Certificate of Compliance. The name, address, and telephone number of the new owner shall be included in the notification as well as certification that the new owner has been provided with a copy of this Order of Conditions.



29. Prior to the issuance of a Certificate of Compliance the site shall be stabilized with vegetation or other measures approved by the Conservation Commission.
30. Prior to the issuance of a Certificate of Compliance and after the site has been stabilized, all erosion controls shall be removed from the site.
31. As the project involves the disturbance of more than one acre of land area, the applicant is also obligated to submit a Notice of Intent to the EPA for the NPDES Construction Permit per EPA's requirements found at the following web site <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

**SITE-SPECIFIC CONDITIONS**

**Erosion Control/Construction sequencing**

**Prior to construction:**

32. This project requires the filing of a 401 Water Quality Certification from DEP. Prior to construction please provide a copy of this permit to the Commission as confirmation that this condition has been met.
33. Prior to any construction work, the Site Contractor and the Erosion Control Expert (see condition # 34 below) shall come to a regularly scheduled Conservation Commission meeting to discuss the construction sequencing and phasing plan and the means and methods to be used to accomplish the approved plan and the conditions as listed below. The site soils are very difficult to work with and have a high silt content making construction very challenging. The site contractor and erosion control expert shall, at a minimum discuss the following:
  - a. Construction sequencing
  - b. Erosion control methods and use of temporary sedimentation basins
  - c. The use of additional erosion control devices, settling tanks, pumps, soil stabilization methods,
  - d. The stormwater controls to be used during the cut and fill operation needs to be clearly spelled out.
  - e. The use of temporary swales and management of detention basins during construction to ensure that condition # 41 below is achieved.
  - f. Dewatering system to be used must be discussed.
  - g. Installation methods for the two-foot bridges.
34. The developer is required to hire an "Erosion Control Expert" to oversee the site work on the site. This individual(s) shall have a proven record of controlling sites of equal size and equal material type. The Conservation Officer and the City Engineer

shall evaluate whether the individual(s) to be hired has adequate experience before they are hired to work on this project. This erosion control expert shall be hired prior to construction and shall be an integral part of the preconstruction meeting noted in condition #21. f. above and the meeting with the commission noted in condition #33.

35. The erosion control line shall be staked in the field prior to any clearing, this line will be walked by the Conservation Officer to see if any large trees along the perimeter of the project can be saved. If needed the erosion control barrier location shall be shifted to accommodate such a change.

#### **Erosion Control/Construction sequencing**

36. Stone construction entrance pads and/or a truck washing station shall be in place at the exits onto the main roadways to prevent the tracking of mud and silt into the public roadway. Dust shall always also be controlled on this site. If dirt is tracked onto the roadway it shall be cleaned up immediately. A street sweeper shall be readily available.
37. The Erosion Control Expert shall be consulted when there is any discussion about or deviation to the overall plan and the erosion control plan to ensure that there is always proper coordination with the site development and the erosion control and stormwater management.
38. Said erosion control expert shall be responsible for regular inspections of the erosion controls on at least a weekly basis and prior to and immediately after (within 12 hours) each storm event of 0.5 inches or more. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously. These inspections shall be described in the reports required in the condition below.
39. Said erosion control expert will report (by e-mail) to the Commission and City Engineer weekly, during construction, summarizing the work that has been completed, compliance of the project with the Order of Conditions and the status of the erosion controls. It will also include his/her recommendations on actions needed and report compliance with recommendations. Failure on the part of the developer to implement the recommendations made by the Erosion Control Expert will be a violation of the terms and conditions of the permits issued for the project. These weekly reports from the consultants shall begin as soon as the work begins on the site. As construction progresses the reporting may be reduced at the discretion of the City Engineer and Conservation Officer.
40. The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Commission in an expeditious manner if any visible siltation

of wetlands occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.

