



TOWN OF WESTFORD
CONSERVATION COMMISSION
TOWN HALL
55 Main Street
Westford, Massachusetts 01886

December 12, 2019

Michael Parker, Esq.
Dain Torpy
745 Atlantic Avenue, 5th Floor
Boston, MA 02111

RE Order of Conditions DEP File # 334-1723
Summer Village, Patios, Buffer Zone Restoration and Compliance with Prior Order 334-1300

Dear Attorney Parker,

Enclosed please find the approved Order of Conditions issued by the Westford Conservation Commission under the Massachusetts Wetlands Protection Act and Westford Non-Zoning Wetlands Bylaw. The Order of Conditions must be **recorded at the North Middlesex Registry of Deeds** in Lowell prior to any activity taking place on the site. Once recorded please submit the Book and Page number of the recorded information to the Conservation office.

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

For the Commission,

Carol A. Gumbart
Conservation/Resource Planner

cc MA DEP (e-copy)
Larry Harrington, Summer Village Trustee (e-copy)
David Cowell, Hancock Associates, (e-copy)
Douglas Deschenes, Deschenes and Farrell, PC (e-copy)
David Guthrie, Wescon, Inc (e-copy)

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

and Westford Non-Zoning Wetlands Bylaw c. 171

Provided by MassDEP:

MassDEP File #:334-1723

eDEP Transaction #:1145424

City/Town:WESTFORD

A. General Information

1. Conservation Commission

WESTFORD

2. Issuance

a. ☒ OOC

b. ☐

Amended OOC

3. Applicant Details

a. First Name

b. Last Name

c. Organization SUMMER VILLAGE CONDOMINIUM ASSOCIATION

d. Mailing Address 6 SUMMER VILLAGE ROAD

e. City/Town WESTFORD

f. State MA

g. Zip Code

01886

4. Property Owner

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State

g. Zip Code

5. Project Location

a. Street Address 6 SUMMER VILLAGE ROAD

b. City/Town WESTFORD

c. Zip Code

01886

d. Assessors

044

e. Parcel/Lot#

0040 0000

Map/Plat#

f. Latitude 42.62655N

g. Longitude

71.45694W

6. Property recorded at the Registry of Deed for:

a. County

b. Certificate

c. Book

d. Page

NORTHERN MIDDLESEX

21133

254

7. Dates

a. Date NOI Filed : 3/6/2019

b. Date Public Hearing Closed: 9/11/2019

c. Date Of Issuance: 9/12/2019

8. Final Approved Plans and Other Documents

a. Plan Title:

b. Plan Prepared by:

c. Plan Signed/Stamped by:

d. Revised Final Date: e. Scale:

SEE DOCUMENTS

REVIEWED AND

CONSIDERED

(PAGE 10L & 10M)

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. ☒ Public Water Supply

b. ☐ Land Containing Shellfish

c. ☒ Prevention of Pollution

d. ☒ Private Water Supply

e. ☒ Fisheries

f. ☒ Protection of Wildlife Habitat

g. ☒ Ground Water Supply

h. ☒ Storm Damage Prevention

i. ☒ Flood Control

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

Approved subject to:

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

Denied because:

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

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 0
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

Coastal Resource Area Impacts:

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

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22.

☐ Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream
crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing

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the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "334-1723"

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

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BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

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

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-
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE SPECIAL CONDITIONS

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

2. The 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 WESTFORD
NONZONING
WETLAND BYLAW

2. Citation CHAPTER 171

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:
SEE ATTACHED SPECIAL CONDITIONS

Massachusetts Department of Environmental Protection

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E. Signatures

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

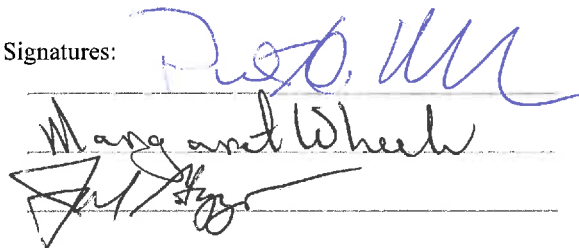
12-12-2019
1. Date of Original Order

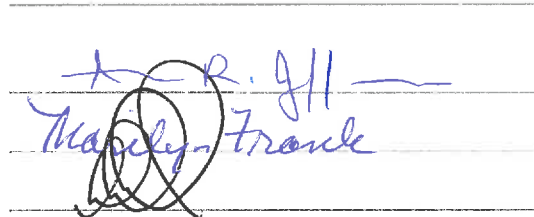
Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

4
2. Number of Signers

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

Signatures:


Margaret Wheeler


M. R. J. H. Frank

☐ by hand delivery on

☒ by certified mail, return receipt requested, on
December 12, 2019

Date

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.

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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.

WESTFORD

Conservation Commission

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

To:

WESTFORD

Conservation Commission

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

6 SUMMER VILLAGE ROAD

Project Location

334-1723

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant

Rev. 4/1/2010

Summer Village Condominium Association, Trust by its Trustees
MAP 044 LOT 0040
(334-1723)

PROJECT DESCRIPTION:

Summer Village on the Pond is a seasonal community consisting of 276 seasonal cottages spanning approximately 50 acres. The property, located at 99 Wyman's Beach Road, was formerly known as "Wyman's Beach Campground". In 2004 an Abbreviated Notice of Resource Area Delineation (ANRAD) was filed (334-1274) to determine the extent of jurisdictional wetland resource areas and in 2005 a Notice of Intent was filed for the development of Summer Village. An Order of Conditions was issued for the construction of a seasonal cottage community, consisting of 276 cottages, a recreation hall, restaurant, swimming pool and recreation courts, i.e. Summer Village, File 334-1300, recorded on August 20, 2006, at the North Middlesex Registry of Deeds, Book No. 20212, Page No. 242.

