



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

September 18, 2020

John Shields
39 Norwood Avenue
Newton, MA 02459

RE: Order of Conditions and
Certificate of Understanding
Site: 39 Norwood Avenue
DEP#: 239-873

Dear Mr. Shields:

Enclosed you will find the Order of Conditions (the Order) issued pursuant to the Wetlands Protection Act, General Laws, Ch. 131, Sec. 40 and pursuant to the Newton Floodplain/Watershed Protection Ordinance, Section 22-22, for the above-referenced project.

No work on the project may begin until the following requirements have been satisfied:

- You have read and understand the enclosed Order of Conditions (especially Newton's Findings and Special Conditions). It is the responsibility of the owner/applicant to ensure that all conditions and approved plans are complied with. Deviation from the approved plans or conditions may result in a stop work order or further enforcement.
- The **owner** has signed and returned to me the attached Certificate of Understanding.
- The 10-business day appeal period had elapsed. The appeal period begins on the date of issue (pages 1 and 11 of the Order).
- You have recorded the original Order and Newton's Special Conditions at the Middlesex South Registry of Deeds and have forwarded proof of recording to the Conservation Commission and to the Building Department. The Order is not valid until it is recorded.
- Special conditions include, but are not limited to:
 23. A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval prior to the start of work.
 24. The applicant must schedule and attend a pre-construction site visit.
 26. Prohibitions include: Other than the one crabapple tree approved to be replaced with a birch tree, no trees are proposed or approved to be removed within the Conservation Commission's jurisdiction.
 33. Landscape plantings within Commission jurisdiction must comport with the approved mitigation planting plan and must:
 - a. Stabilize all exposed areas.
 - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
 - c. Be installed on or before October 15, 2021.
 - d. Have a survival rate of 100% of total number of trees (after 2 growing seasons).
 - e. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons).
 - f. Have a survival rate of 100 % of all other plants (after 2 growing seasons).
 - g. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
 34. If any trees within the buffer zone die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
 37. The required mitigation plantings shall be maintained in their predominantly natural condition and shall not be replaced with lawn or hardscape of any sort.

Upon completion of the project, you must do the following.

- Submit a "Request for a Certificate of Compliance" (state WPA Form 8a).
- Submit a letter from an engineer stating that the project was completed in substantial compliance with the order and plans.
- Submit an engineer-stamped and signed "as-built plan."

If you have any questions, please don't hesitate to contact the office at 617-796-1134.

For the Commission,



Claire Rundelli
Assistant Environmental Planner

Enclosures: Order of Conditions

Certificate of Understanding

CC: *Wetlands Division, DEP - NERO, 205B Lowell St., Wilmington, MA 01887*