41. Because the site drains to the Sudbury Reservoir, a backup water supply to the MWRA, the Commission requires that the turbidity levels in the receiving stream measured at the downstream side of the discharge within the stream be taken during each site inspection required under condition #38 above and at the request of the Conservation Commission. The turbidity levels shall be obtained in accordance with guidelines contained in "DEVELOPMENT DOCUMENT FOR FINAL EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT CATEGORY- November 2009" prepared by the US EPA. The Daily maximum Turbidity shall not exceed 280 NTU's as calculated in accordance with said 2009 EPA guidelines.
42. Large piles of soil and other materials shall not be stockpiled closer than 50 feet to any wetland resource area without the approval of the Conservation Officer. All large stockpiles must be maintained in a stabilized condition with erosion control in place and approved by the Conservation Officer. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days will be shaped, stabilized and circled with erosion controls. The Erosion Control Expert shall be consulted to ensure that the stockpile locations are not interfering with drainage or erosion control during construction. The Commission understands that the site will shift and change during construction, but the erosion control expert must be on board with all such changes before they are made to ensure proper coordination.
43. The dewatering system to be used shall be approved by the Conservation Officer and once approved, properly installed. All silty water must be filtered through a dewatering/sedimentation trap system, until such time as the water runs clean. At no point shall silty water be discharged into wetlands or streams or off-site drainage systems without first being filtered.
44. No additional drainage shall be directed to the Certified Vernal pool and care will be taken to ensure only clean water is directed to this area to protect the vitality of the vernal pool.

**Construction Phasing:**

45. The phasing plan shown in the approved plans titled Index and Sequencing Plan, Sheet 3 shall be followed, the Contractor shall come before the Commission per condition #31 to discuss the means and method to be used to implement this phasing plan. Any deviation or change in the plan sequence must have first been approved by the onsite Erosion Control Expert and then must receive the approval of the City Engineer and Conservation Officer before being implemented.

46. This is a large project and the Commission wants to ensure that it can be controlled during construction. As such only one phase can be developed at a time. Site 1 shall be substantially completed and stabilized before any work can occur on Site 2. Before starting on Phase 2 the contractor shall have a second preconstruction meeting with the Conservation Commission as noted in #32 above before proceeding with construction.

Substantially completed shall mean:

"All roadways shall be paved, per approved paving plan for site 1, with a binder course, and all other areas outside of the planned building pads (inclusive of a 10' perimeter of each pad), which are rough graded, must have erosion control measures in place (ex. tackifier, hay, mulch or some other device) to assure that storm water draining out of the detention basins is clean and clear of sediment. A site meeting with the City Engineer and Conservation Officer is required. This is to confirm that Phase 1 is stable and is held prior to any work commencing on Phase 2."

#### **Detention Basins/Infiltration Systems**

47. Prior to construction of the detention basins, confirmatory test pits shall be conducted in the presence of the Conservation Officer and City Engineer prior to construction, so that groundwater elevations and/or the extent of ledge can be confirmed and adjustments to basin dimensions can be designed if necessary.
48. Prior to the construction of the infiltration systems, the Conservation Officer shall be notified and shall inspect the excavated area for the infiltration system. The site engineer shall confirm that the soils are per design. Once installed, only clean stormwater runoff shall be directed to this system. Prior to backfilling the system, the Conservation Officer shall inspect the system with the site engineer to ensure that it is clean and not able to receive any silty run off which would clog the system once in place.
49. The infiltrator system shall contain at least one inspection port per row as shown on sheet D-5 of the plans.
50. The permanent and temporary detention basins shall be fitted with riser pipes as needed to help ensure adequate on site settling of the silty runoff. Additional basins or other erosion control/filtering devices may be necessary as conditions warrant to ensure that only clean water leaves the site.
51. During construction the bottom of the infiltration basins shall be protected with filter fabric or other similar means, which will be removed when all the work is done

and site is stable, or in the alternative, shall be scraped out after the site is stable to ensure that the bottom of the basin still has the capacity to infiltrate as designed.

52. Snow dumping is not to occur near the wetlands. Snow dumping shall occur in designated locations as shown on sheets the plan titled "Snow Storage Exhibit Plan, prepared by Hancock Associates, dated 12/2/19" Excess snow shall be removed from the site.
53. All catch basins shall be equipped with gas/oil hoods and 4-foot sumps.
54. The detention basin outlets which are within the 20' buffer zone shall be field located prior to construction and their location adjusted accordingly to protect the trees in the area. Where feasible these shall be moved to protect the trees.
55. Access road into the Site 1 basin shall also be field located to prevent the removal of any large trees and have the least impact to the area. This shall be done at the same time as the staked erosion control line is checked as noted above.