On or about September 2017 the Commission was made aware that approximately forty (40) patios, some associated with walkways, had been installed within the buffer zone to wetland resource areas, a protected resource area under the Bylaw and an area of jurisdiction under the Wetlands Protection Act, without the prior review and approval of the Conservation Commission. Based upon these violations, the Commission issued a letter of Non-Compliance with Order of Conditions (DEP 334-1300) on December 13, 2018.

In March of 2019 a Notice of Intent (File 334-1723) ("NOI") was submitted by the Summer Village Condominium Association (the "Association") as an "after-the fact" filing in response to the letter of Non-Compliance. For the purposes of this Order, the "applicant" shall mean the Association and the developer shall mean "Wescon Inc." and all work and/or corrective actions mandated by this Order is the joint responsibility of the Association and Wescon regardless of whether the Order solely mentions the Association.

During the course of the public hearings on the NOI, it was identified that thirty-eight (38) patios and two (2) paver pads for wheelchair access were built in the wetland buffer zone. Additional unpermitted landscape disturbances within the wetland buffer zone were also identified including but not limited to: dumping of yard waste; clearing of vegetation; pruning of vegetation; parking, maintenance of a beach, and fire pits.

FINDINGS:

The Order of Conditions (DEP 334-1300), recorded August 20, 2006 with the Middlesex Registry of Deeds at Book 20212, Page 242 approved the conversion of a seasonal campground into the seasonal gated community of Summer Village. The plans approved in the Order did not include the patios and landscape disturbances referred to above, nor did the Commission otherwise approve of the placement of exterior patios at Summer Village within buffer zone or any other jurisdictional area.

Neither the association nor the developer ever sought an amendment to the Order or a new Order of Conditions to construct the patios and make other landscaping improvements at Summer Village.

Condition 46 of OOC 334-1300 states, "[a]ll buyers of camps within 100 feet of wetlands within the project shall be informed of the presence of the wetland resource areas and applicable regulations, and that they may not perform any modifications to the land or vegetation around their building without first contacting the Conservation Commission." The unpermitted work performed and/or authorized by the Association and Wescon is in violation of Condition 46.

Condition 24 of OOC 334-1300 requires that "[t]he builder and his employees and contractors shall make no changes or additions to any of the work or construction products shown on the approved plans without first having those changes reviewed and approved by the Commission or its agent." The unpermitted work performed and/or authorized by the Association and Wescon is in violation of Condition 24.

The Commission finds that individual unit owners made applications to the Trustees using the Trusts Architectural/Landscape Modification Requests form that states in item # 9 "I will be responsible for complying with, and will comply with, all applicable federal, state, and locals laws; codes; regulations; and requirements in connection with this work, and I will obtain any necessary governmental permits and approvals for the work."

The Commission finds the following unauthorized disturbances within the buffer zone and other wetland resource areas on the property:

- The cumulative alteration in the buffer zone from the unauthorized construction of patios is approximately 8,230 square feet.
- Two (2) patios were constructed within 25-feet of the wetlands, eleven (11) patios were constructed between 26 and 50-feet of the wetlands and twenty-three (23) patios were constructed between 51 and 100-feet of the wetlands.
 - One of the patios closest to the wetlands (23') is at 5 Osprey and is approximately 635 square feet in size. A lawn was created in the area between the patio and wetlands at this property.
 - Another patio at 9 Starlight Lane appeared to be between 10 and 25-feet from the wetlands. This patio is approximately 156 square feet in size. The owners also created 144 s.f. of walkways and an 8-ft diameter gravel fire pit.
 - The proximity of these two patios to the wetlands and the additional landscaping around the patios has created conditions that lead to cumulative impacts and degradation of the adjoining wetland resource areas protected under the Act and Bylaw. These two patios do not meet section 235-(1)D of the Bylaw Rules and Regulations that limits work to thirty (30) feet from the wetlands.
 - These patios need to be pulled back by at least five (5)-feet each and the areas between the wetland and the patio must be allowed to re-naturalize or a planting plan will need to be submitted to re-vegetate the buffer zone.
- Some of the patios are grouted providing some recharge while others are solid or compacted sufficiently to not allow for recharge. The Commission finds that while the stormwater impacts may be nominal, the combination of hardscape and landscape alterations has had a cumulative adverse impact on the adjoining wetlands.

The above-referenced unpermitted activities are ongoing violations of the Act and section §171-2 of the Bylaw. Section §171-2 of the Bylaw states that:

Except as permitted by the Conservation Commission or as provided by this chapter, no person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, flat, marsh, wet meadow, bog, swamp, vernal pool or beach; upon or within one hundred (100) feet of any brook, stream, pond or lake or upon or within one hundred (100) feet of any land under said waters or within one hundred (100) feet of the one-hundred-year floodline as determined under the Federal Emergency Management Agency (FEMA).

Pursuant to §171-2 of the Bylaw, the buffer zone is a protected wetland resource area, subject to the jurisdiction of the Commission.

The Commission finds the owners of units 275 and 276 (33 and 35 Summer Village Road) have agreed to remove the excessive amounts of gravel around their patios and to vegetate these areas.

In addition, some residents have stored equipment and boats within the wetland buffer zone. At the public hearing on March 27, 2019, the applicant's consultant noted that they were looking into opportunities to compensate for the encroachments by restoring degraded areas and removing invasive species. The Commission finds that applicant should improve degraded areas and remove invasive species in the wetland buffer zone, and equipment and boats shall no longer be stored in the wetland buffer zone.

