

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

Provided by MassDEP:
 MassDEP File #:190-0647
 eDEP Transaction #:1218293
 City/Town:HUDSON

A. General Information

1. Conservation Commission HUDSON
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
 a. First Name N/A b. Last Name N/A
 c. Organization NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY AND DEPT OF CONSERVATION AND RECREATION
 d. Mailing Address SEE ATTACHED
 e. City/Town f. State MA g. Zip Code
4. Property Owner
 a. First Name N/A b. Last Name
 c. Organization MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
 d. Mailing Address 10 PARK PLAZA
 e. City/Town BOSTON f. State MA g. Zip Code 02116
5. Project Location
 a. Street Address N/A MBTA ROW/CENTRAL MASS LINE RAILROAD
 b. City/Town HUDSON c. Zip Code 01749
 d. Assessors Map/Plat# 16-23 e. Parcel/Lot# MULTIPLE
 f. Latitude 42.39629N g. Longitude 71.52249W
6. Property recorded at the Registry of Deed for:
 a. County SOUTHERN MIDDLESEX b. Certificate c. Book 13156 d. Page 34
7. Dates
 a. Date NOI Filed : 1/2/2020 b. Date Public Hearing Closed: 8/6/2020 c. Date Of Issuance: 8/24/2020
8. Final Approved Plans and Other Documents
 a. Plan Title: SEE ATTACHED b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

B. Findings

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

Check all that apply:

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

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

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

Approved subject to:

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

Denied because:

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

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

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1936 _____ a. square feet	_____ b. square feet	1936 _____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	16400 _____ a. square feet	_____ b. square feet	11208 _____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	0 _____ e. cubic feet	_____ f. cubic feet	435.5 _____ g. cubic feet	_____ h. cubic feet
8. <input checked="" type="checkbox"/> Isolated Land Subject to Flooding	760 _____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	0 _____ c. cubic feet	_____ d. cubic feet	99.07 _____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	64790 _____	_____		

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	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	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	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			
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u>	<u> </u>		
	a. square feet	b. square feet		

22.

Restoration/Enhancement (For Approvals Only)

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

[or 'MassDEP']

File Number : "190-0647"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

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

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

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.

- 1) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:190-0647

eDEP Transaction #:1218293

City/Town:HUDSON

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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



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

Provided by MassDEP:
190-0647
 MassDEP File #
1218293
 eDEP Transaction #
HUDSON
 City/Town

E. Signatures

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

8/24/2020
1. Date of Issuance

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

5

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.

By vote on April 2, 2020 the individuals listed below have authorized the Conservation Agent to sign on their behalf pursuant to the signature authorization recorded with the Middlesex South Registry of Deeds Book 74456 Page 40. They also intend for the typed names below to serve as their electronic signature for any entity (MassDEP) that accepts electronic signatures.

Signatures:

James Martin

David Mercer

Debbi Edelstein

Emilie Wilder

Brandon Parker

by hand delivery on

by certified mail, return receipt requested, on
8/24/2020

Date

Date

James Martin
8/24/2020



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:

190-0647
 MassDEP File #
1218293
 eDEP Transaction #
HUDSON
 City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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

Provided by MassDEP:
MassDEP File #:190-0647
eDEP Transaction #:1218293
City/Town:HUDSON

(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.

G. Recording Information

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

HUDSON

Conservation Commission

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

To:

HUDSON

Conservation Commission

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

N/A MBTA ROW/CENTRAL MASS LINE RAILROAD

Project Location

190-0647

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County Book Page

for:

Property Owner N/A

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

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

Provided by MassDEP:
MassDEP File #:190-0647
eDEP Transaction #:1218293
City/Town:HUDSON

Signature of Applicant

Rev. 4/1/2010

MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647
Applicants and Property Owners

Applicants:

Denise Bartone
NSTAR Electric Company d/b/a Eversource Energy
247 Station Drive, SE270
Westwood MA 02090

Priscilla Geigis
Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston MA 02114

Property Owners:

Massachusetts Bay Transit Authority
10 Park Plaza
Boston MA 02116

Town of Hudson
78 Main Street
Hudson MA 01749

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

Findings of Fact

Existing Conditions

The Project extends from Sudbury, through small portions of Stow and Marlborough, and into Hudson. The site within Hudson is 4.7 miles in length, of which 3.3 miles is along the existing inactive MBTA ROW from the Hudson/Sudbury municipal border to Wilkins Street. Crossing Wilkins Street, it continues within Town of Hudson-owned property for approximately 230 feet, to connect to the existing Assabet River Rail Trail (ARRT). It also continues southwest within Wilkins Street and Forest Avenue for approximately 1.4 miles to the Hudson Light and Power Substation, which is exempt pursuant to 310 CMR 10.02(2)(b)1.