**Foot Bridge crossings:**

56. Prior to any commencement of work as it relates to the footbridges, final plans stamped by a structural engineer and specifications supporting such plans for the footbridge crossing(s) will be submitted to the City of Marlborough's Engineer for review and approval. Once approved by the City Engineer, the Proponent will provide said plans to the Conservation Commission to be reviewed at a regularly scheduled meeting. The Commission shall provide any additional conditions as necessary to protect the wetland functions and values of these two stream areas.
57. The exact location of this trail and footbridge footings shall be marked in the field by survey markers and verified by the conservation officer prior to installation. The removal of one or two trees may be necessary, but only trees that are 4" or less in diameter may be removed, unless they are already dead or dying. The intent it to construct the bridge with minimal impact to the wetland vegetation, where feasible the walkway may meander around large trees- and plan for future tree growth.
58. The helical piers for the walking bridge installed by hand with a motorized auger to minimize disturbance of the wetland. Note there are many boulders in this area so care will be needed during this installation to prevent excessive disturbance to the wetland.

**Wetland buffer edge restoration and landscape plan**

59. As discussed at the hearing, some of the areas next to the 20' buffer zone where walls are being installed may require the removal of large trees that will be impacted by the construction of the wall. In these area additional trees, native to the area, shall be planted in order to restore the buffer and the canopy of this area. See note Δ3 on sheet SPL 1.0, 2.0 and 3.0 on plans relative to additional tree plantings where necessary.
60. The applicant is encouraged to perform invasive plant species management outside of the limit of work at their discretion to help protect the existing and newly planted landscaping from being outcompeted by these invasive plants. To do this work outside the limit of work the applicant has provided an invasive species management plan (ISMP) dated January 8, 2020 from Scott Goddard of Goddard Consulting to the Conservation Commission for approval prior to the invasive plant management work. This plan shall be discussed during the preconstruction meeting with the Commission for phase 2 and any additions or changes discussed at that time, based on site conditions. Prior to requesting the Certificate of Compliance, the invasive plant management plan that approved shall be reviewed and relevant sections shall become ongoing condition and considered ongoing maintenance for the property.
61. The planting plan shown on the approved landscape plan shall be followed. However, as noted above, additional plantings below the walls near the 20' buffer zone, and within the parking lots and perimeter buffers shall be made where there is not adequate screening between this development and Stonegate development; In the parking lot areas, specifically in the rear of site 2, additional trees shall be added to provide shade to the parking lot area. These additional plantings shall be reviewed and approved by the Conservation Officer prior to installation. Any other deviations to the approved landscape plans must be approved by the Conservation Commission.

**Dog Park**

62. Any proposed dog park will require the applicant to submit plans for the Conservation Commission approval.

**Certificate of Compliance**

63. Prior to requesting a Certificate of Compliance, the applicant or its agent shall clean the detention basin, all drainage pipes and catch basins of accumulated sediment and debris. All infiltration system and water quality structures shall also be inspected and cleaned if necessary.

64. Prior to the issuance of a Certificate of Compliance, the Stormwater Management System shall be installed and functioning in accordance with the plans and stormwater report titled: Stormwater Report in Support of a Notice of Intent, Site Plan Review and Special Permit for the Green District, prepared by Hancock Associates, dated 8/8/19 and revised through 11/12/19. The Operation and Maintenance Plan shall be reviewed at this time to be sure it is up to date. The O&M plan shall be an ongoing condition of the order as noted below.
65. An annual maintenance report shall be provided to the City Engineer and the Conservation Commission by June 1<sup>st</sup> of each year reporting on the maintenance and operation procedures, outlined in condition above, which have been met for that year. This reporting requirement will follow the issuance of a Certificate of Compliance.

**END CONDITIONS**



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:  
 212-1215  
 MassDEP File #

eDEP Transaction #  
 Marlborough  
 City/Town

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

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The \_\_\_\_\_ 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:

1. Municipal Ordinance or Bylaw

2. Citation

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

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

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**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:  
212-1215  
 MassDEP File #

eDEP Transaction #  
Marlborough  
 City/Town

### E. Signatures

107 Simarano Dr. (Green District)

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

2-3-2020

1. Date of Issuance

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

6

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

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Edward Clancy *Edward Clancy*  
 David Williams *David Williams*  
 William Dunbar *William Dunbar*

Allan White *Allan White*  
 John Skarin *John Skarin*  
 Dennis Demers *Dennis Demers*  
 Karin Paquin *Karin Paquin*

by hand delivery on

by certified mail, return receipt requested, on

Date

2-3-2020  
Date

### F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request 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:  
 212-1215  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Marlborough  
 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.