The Commission finds that thirteen (13) distinct areas, within wetland buffer zones, as shown on a plan entitled "Wetland Impact Assessment Index Plan", dated April 5, 2006 and revised 4/24/06 and attached hereto as Exhibit A, had been proposed to be naturalized, per a Rebuttal Letter submitted with the Abbreviated Notice of Resource Area Delineation (ANRAD) File 334-1274, as mitigation for allowing work or structures closer to the wetlands than allowed in the Westford Non-zoning Wetlands Bylaw.

The applicant evaluated these areas and proposed the following action:

- Rebuttal Area 1 – Letter states that no action is required, but applicant would entertain adding organic topsoil or screened loam and a native seed mix (New England Conservation/Wildlife) to promote additional herbaceous growth;
- Rebuttal Area 2 – No corrective Action;
- Rebuttal Area 3 – No correction action (not to remove the patio at 5 Osprey Lane;
- Rebuttal 4 & 5 – Seed areas with native grass mix and reduce frequency of the mowing regime to allow area to grow into a meadow vegetative community;
- Rebuttal Areas 6 & 7 – Seed areas with Restoration Seed Mix for Detention basins and reduced frequency of mowing;
- Rebuttal Area 8 – Summer Village recommends a 10-foot No Disturb Policy where unit owners would abandon activities within 10 feet of the wetlands. Areas to the west of Starlight Lane would have organic topsoil or screened loam added and seeded with a native seed mix (New England Conservation/Wildlife), abandon mowing to promote native herbaceous growth and naturalization of this area; not to remove the patio at 9 Starlight Lane; and to have the developer address drainage issues;
- Rebuttal Area 9 – No action proposed although recommend that developer evaluate whether the proposed sand filter needs to be installed to satisfy stormwater design;
- Rebuttal Area 10 – Summer Village recommends a 10-foot No Disturb Policy where unit owners would abandon activities within 10 feet of the wetlands. No action proposed to remove beach and restore to natural condition; no action to remove patios; would have organic topsoil or screened loam added and seeded with a native seed mix (New England Conservation/Wildlife), abandon mowing to promote native herbaceous growth and naturalization of area being used as ad-hoc parking at the end of Waterview Drive; consider mandating that all boats be stored within their 6-foot exclusive use area or within a designated boat storage area; consider mandating that all stone fire pits be moved away from the shoreline to the maximum extent possible; consider application of New England

- Wetland Seed Mix that would be mowed to prevent woody shrubs and trees from obstructing the line -of-sight to view the pond from waterfront properties;
- Rebuttal Area 11 – Summer Village recommends a 10-foot No Disturb Policy where unit owners would abandon activities within 10 feet of the wetlands. No action proposed to remove beach and restore to natural condition; no action to remove patios; consider mandating that all boats be stored within their 6-foot exclusive use area or within a designated boat storage area; consider mandating that all stone fire pits be moved away from the shoreline to the maximum extent possible; consider application of New England Wetland Seed Mix that would be mowed to prevent woody shrubs and trees from obstructing the line -of-sight to view the pond from waterfront properties;
- Rebuttal Area 12 – plant native shrubs and apply New England Conservation/Wildlife Seed Mix to increase vegetative buffer zone to 30-feet if it doesn't restrict circulation and access behind the cottages; and
- Rebuttal 13 - No action proposed.

The developer also evaluated the Rebuttal Area and concluded in a letter dated September 27, 2019, that with the exception of the post and rail fence in Rebuttal Area 13, the developer constructed the project in substantial conformance with the approved plan and with the parameters of the Rebuttal. The Commission finds they are not in total agreement with this summary.

The Commission finds that within the thirteen (13) distinct buffer zone areas identified in the Rebuttal letter, naturalization has not been satisfactorily established, and therefore the Association is in violation of the provisions of the Rebuttal Letter. Specifically, in areas 8, 10 and 11 nine (9) patios were installed in buffer zone areas that were intended to be re-naturalized. The Commission finds that the areas between the patios at 9 Starlight Lane, 5, 17, 29, 31, and 39 Waterview Drive, 1 and 2 Anglers Way, and 2 Paddlers Lane must be allowed to re-naturalize or a planting plan will need to be submitted to re-vegetate the buffer zone. The Commission finds the applicants proposal to establish a minimum 10-foot "No Disturb" set-back policy adjacent to wetlands does not accomplish the overall "re-vegetate" and "re-naturalize" distances as set out in the Rebuttal Letter. The Commission finds that had the patios come before them individually prior to construction they would have evaluated each site condition and proximity to the wetlands separately and that in the case of the 38 patios constructed without their prior review each buffer zone and limit of disturbance needs to match the original set-backs of the Bylaw and/or those proposed in the Rebuttal Letter.

The Commission finds the applicants proposal to allow annual late season mowing of the shoreline of Long Sought For Pond will not enhance and improve the buffer to the Pond and a 30-foot natural buffer to the Pond will be required.

In addition, the beach in front of 31 Waterview Drive needs to be removed and re-vegetated with native plants similar to those found along the shore of Long Sought For Pond (LSFP).

The Commission finds that gravel walkways and gravel extensions to patios (hardscape features) have been regularly allowed around the cottages within wetland buffer zone areas.

The Commission finds that pursuant to the Act and Bylaw buffer zones to wetlands resource areas provide important protection to adjoining vegetated wetlands and water resources. The Bylaw expressly provides that projects are reviewed to consider significant and cumulative effects caused by work in the buffer zone. The Commission finds that manicured lawns and hardscape landscape features abutting vegetated wetlands and water resources are not as effective in protecting the wetlands and water resources as naturally vegetated buffer strips and the width of the buffer strip is one of the most important variables. The Commission finds that buffer strips that are dominated by a mix of vegetative cover types (e.g. trees, shrubs and groundcover), structure and age classes are most effective in removing nutrients and sediment pollution. The Commission finds that buffer strips that are less than 50-feet are more susceptible to degradation by human disturbance. The OOC 334-1300 required restoration of buffer zone strips to improve degraded conditions that were unpermitted in association with the former campground. In this Order of Conditions (334-1723) the Commission is requiring restoration to these buffer zone areas to protect the adjoining vegetated wetlands and water resources.