The following freshwater wetland resource areas are present within or proximate to the Project Site: Bank, LUWW, BVW, BLSF, ILSF, and RFA. Major features consist of wetlands associated with the Assabet River and Fort Meadow Brook. In addition, there are two certified vernal pools within the site and the project passes through a Zone II Wellhead Protection Area associated with Hudson's public water supply. A portion of the Project Site within the MBTA ROW east of White Pond Road to the Hudson/Sudbury town line is within Priority and Estimated Habitat of rare species.

All wetland resource areas within the Project Site, except for the MCRT Connection to the ARRT, were reviewed and approved in an ORAD, 190-0611, issued February 6, 2018. The additional Resource Areas near the MCRT Connection to the ARRT are approved as part of this Order of Conditions.

The bridge spanning Fort Meadow Brook within the Project Site is severely damaged and is a historic location of beaver dams. Two streams, one perennial (Stream 1) and one intermittent (Stream 3), cross beneath the Project Site through stone and clay culverts, both of which are over 100 years old.

Proposed Conditions

The Project includes installation of a 115 kilovolt underground electric transmission line (Phase 1), followed by completion of a portion of the regional Massachusetts Central Rail Trail (MCRT) (Phase 2) in the same footprint. In addition to the work in the MBTA ROW, the project will include a connection to the existing ARRT alongside the existing parking lot on Wilkins Street and installation of underground transmission line within public roadways for connection to the Hudson Light and Power substation.

Phase 1 of the Project will be implemented by Eversource and will include all major earthwork, bridge reconstruction, construction of the Chestnut Street underpass, installation of the underground transmission line, and the majority of the restoration work. Phase 2 of the Project will be under the control and responsibility of DCR and will include installation of road crossings, paving the MCRT, and final restoration. Long-term, ongoing maintenance shall be the responsibility of DCR.

The limits of work will mostly be 22 feet in width. The final paved bike path will be 10 feet wide. The graded platform will also contain a 5-foot corridor that contains the

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

underground duct bank. Two-foot shoulders on either side of the path will be loamed and seeded. The remainder of the 22-foot work area will be restored to a naturally vegetated state. In some sensitive environmental areas the work area will be reduced to 18 feet in width, with the duct bank beneath the paved bike path. There will be an access manhole approximately every 1500 feet, which will require a work area 40 feet wide by 50 feet in length. There will be ten such manholes in Hudson, three of which are in jurisdictional areas: one in River Front Area and two in Buffer Zone.

The only BVW disturbance will be at Fort Meadow Brook. The existing bridge is burned and badly damaged and must be replaced. Crane mats will be used to allow cranes to remove the old bridge and install a new single span bridge in its place. Areas disturbed by the crane mats will be restored.

There are some Time-Of-Year (TOY) restrictions set by Natural Heritage and Endangered Species Program (NHESP). Wildlife habitat in critical areas will be restored by replacing dead snags and brush piles that are removed for construction and revegetating the areas. TOY restrictions within Vernal Pool migration areas have been extended to include March 1 through June 1.

Storm water management on the bike path will mostly rely on sheet flow through a vegetated filter strip. There will be some drainage swales with check dams, one leaching catch basin and an infiltration basin at the ARRT trail head.

Maintenance of the bike path will include mowing or weed-whacking the 2-foot shoulders biweekly during the growing season, or as needed, and mowing the 5-foot corridor over the duct bank once a year. Invasive species removal will be by mechanical means when possible and spot treatments of herbicide by a licensed applicator when other approaches are not effective. Trash on the bike path shall be removed and disposed of. Natural debris such as leaves and twigs may be blown off the sides of the bike path except in areas near vernal pools.

Mitigation Plantings

There will be significant reseedling of disturbed Riverfront Area with a seed mix containing both herbaceous and woody vegetation. In addition, 600 woody plantings shall be installed in five areas along the Project corridor. In the Riverfront Area associated with Fort Meadow Brook, approximately 19 trees and 122 shrubs shall be planted in addition to the seed mix, and 40 aquatic plugs shall be installed in the area of BVW disturbed by the crane mats. Shrubs shall also be planted along the 2500 linear feet of Priority Habitat Areas.

Compliance with Applicable Performance Standards:

Both the transmission line and the rail trail qualify as Limited Projects under the Wetlands Protection Act Regulations. The Project complies with all applicable performance standards for BVW, BLSF, and ILSF, but exceeds the 10 percent threshold in the RFA performance standards due to the long, linear nature of the project and disturbs vegetation within the inner 100-foot RFA. This is permitted for Limited Projects if the applicant meets the Performance Standards to the maximum extent practicable. The Commission

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

was satisfied that this requirement has been met and that mitigation has been provided in the form of restoration plantings in Riverfront Area. There will be no permanent impact to BVW and there will be a minimal increase in flood storage area.