Conservation Commission

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

To:

Marlborough  
 Conservation Commission

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

107 Simarano Dr.  
 Project Location

212-1215  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
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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:

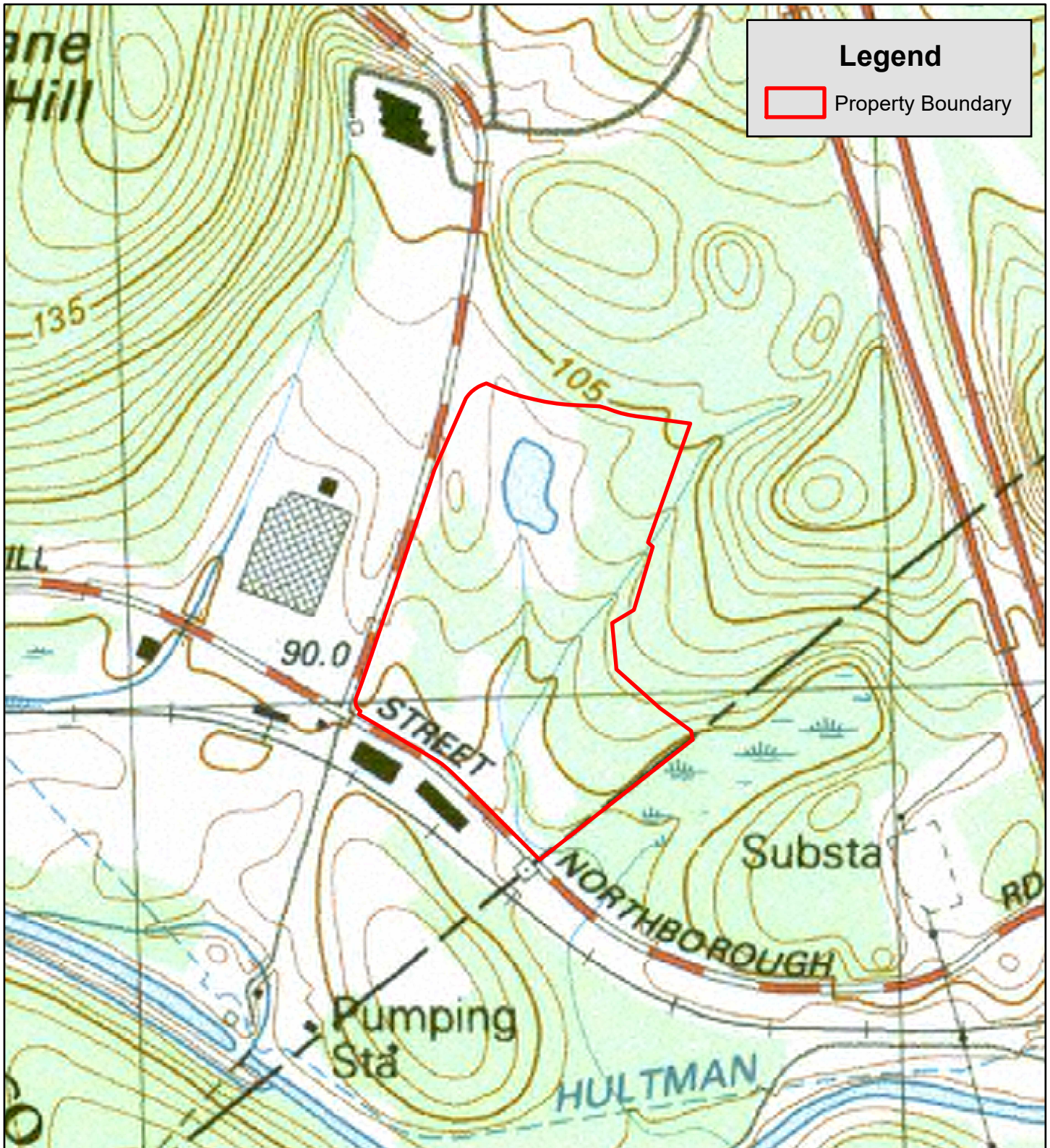
Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