The Commission finds that much of the Conservation Restricted (CR) land associated with this property follows the boundary of the wetlands and some wetland buffer zone encroachment has also encroached into the CR land. Specifically, land was cleared behind 5 Starlight Lane, and 8 White Pine Knoll. Significant fill of the CR land and buffer zone occurred behind 26 and 28 Lazy Day Drive and behind 25, 27 and 29 Lazy day Drive (combined approximately 5,463 square feet). Additional CR and wetland buffer zone alteration occurred in Rebuttal Area 4. The Commission finds that CR and buffer zone boundary markers will need to be established along the CR and wetland boundary to prevent future alteration of the buffer zone and CR land. The applicant requested that the fill in the areas of Lazy Day be allowed to remain in place and the CR be amended to revise the CR line to accommodate not only the fill behind the Lazy Day units but also potentially problematic areas where patios or other features are near to the CR and wetland boundary. In total 24,217 square feet of land is proposed to be removed from the CR land while 69,192 square feet of land is proposed to be added to the CR land.

The Commission finds that the fill areas behind the units on Lazy Day must be restored to natural conditions and planted in accordance with the Buffer Zone and CR Restoration planting plan dated March 27, 2019 or planting plan of a similar nature that will adequately restore the buffer zone to protect the adjoining wetlands.

The Commission finds that although a post and rail fence or split rail fence was not installed to protect the intermittent stream recommended for Rebuttal Area 13, the area has naturalized satisfactorily enough and to eliminate the trespass through the stream and fencing is no longer required.

The Commission finds the Association will need to create procedures within their condominium documents that clearly establishes protocol for future patio construction, walkways and landscape management within the wetland buffer zone. The applicant proposed to update any applicable Land Use Operations and Maintenance Plans to conform to Orders of Conditions.

Summer Village Condominium Association, Trust by its Trustees
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The Commission finds the Association's suggestion to form a "Summer Village Natural Resource Committee" that will:

- review all wetland permit conditions for the property;
- provide environmental education and outreach to the community;
- evaluate opportunities for conservation and restoration on; the property (clean-up days, invasive species removal, installation of bird and bat boxes, etc.)
- report to the Conservation Commission if necessary; and
- conduct start of season and end of season property inspections

to be a good start to educating the residents about conservation values in their village.

A Certificate of Compliance for OOC 334-1300 shall not be issued until the areas proposed to be renaturalized in the Rebuttal Letter have been satisfactorily established and that all work has been completed in accordance with the Order to the satisfaction of the Commission.

The following Special Conditions shall apply to the work performed under this Order:

SPECIAL CONDITIONS:

21. It shall be understood by the applicant that the issuance of this Order of Conditions shall apply to the Massachusetts Wetlands Protection Act and the Town of Westford's Non-Zoning Wetlands Bylaw.
22. In Rebuttal Area 1, the applicant shall add a minimum of 4-inches of organic topsoil or screened loam and seed a native seed mix such as New England Conservation/Wildlife seed mix to promote herbaceous growth. A subsurface infiltration system is below the surface in this area therefore the Summer Village shall mow this area once per year, in early October to prevent woody vegetation from growing over the infiltration system.
23. In Rebuttal Area 3 at 5 Osprey Lane (Unit 23), the patio shall be pulled back 5-feet from the wetland edge and the area between the patio and wetland shall be allowed to re-naturalize. This shall be accomplished by not mowing or maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.
24. Rebuttal areas 4, 5, 6 and 7 include stormwater basins and swales that are subject to periodic maintenance to remove accumulated sediment. Areas between the basins and swales and wetlands shall be over seeded with a native seed mix such as New England Conservation/Wildlife seed mix and allowed to re-naturalize. The areas between the wetland and the stormwaters basins and swales shall not be mowed or maintained except for a 4-foot shoulder along the edge of the detention basins and swales that can be mowed once a year in early October to prevent woody vegetation from growing into the bank of the basins and swales.

The areas between the swale(s) and Cottages 2 and 4 Big Rock trail and 2 Chipmunk Trail (Units 102-105) shall be allowed to re-naturalize. This shall be accomplished by not mowing or

maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.

The area between the basins, swales and Summer Village Road and White Pine Knoll Road shall be over seeded with a native grass seed mix approved by the Commission and the area shall not be mowed below 12-inches in height to promote a native meadow vegetative community.

25. In Rebuttal Area 8, in the areas to the west of Starlight Lane, the applicant shall add a minimum of 4-inches of organic topsoil or screened loam and seed a native seed mix such as New England Conservation/Wildlife seed mix and abandon mowing to allow this area to re-naturalize. This shall be accomplished by not mowing or maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.

At 9 Starlight Lane (Unit 188), the patio shall be pulled back 5-feet from the wetland edge and the fire pit shall be removed. The area between the patio and wetland shall be allowed to re-naturalize. This shall be accomplished by not mowing or maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species

26. In Rebuttal Area 10 and 11, the applicant shall remove the sand from private beach and add a minimum of 4-inches of organic topsoil or screened loam to the area. The area shall be seeded with a native seed mix such as New England Conservation/Wildlife seed mix and the area shall not be mowed or maintained to allow this area to re-naturalize. As an alternative, a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found along the Pond and will enhance buffer zone functions. Plants shall consist of ground cover and low growing shrubs that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.