Documents:

- Notice of Intent: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Stormwater Report: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Wildlife Habitat Evaluation: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Eversource Sudbury-Hudson Transmission Reliability Project: Hudson Notice of Intent Plans; prepared by VHB; dated January 2020; revised July 24, 2020; signed and stamped by Mark Edward Shamon, PE# 35329; scale 1"=20'
- Commonwealth of Massachusetts Department of Conservation and Recreation, Division of Planning and Engineering; Mass Central Rail Trail in the towns of Hudson, Stow, Marlborough & Sudbury; prepared by VHB; dated Jan 2020; signed and stamped by Trace A. Lenhardt, PE# 47612; scale 1"=20'
- NSTAR Electric Company d/b/a Eversource Energy Sudbury to Hudson 115kV Underground Transmission Line; prepared by Power Engineers; dated 12/30/2020; signed and stamped by Todd S. Goyette PE#45181; scale 1"=20'
- Wetland Peer Review – Notice of Intent Sudbury-Hudson Transmission Reliability and MA Central Rail Trail Project; prepared by WDA Design Group; dated 3/11/2020
- Questions for Hearing on 6-4; submitted by Hudson Conservation Commission
- Hudson ConCom_RTC_6-11-20; submitted by VHB Associates
- Letter from WDA Design Group dated July 14, 2020
- WDA Design Group Peer Review – Applicants' Response to Additional Comments Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project; prepared by VHB; dated July 27, 2020
- Peer Review – Notice of Intent (DEP File #190-0647) Sudbury-Hudson Transmission Reliability and MA Central Rail Trail Project Eversource and DCR - Hudson, Massachusetts; prepared by WDA; dated 8/3/2020
- Corridor Management Plan for Massachusetts Central Rail Trail-Wayside Section and Sudbury-Hudson Transmission Reliability Project

Special Conditions

GENERAL:

19. The Findings of Fact are incorporated as a special condition and given equal status as a special condition of this Order.

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

20. 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.
21. Plantings must be native plants or substitutions only as identified on the approved plans. No invasive vegetation shall be planted.

PRECONSTRUCTION:

22. Within thirty (30) days of the issuance of this Order of Conditions, the applicant, property owner, project representative, or other applicable party must record the original copy of the Order with the Registry of Deeds. Proof of recording is required to be submitted to the Commission or Conservation Agent prior to the pre-construction site visit and commencement of work.
23. Erosion controls shall consist of (a) silt fence or (b) silt fence with compost filter tubes, double-staked straw bales, or wattles, as shown on the plans. Only invasive seed free erosion controls shall be used. Syncopated fencing shall be used within 450 feet of vernal pools. A silt curtain shall be used in Fort Meadow Brook near the bridge if conditions warrant.
24. Prior to the beginning of each Phase, the applicant shall:
 - a. Provide the Conservation Commission 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 Commission shall be notified in the event that the site supervisor or contractor is changed.
 - b. Clearly mark the limits of work in the field and instruct all workers not to work beyond the limits.
 - c. Notify Conservation Commission of the date upon which work will commence and provide the commission with the most up-to-date project timeline and project workflow.
 - d. Properly install all siltation controls according to the plans approved by the Conservation Commission and arrange with the Commission to have a site visit after installation, before work begins.
25. Environmental Monitoring:
 - a. Resumes of Environmental Monitors being considered for the project shall be submitted to the Commission for review.
 - b. If the chosen Environmental Monitor does not have a qualified Vernal Pool Biologist or equivalent, a separate Vernal Pool Specialist shall be hired by the applicant to approve and supervise work within 450 feet of Vernal Pools during the TOY restriction of March 1 to June 1. A qualified Vernal Pool Specialist will have at least three years of experience

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

conducting vernal pool assessments or surveys in the northeastern United States.

26. A structural engineer shall inspect the culverts conveying Streams 1 and 3 beneath the MBTA ROW within the Project Site to determine whether they are structurally sound to (a) function hydrologically and (b) withstand the planned construction activities, and shall provide a report of the findings to the Commission. If either culvert does not meet these requirements or is damaged during construction, it shall be replaced with a culvert that meets current MA Stream Crossing Standards to the maximum extent practicable, as determined by the Commission or its Agent, during construction.
27. The following final documents shall be provided for review and comment by the Conservation Commission:
 - a. Final Stormwater O&M Plan
 - b. Final Stormwater Pollution Prevention Plan
 - c. Final MOU between Eversource and DCR on Corridor Maintenance and Management
 - d. Soil and Groundwater Management Plan
 - e. Structural Engineer report on culvert conditions