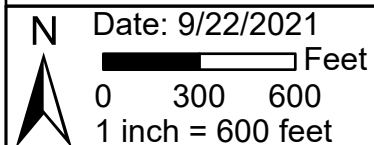




## USGS of Site

107 Simerano Drive - Marlborough, MA

(Map: 116, Lots: 5, 11, 12 & 13)



GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"

GODDARD CONSULTING  
Strategic Wetland Permitting <sup>uc</sup>





**Legend**

- Property Boundary
- Potential Vernal Pool
- Certified Vernal Pool
- Hydrologic Connection
- ▨ DEP Wetland
- Outstanding Resource Waters

# Orthophoto View of Site

107 Simerano Drive - Marlborough, MA

(Map: 116, Lots: 5, 11, 12 & 13)

**N** Date: 9/22/2021

Feet

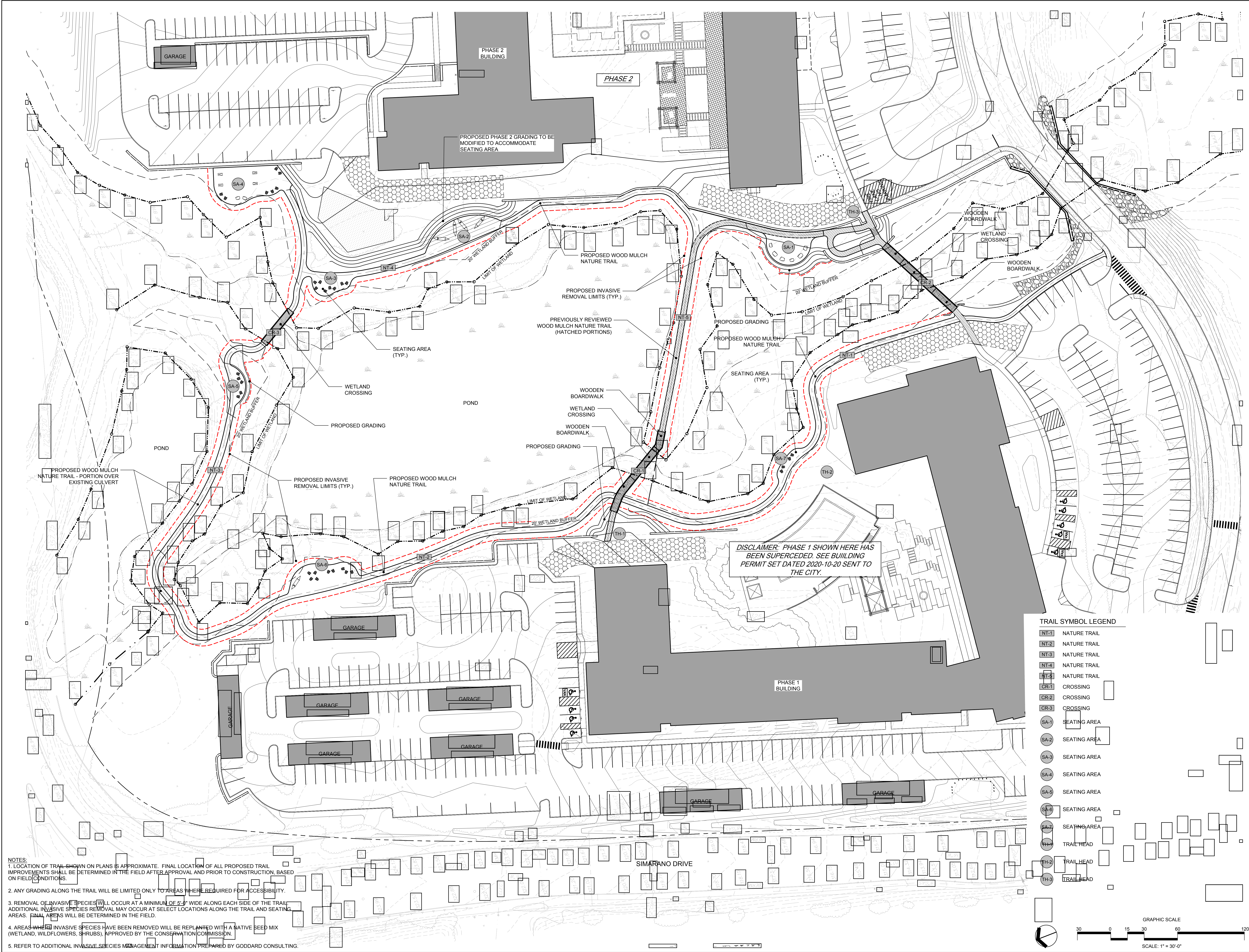
0 175 350

1 inch = 350 feet

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"