As envisioned in the original submittal for the development of Summer Village, and represented to the Town, there shall be a minimum 30-foot no disturbance area from the bank of Long Sought For Pond to the cottages along Long Sought For Pond (Cottages 2, 4 and 6 Paddlers Lane, 13, 15, 17 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 42 Waterview Drive, 1, 2 and 3 Anglers Way, (Units 228 to 248)). This shall be accomplished by not mowing or maintaining

the 30-foot buffer area. As an alternative, a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found along the Pond and will enhance buffer zone functions. Plants shall consist of ground cover and low growing shrubs that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.

All stone fire pits shall be moved away a minimum of 30-feet from the bank of Long Sought For Pond. Those that can't be pulled back 30-feet shall be removed and the area restored as described above.

All personal equipment including boats, kayaks, canoes etc., being stored outside the cottages exclusive use areas and within the wetland buffer zone shall be removed to their 6-foot exclusive use area or to the Summer Village boat storage areas.

27. In Rebuttal area 10, at the end of Waterview Drive residents have been using an unapproved parking area in a wetland buffer zone. The applicant shall close the area off to parking by placing sizeable boulders along the edge of the road. Prior to closing off the area the applicant shall add a minimum of 4-inches of organic topsoil or screened loam and seed the area with a native seed mix such as New England Conservation/Wildlife. This area will not be mowed or maintained to allow this area to re-naturalize.
28. In Rebuttal Area 12, the area between the 6' exclusive use area of the cottages (Units 222-227) and the wetland, the applicant shall add a minimum of 4-inches of organic topsoil or screened loam and seed a native seed mix such as New England Conservation/Wildlife seed mix and abandon mowing to allow this area to re-naturalize. This shall be accomplished by not mowing or maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.
29. At 33 and 35 Summer Village Road (Units 275 and 276) the gravel extensions around the patios shall be removed and replaced with native ground cover to stabilize the disturbed area. The proposed ground cover shall be submitted to the Commission for review and approval prior to the removal of the gravel extensions. These areas shall be allowed to renaturalize. This shall be accomplished by not mowing or maintaining the area. As an alternative a landscape plan may be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of native plants (ground cover, shrubs, and trees), that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.

30. At 24, 26 and 27 Lazy Day Drive (Units 155, 156 and 157) the fill areas in the wetland buffer zone shall be restored to natural conditions. A landscape plan shall be submitted to the Commission for review and approval. Any landscape plan shall consist of plants native to the Westford area, that grow well in the type of soil found in this wetland buffer zone and will enhance buffer zone functions. Plants shall consist of ground cover, shrubs, and trees, that will not require long term maintenance. The size, spacing and number of species shall also be provided. Plants shall be monitored for a minimum of two years. Any plants that die shall be replaced with similar species.
31. The developer shall review the drainage design approved for the area behind White Pine Knoll and Starlight Lane, evaluate the field conditions in the spring of 2020, and compare it to the as-built drainage conditions. The developer shall submit a written report to the Commission on or before June 1, 2020, for their review and approval. The report shall identify the differences from the approved plan (334-1300) and as-built conditions, discuss the impact the modifications made to this drainage area and shall propose corrective actions to ensure that the drainage has a positive outlet or satisfactory infiltration. Any proposed corrective measures shall also ensure that wetland resource areas are not impacted. No corrective measures shall be taken until the Commission approves the course of action.
32. The applicant shall update the Land Use Operations and Maintenance Plans Condominium documents to include a process where any future work/activity proposed within the wetland buffer zones includes contacting the Conservation Commission for a determination on whether a wetland application is required prior to performing any work/activity within the wetland buffer zone.
33. All landscape waste accumulated in the course of grounds maintenance, including grass clippings and leaves, shall be disposed of at a proper upland composting or disposal area, and shall not be disposed of in any wetland areas or Buffer Zone. This shall be a condition in perpetuity and shall be noted in the Certificate of Compliance.
34. All landscaping on the site shall be installed so as to not require the ongoing use of fertilizers and pesticides.
35. All buffer zone restoration areas shall not be mowed or maintained except to manually keep out non-native invasive plant species, unless approved by the Commission or its agent. This shall be a condition in perpetuity and shall be noted in the Certificate of Compliance.
36. Notice shall be given to the Commission or its agent no more than two (2) weeks and no less than one (1) week prior to the commencement of any construction activities, including onsite trucking of fill and major removal of site vegetation.
37. Prior to the commencement of the project there shall be a meeting onsite between the project contractor, the site superintendent, the applicant's wetland consultant and the Commission's agent to review this Order of Conditions and its requirements. This Order of Conditions shall be reviewed with and a copy provided to all contractors working on the site involved with site preparation, earthwork and landscaping. A copy of said Order of Conditions and referenced plans and documents shall be onsite during all construction activities.

38. Prior to any disturbance on the site the applicant or his/her representative shall submit a schedule to the Commission or its agent for review and approval. The schedule shall include a sequence of events with approximate dates of activities relevant to this Order including but not limited to:

- Placement of sediment and erosion controls;
- Site preparation;
- Landscaping and stabilization of the site;
- Installation of the posts and placards;
- Removal of the erosion controls;
- Key dates or milestones for activities; and
- Site management information including, names, address, phone number and email of site contractor(s).

39. The owner shall protect all infiltration BMP's during restoration to prevent a reduction in the long-term infiltration capacity of the underground stormwater infiltration system.

40. Prior to the performance of any other site work, a sedimentation and erosion control barrier consisting of siltation fencing with straw wattles or other control feature as may be approved by the Commission or its agent, shall be properly installed (silt fence buried in the ground and wattles staked so they can't be lifted or moved easily) between the restoration areas and the wetlands. This control feature shall be properly installed and inspected and approved by the Commission or its agent prior to the commencement of any other work on the site.

The Commission's agent is authorized to require the installation of any other erosion/sedimentation/work limit controls on the site as deemed necessary to protect the wetlands.