DURING CONSTRUCTION

28. All Time-Of-Year (TOY) construction restrictions and sweeps required by the Natural Heritage and Endangered Species Program shall be followed. Time-of-Year restrictions for work within 450 feet of vernal pools shall be March 1 through June 1. Between March 1 and June 1, the Environmental Monitor shall conduct sweeps prior to vehicles traveling down the Project Site within vernal pool buffers. Between April 1 and Oct 31, the Environmental Monitor shall conduct turtle sweeps prior to initiating work in, or prior to vehicles traveling through, the Box Turtle Protection Area.
29. There shall be a qualified Environmental Monitor on site at all times that work is being performed in jurisdictional wetland areas. The Environmental Monitor shall send weekly reports and reports following any storm events of ½ inch or greater electronically to the Conservation Agent.
30. Detailed construction sequencing and schedules shall be submitted to the Commission electronically, as they are completed or whenever they are revised.
31. The applicant shall endeavor to locate a supplier of pesticide-free seed mixes. All restoration seed mixes shall be pesticide-free if practicable. Documentation of seed sources shall be provided to the Commission, prior to purchase if practicable.
32. Detailed sequencing of the bridge removal work based on water levels and other conditions at the time of removal shall be provided to the Commission prior to commencement of work in this area. A silt curtain shall be used if conditions

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

warrant. The Conservation Agent shall be notified when bridge removal is to begin and perform a site inspection before work commences. The Conservation Agent shall be kept informed on a daily basis of bridge work to be performed and when the work is complete, and shall perform site inspections before any phase of work as the Commission or Agent deems appropriate.

33. Trash removal shall be performed along the ROW, even outside the limits of work, as practicable. Locations of trash removal shall be determined by a site walk of the applicant and Conservation Agent and/or Commissioner.
34. If dewatering is necessary, water will not be discharged directly into any waterbodies, BVW, or inner 100' of RFA. The Conservation Commission shall be notified in advance if dewatering is required within jurisdictional areas and shall inspect the work site before dewatering commences if such inspection can occur within 24 hours of notification.
35. If on-site excavation or other work reveals any soil contamination in reportable concentrations or quantities, the Conservation Commission shall be notified and shall be copied on all related correspondence.
36. The Conservation Commission shall be notified of any remedial activities or changes to the work plans required due to the potential presence of PFAS in the Zone II wellhead area or other jurisdictional areas.
37. The catch basin at stations 119 shall be a leaching catch basin.
38. All equipment and timber mats shall be cleaned prior to use on the site to prevent the introduction of invasive species. If it is necessary to clean construction equipment while on site, it must be cleaned outside of the 100-foot Buffer Zone, Riverfront Area, or any other Resource Area.

CONSTRUCTION GAP BETWEEN PHASE 1 PHASE II

39. If there is a gap between Phase 1 and Phase 2, erosion controls shall be maintained by Eversource. Erosion control in Priority and Estimated Habitat of Rare Species and within 450 feet of Vernal Pools may require removal. This shall be determined by a site walk with the applicant and Conservation Agent.
40. If there is a gap between Phase 1 and Phase 2, Eversource shall be responsible for the health of the restoration areas and the control of invasive species in these areas.

POSTCONSTRUCTION

41. Prior to the issuance of a Certificate of Compliance the site shall be stabilized with vegetation or other measures approved by the Conservation Commission.
42. 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.
43. Two (2) full growing seasons shall be required to determine that any plantings within buffer zones and/or resource areas or as part of any mitigation plan have successfully

Special Conditions Under Massachusetts Wetlands Protection Act
MBTA ROW/Central Mass Line Railroad
MassDEP File #190-0647

established or may require replanting in case of significant failure.

- a. During this 2-year period, the applicant/property owner shall submit a report from a qualified wetlands scientist or landscape specialist at the end of each growing season describing the condition of the plantings following installation. If greater than 25% of plantings are not in good health then replacement plantings are required.
 - b. The consultant shall prepare a final report on the status of the plantings as part of the Request for a Certificate of Compliance. Successful establishment of the plantings will mean that at least 75% of the plantings have survived and are in good health and that the planting is free of invasive species. Successful establishment is a requirement for the issuance of a Certificate of Compliance.
44. 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 substantial compliance with the Order and explain any differences from the approved plans.

CONDITIONS IN PERPETUITY

45. When maintaining the path, no debris including natural debris such as leaves and twigs shall be blown or swept from the bike path into areas within 25 feet of vernal pools. The boundaries of these areas shall be indicated with a method to be determined before the Certificate of Compliance is granted. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
46. The culverts beneath the ROW shall be inspected and cleared of debris at least annually. If the culverts become damaged or no longer function as required, they shall be replaced according to the most current MA Stream Crossing Standards. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
47. DCR shall notify the Commission in advance if herbicides are to be used for vegetation control within wetland jurisdictional areas, indicating the target control species, the type(s) of herbicide to be used, and the on-going maintenance plan for the targeted area. This Condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.