**GODDARD CONSULTING**  
Strategic Wetland Permitting uc

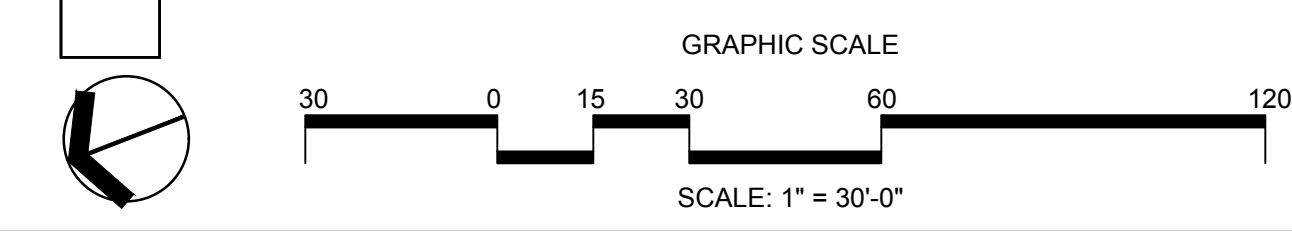




**NOTES:**  
 1. LOCATION OF TRAIL SHOWN ON PLANS IS APPROXIMATE. FINAL LOCATION OF ALL PROPOSED TRAIL IMPROVEMENTS SHALL BE DETERMINED IN THE FIELD AFTER APPROVAL AND PRIOR TO CONSTRUCTION, BASED ON FIELD CONDITIONS.  
 2. ANY GRADING ALONG THE TRAIL WILL BE LIMITED ONLY TO AREAS WHERE REQUIRED FOR ACCESSIBILITY.  
 3. REMOVAL OF INVASIVE SPECIES WILL OCCUR AT A MINIMUM OF 6'-0" WIDE ALONG EACH SIDE OF THE TRAIL. ADDITIONAL INVASIVE SPECIES REMOVAL MAY OCCUR AT SELECT LOCATIONS ALONG THE TRAIL AND SEATING AREAS. FINAL AREAS WILL BE DETERMINED IN THE FIELD.  
 4. AREAS WHERE INVASIVE SPECIES HAVE BEEN REMOVED WILL BE REPLANTED WITH A NATIVE SEED MIX (WETLAND, WILDFLOWERS, SHRUBS), APPROVED BY THE CONSERVATION COMMISSION.  
 5. REFER TO ADDITIONAL INVASIVE SPECIES MANAGEMENT INFORMATION PREPARED BY GODDARD CONSULTING.

**TRAIL SYMBOL LEGEND**

NT-1	NATURE TRAIL
NT-2	NATURE TRAIL
NT-3	NATURE TRAIL
NT-4	NATURE TRAIL
NT-5	NATURE TRAIL
CR-1	CROSSING
CR-2	CROSSING
CR-3	CROSSING
SA-1	SEATING AREA
SA-2	SEATING AREA
SA-3	SEATING AREA
SA-4	SEATING AREA
SA-5	SEATING AREA
SA-6	SEATING AREA
SA-7	SEATING AREA
TH-1	TRAIL HEAD
TH-2	TRAIL HEAD
TH-3	TRAIL HEAD



PREPARED FOR:  
**POST ROAD REALTY, LLC**  
 11 Unquowa Road  
 Fairfield, Connecticut 06824

NO.	DATE	ISSUE
1		
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**GREEN DISTRICT**  
 107 SIMARANO DRIVE  
 MARLBOROUGH, MA

PROJECT  
 DRAW TITLE  
**NATURE TRAIL LAYOUT PLAN**  
 DATE: 2021.10.29  
 SCALE: AS NOTED

**SPL-1.0**