41. These erosion control features shall be maintained in proper working condition during and after restoration. This control feature shall be removed promptly following satisfactory permanent stabilization of the site with approval the Commission or its agent, or their direction to remove said barrier.

42. All construction equipment, including, but not limited to machinery, heavy equipment and vehicles shall be parked and stored more than 100 feet from any wetlands when not in use. All fuels, lubricants and hydraulic fluids shall be stored more than 100 feet from any wetlands. All refueling and maintenance involving transfer of oils and hydraulic fluids shall be performed more than 100 feet from any wetlands.

43. All excavate, fill, loam and any other earthen materials associated with the project shall be stored and stockpiled more than 100 feet from any wetlands. No excavate, fill, loam or other material shall be stockpiled against the sediment or erosion control feature.

44. Any waste asphalt generated by the project shall be disposed of at a proper disposal or recycling facility.

45. No fill, excavate, construction debris or equipment or any other material shall be allowed to enter the wetlands; any such material entering the wetlands shall be removed immediately. No trees or shrubs shall be felled into or disposed of in the wetlands.

46. All imported topsoil shall be documented to be free of invasive weed seeds.
47. Only clean fill shall be used for the project. Clean fill shall be free from contamination, trash, debris, asphalt, brick, concrete, metal, wood, recycled construction materials or other deleterious materials. No unsuitable material of any kind (stumps, roots, trash, debris, etc.) may be buried, placed or dispersed on the property.
48. Prior to the opening of the 2020 season the applicant shall form a committee of Summer Village residents that will at a minimum:
- Monitor the property for compliance with this Order of Conditions;
 - Develop and implement an environmental education and outreach program for the community;
 - Evaluate and implement opportunities for conservation and restoration on; the property (clean-up days, invasive species removal, installation of bird and bat boxes, etc.);
 - Develop a liaison to report to the Conservation Commission as necessary; and
 - Conduct start of season and end of season property inspections.
49. A no-disturb zone boundary shall be delineated by installing pressure treated wooden posts, 4" by 4" by 48" in dimension, labeled "**Wetland Resource Area, Do Not Disturb**" with a minimum 24" reveal, at the points all along the wetland buffer zone at the limits of disturbance allowed based on the rebuttal letter requirements or at a minimum 10-feet off the vegetated wetland. This boundary shall be maintained permanently as a limit of disturbance and the on-going maintenance of the boundary markers shall be allowed to continue as a condition in perpetuity and noted in the Certificate of Compliance.
50. All disturbed areas not permanently stabilized by December 1 shall be temporarily stabilized for the winter months using erosion control blankets or jute mesh and straw mulch.
51. No site work shall be performed within any wetland resource area, 100 feet of any wetlands and/or floodplain between December 1 and April 1, except with the permission of the Conservation Commission or its agent.
52. Upon stabilization of the site the applicant shall remove the erosion/sedimentation control barriers with the approval of the Commission or it's agent.
53. **Upon completion of the project the proponent shall request a Certificate of Compliance.**
A written statement by a professional wetland scientist certifying substantial compliance with Order shall accompany the request for the Certificate of Compliance.

A certified "as-built" plan shall be submitted to the Commission. The as-built plan shall include but not be limited to: work in the Buffer Zone restoration areas, the location of the patios at 5 Osprey Lane (Unit 23) and 9 Starlight Lane (Unit 188) and any additional information necessary to aid the Commission's evaluation of the project before issuance of a Certificate of Compliance for work under this Order.

Summer Village Condominium Association, Trust by its Trustees
MAP 044 LOT 0040
(334-1723)

Documents reviewed and considered:

Notice of Intent entitled "Summer Village on the Pond" dated March 2019 prepared By Hancock Associates #17813 including a list of units with patios located within the wetland buffer zone or close proximity and 17 individual plans for the patios on the list.

Plan set with sheets 1 to 6 Prepared by Alan Engineering, LLC and signed and stamped by Mark A. Sleger Registered Professional Engineer #34407 and dated November 22, 2017

- Sheet 1 or 6 "Certificate of Compliance Index Plan, Summer Village, Westford MA" scale 1'=100'
- Sheet 2 - 6 "Certificate of Compliance, Summer Village, Westford MA" scale 1'= 40'

Letter from David Cowell, Hancock Associates to Members of the Commission dated February 27, 2019 Re: Summer Village Patios – After the Fact Notice of Intent

Letter from Robert W. Anctil, Perkins and Anctil to Ms. Gumbart and Commissioners dated March 12, 2019 Re: Summer Village Condominium Association Notice of Pubic Hearing

Letter from Douglas C. Deschenes to Ms. Gumbart and Members of the Commission, dated March 27, 2019 Re: Enforcement Order; Summer Village: Lazy Day Drive

Summary of Patios Within 0-30' (2); 30-55" (12); 55-100' (24); >100' (4)

Document entitled "Letter of Map Amendment Determination Document" dated 6/4/2010 and received April 19, 2019 and plans entitled Plan for LOMA Request Summer Village dated February 18, 2011 and revised 4/14/11 and 4/20/11 sheets 1 and 2. Scale 1" = 80'

Plan set with sheets 1 to 6 Prepared by Hancock Associates (not signed or stamped) dated 4/18/2019

- Sheet 1 of 6 "Summer Village Patio Exhibit Plan", Summer Village, Westford Massachusetts scale 1" = 100'
- Sheets 2-6 "Summer Village Patio Exhibit Plan", Summer Village, Westford Massachusetts scale 1" =40'

Letter from Nancy Rosinski to Neighbor dated February 1, 2005 regarding Summer Village Proposed Project Information

Letter from Mark A. Sleger, Land Tech Consultants Inc., to Mr. Turner. dated April 5, 2006 REF: Rebuttal to Local Presumptions Summer Village Westford MA DEP File No. 334-1274 and associated Plan entitled "Wetland Impact Assessment Index Plan" dated April 5, 2006 and revised 4/24/06. Scale 1"=100, Prepared by LandTech Consultants, Inc.

Letter from Mark A. Sleger to Mr. Turner dated November 15, 2006 re: Summer Village Westford MA DEP File No. 334-1274

Summer Village Condominium Association Trust recorded 4/11/2007 Book 21134 Page 1 of 30

Letter from David Cowell, Hancock Associates dated May 14, 2019 re Summer Village Patios – Notice of Intent (Mass DEP File #334-1723) including:

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- Plan entitled "Existing Conditions Plan" Summer Village dated Dec. 3, 2004 with final revision 9/25/06 prepared by Land Tech Consultants, Inc. locating "Existing Beach";
- "Aerial Imagery of "Campers Beach" dated March 1995, 2003 and 2007;
- Order of Conditions 334-1300 recorded 6/20/2006 Book 20212 Page 242;
- "Wetland Impact Assessment Plan" dated April 5, 2006;
- "Supplemental Data Report with Notice of Intent, Wyman's Beach Westford, MA dated December 3, 2004 and revised February 8, 2005;
- Meeting Minutes dated March 23, 2005;
- Meeting Minutes February 23, 2005;
- Zoning Board of Appeals Decision Wyman's Beach (Summer Village) Petition BOA 5001-008 SP's & VAR's recorded 11/29/2005 Book 19567 Page 157;
- Mater Deed recorded 5/11/2007 Book 21133 Page 254

Document entitled "Executive Summary Summer Village, Westford, MA DEP File #33401723; Rebuttal Area Evaluations and Proposed Corrective Action Plan" dated 7-30-19

Email from Alan H. Kramer to Carol Gumbart dated August 16, 2019

Letter from David Cowell, Hancock Associates to members of the Commission dated September 9, 2019 Re Additional Questions for Summer Village Subcommittee (Mass DEP File #334-1723)

Letter from Carol Gumbart Westford Conservation Resource Planner to David Cowell Hancock Associates, dated September 23, 2019 Re Response to Additional Questions for Summer Village Subcommittee (Mass DEP File #334-1723) and 334-1300

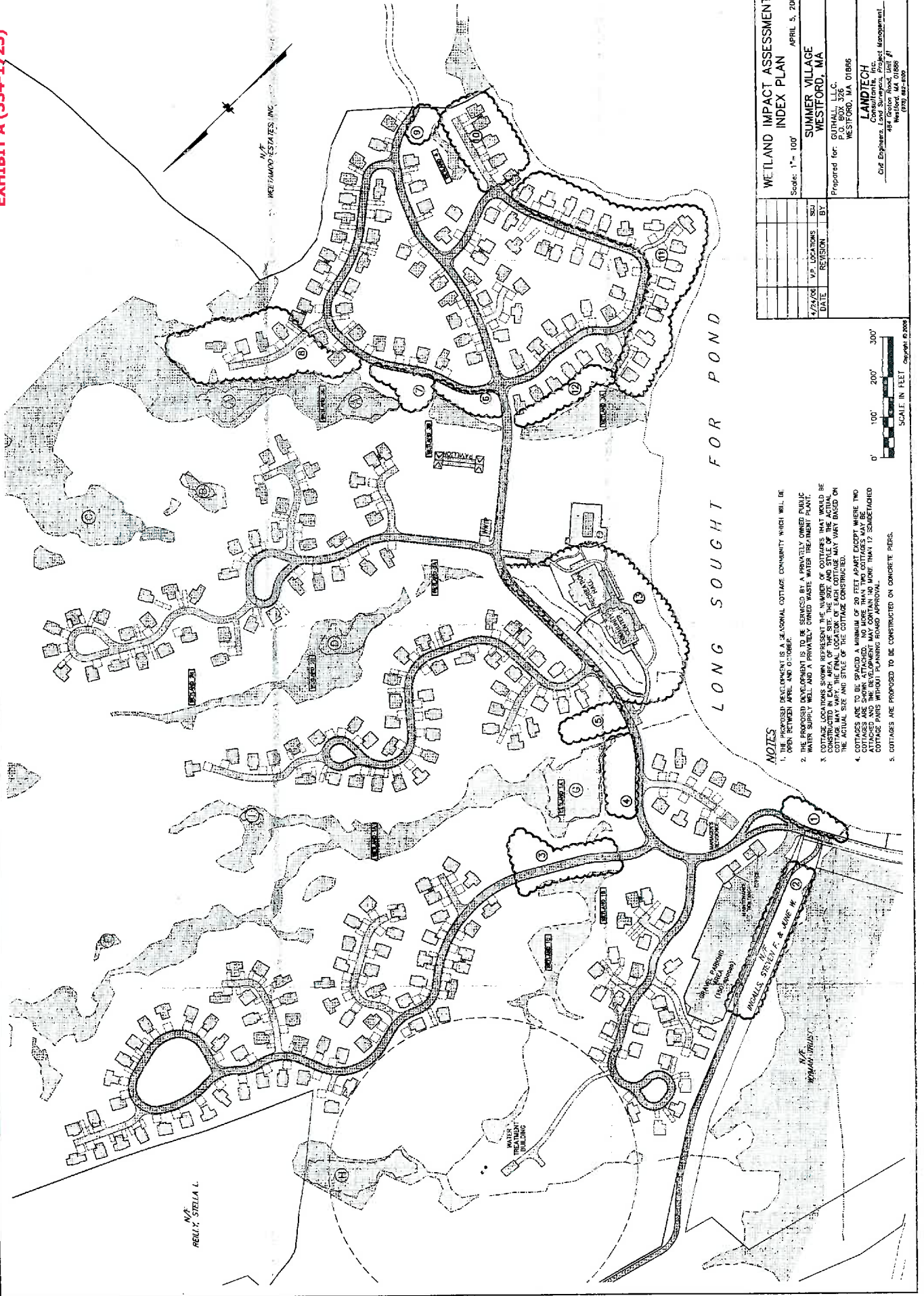
Letter from Douglas C. Deschenes, Deschenes and Farrell, P.C., to Ms. Gumbart and Members of the Commission dated October 23, 2019 with the following attachments:

- Letter from Mark A. Sleger, P.E., to Carol Gumbart, Resource Planner re: Certificate of Compliance Request Summer Village
- Comments from Attorney Michael Parker on the draft Order of Conditions
- Sample Grant of Easement

Letter from John Callahan and Leah Cataldo, 33 Waterview Drive to Carol Gumbart, Conservation Resource Planner dated December 10, 2019

Landscape alterations by unit within buffer zone (all measurements are approximate):

Unit	Address	Patio s.f. within Buffer Zone	Walkway and/or Gravel
Unit 103	4 Big Rock;		495 s.f.
Unit 118	24 Big Rock,	100 s.f.	unknown
Unit 91	4 Acorn,	98 s.f.	164 s.f.
Unit 235	1 Anglers Way,	265 s.f.	400 s.f.
Unit 247	39 Waterview	290 s.f.	200 s.f.
Unit 157	28 Lazy Day Drive	294 s.f.	unknown
Unit 145	8 Lazy Day Drive	225 s.f.	unknown
Unit 10	17 Farmhouse	185 s.f.	unknown
Unit 100	4 Sunrise	200 s.f.	130 s.f.
Unit 52	33 Fox Run	18 s.f.	unknown
Unit 275	33 Summer Village Road	192 s.f.	320 s.f.
Unit 120	28 Big Rock Trail	72 s.f.	unknown
Unit 121	30 Big Rock Trail	156 s.f.	unknown
Unit 76	8 Ravine	280 s.f.	208 s.f.
Unit 188	9 Starlight Lane	156 s.f.	572 s.f.
Unit 237	2 Anglers Way	106 s.f.	unknown
Unit 203	36 Summer Village Road	272 s.f.	unknown
Unit 169	13 Lazy Day Drive	240 s.f.	unknown
Unit 149	16 Lazy Day Drive	253 s.f.	unknown
Unit 149	14 Lazy Day Drive	335 s.f.	unknown
Unit 230	2 Paddlers	No Patio but walkway and landing	s.f. unknown
Unit 18	5 Wildwood	448 s.f.	356 s.f.
Unit 276	35 Summer Village Road	200 s.f.	unknown
Unit 224	5 Waterview Drive	225 s.f.	unknown
Unit 47	43 Whispering Pines	208 s. f	unknown
Unit 170	11 Lazy Day Drive	225 s.f.	unknown
Unit 23	5 Osprey	635 s.f.	unknown
Unit 175	9 Hammock Drive	362 s.f.	unknown
Unit 129	29 Big Rock Trail	181 s.f.	unknown
Unit 242	29 Waterview Drive	180 s.f.	unknown
Unit 185	10 Courtview Lane	250 s.f.	unknown
Unit 274	31 Summer Village Road	160 s.f.	unknown
Unit 243	31 Waterview Drive	289 s.f.	80 s.f.
Unit 172	4 Hammock Drive	291 s.f.	unknown
Unit 130	27 Big Rock Trail	221 s.f.	unknown
Unit 233	17 Waterview Drive	20.5 s.f.	unknown
Unit 15	5 Farmhouse	424 s.f.	unknown
Unit 105	2 Chipmunk Trail	174 s.f.	220 s.f.



- NOTES**
1. THE PROPOSED DEVELOPMENT IS A SEASONAL COTTAGE COMMUNITY WHICH WILL BE OPEN BETWEEN APRIL AND OCTOBER.
 2. THE PROPOSED DEVELOPMENT IS TO BE SERVED BY A PRIVATELY OWNED PUBLIC WATER SUPPLY WELL AND A PRIVATELY OWNED WASTE WATER TREATMENT PLANT.
 3. COTTAGE LOCATIONS SHOWN REPRESENT THE NUMBER OF COTTAGES THAT WOULD BE CONSTRUCTED AT EACH LOCATION. THE FINAL LOCATION OF EACH COTTAGE MAY VARY BASED ON THE ACTUAL SIZE AND STYLE OF THE COTTAGE CONSTRUCTED.
 4. COTTAGES ARE TO BE SPACED A MINIMUM OF 20 FEET APART EXCEPT WHERE TWO COTTAGES ARE TO BE SPACED A MINIMUM OF 10 FEET APART.
 5. COTTAGES AND THE DEVELOPMENT MAY CONTAIN NO MORE THAN 12 SEASONAL COTTAGE PARS WITHOUT PLANNING BOARD APPROVAL.
 6. COTTAGES ARE PROPOSED TO BE CONSTRUCTED ON CONCRETE PIERS.

WETLAND IMPACT ASSESSMENT INDEX PLAN			
Scale:	1" = 100'	APRIL 5, 2008	
Project No.	03-214	Prepared for:	SUMMER VILLAGE WESTFORD, MA
Drawn By:	BY	Checked By:	GUTHRIE, LLC
Drawn Date:	DATE	Checked Date:	WESTFORD, MA 01886
Drawn By:	BY	Checked By:	LANDTECH
Drawn Date:	DATE	Checked Date:	487 Gorton Road, Unit #1 Westford, MA 01886
Drawn By:	BY	Checked By:	Our Engineers, Land Surveys, Project Management
Drawn Date:	DATE	Checked Date:	01/29/2008

0' 100' 200' 300'
SCALE IN FEET
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