

Request for Amended Order of Conditions

DEP File #: 114-1313

February 22, 2024

Subject Property

The Willows at Boxford
Willow Road
Parcel ID: 6-2-2.2
Boxford, Massachusetts

Applicant and Property Owner

Toll Bros., Inc.
116 Flanders Road
Suite 1200
Westborough, MA 01581

Prepared by

LEC Environmental Consultants, Inc.
380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500

www.lecenvironmental.com



February 22, 2024

Electronic and Federal Express

Boxford Conservation Commission
Town Hall
7A Spofford Road
Boxford, MA 01921

**Re: Request for Amended Order of Conditions
The Willows at Boxford
Parcel ID: 6-2-2.2
Boxford, Massachusetts
DEP File #: 114-1313**

[LEC File #: TBI\18-044.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant, Toll Bros., Inc., LEC Environmental Consultants, Inc., (LEC) is filing this *Request for Amended Order of Conditions* (AOOC) with the Boxford Conservation Commission for a revised wetland replication plan for The Willows at Boxford residential development. This request is being filed under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and its implementing *Regulations* (310 CMR 10.00, the *Act Regulations*), and the *Boxford Wetlands Protection Bylaw* (Chapter 192, the *Wetland Bylaw*) and its implementing *Wetlands Protection Regulations* (Chapter 375, the *Wetlands Bylaw Regulations*). Abutter notification documents are included as **Attachment A**. The Order of Conditions, issued October 18, 2021 (DEP File #: 114-1313) approving the project is included as **Attachment B**. The original approved replication area is shown on Sheet 29 of the approved plan set, included as **Attachment C**.

Proposed changes to the approved plan result from test pits conducted within the original proposed replication area, which indicated that the sub-surface, topographical, plant community and hydrological conditions were not suitable for successful establishment of a functioning replication area at the original location. A revised replication plan titled *Grading Plan*, prepared by The Morin-Cameron Group, Inc., dated February 13, 2024 (*Revised Replication Plan*) is included herein as **Attachment D**.

Specific changes are as follows:

- Wetland flag #W104 has been relocated to a more accurate position, based on observations of upland soils, upland vegetation, and absence of hydrological indicators downgradient of the original flag 104 location. The revised flag is labeled W104R.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



- The proposed replication area has been shifted northward to match up with the revised wetland boundary. This revised replication area is 840 square feet (SF) in extent, which is larger than the originally approved 765 SF area. A test pit was performed within the new proposed replication area, confirming the suitability of subsurface conditions (depth to seasonal high groundwater and organic hydric soil layer) for creation of the proposed plan.
- The revised plan includes an additional Upland Buffer Zone Restoration Area, totaling 1,390 SF, located south and upgradient of the revised replication area. Note this was not proposed in the original approved plan set, so this is a substantial additional improvement to the Buffer Zone Resource Area being provided by Toll Bros.
- Details of the species and quantity of proposed plantings are shown on the *Revised Replication Plan*. Spec sheets for the two seed mixes are provided in **Attachment E**.

Enclosed is a check made payable to the Town of Boxford in the amount of Seven Hundred Twenty-Five Dollars (\$725.00) for the *Bylaw* filing fee. Thank you for your consideration of this AOC Request. We look forward to meeting with you at the March 7, 2024 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at dwells@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Daniel L. Wells

Senior Wildlife/Wetland Scientist

Attachments

cc: DEP, Northeast Region
Toll Bros., Inc.
NHESP

Attachment A

Affidavit of Service
Abutter Notification Letter
Abutter Notification Form
Certified Abutters List

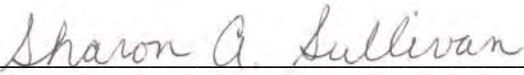
AFFIDAVIT OF SERVICE

Under the
Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40),
its implementing *Regulations* (310 CMR 10.00),
and the
Town of Boxford Wetlands Protection Bylaw (Chapter 192)
and its implementing *Regulations*

I, Sharon A. Sullivan, on behalf of Toll Brothers, Inc., hereby certify under the pains and penalties of perjury that on February 23, 2024, I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Boxford Wetlands Protection Bylaw* (Chapter 192) in connection with the following matter:

A Request for an Amended Order of Conditions filed under the *Massachusetts Wetlands Protection Act* and the *Town of Boxford Wetlands Protection Bylaw* by LEC Environmental Consultants, Inc., on behalf of the Applicant, Toll Bros, Inc., with the Town of Boxford Conservation Commission on February 22, 2024 for property located The Willows at Boxford, Willow Road (Parcel ID: 6-2-2.2) in Boxford, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Sharon A. Sullivan
Permitting Technician

2/23/2024
Date



February 23, 2024

CERTIFIED MAIL

«Name»
«Name2»
«Address»
«City», «State» «Zip»

**Re: Request for Amended Order of Conditions
The Willows at Boxford
Willow Road (Parcel ID: 6-2-2.2)
Boxford, Massachusetts**

[LEC File #: TBI\18-044.02]

Dear Abutter:

On behalf of the Applicant, Toll Bros., Inc., LEC Environmental Consultants, Inc., (LEC) has filed a *Request for Amended Order of Conditions* with the Boxford Conservation Commission for a revised wetland replication plan for the Willows at Boxford residential development. The proposed revisions include relocation of the proposed Wetland Replication Area and adding an Upland Buffer Zone Restoration Area.

The *Request for Amended Order of Conditions* and accompanying site plans are available for review by the public by contacting the Boxford Conservation Commission at 978-887-6000 ext. 506. The remote Public Hearing will be held on March 7, 2024 at 7:00 p.m. Further information regarding this application will be published at least five (5) days in advance in the *Tri-Town Transcript*. Notice of the Public Hearing also will be posted at the Boxford Town Hall at least 48 hours in advance. Please check the Town/Conservation Commission website for any updated information on the meeting.

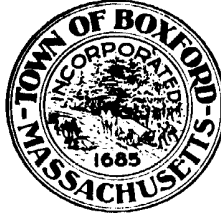
Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

LEC Environmental Consultants, Inc.

Daniel L. Wells
Senior Wildlife/Wetland Scientist

LEC Environmental Consultants, Inc.			www.lecenvironmental.com	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI



TOWN OF BOXFORD
MASSACHUSETTS
01921

BOXFORD CONSERVATION COMMISSION

NOTICE OF PUBLIC HEARING

You are hereby notified that a **Public Hearing** will be held via Zoom videoconference on Thursday March 7, 2024 at 7:00 p.m. or such other time when posted for the

Request for Amended Order of Conditions

By Applicant: **Ted Merchant for Toll Bros., Inc.**
for the property located at: **The Willows at Boxford, Willow Road (Parcel ID: 6-2-2.2)**

for a revised wetland replication plan.

The Zoom connection information will be posted on the Town of Boxford website prior to the meeting. This is a joint hearing under the requirements of MGL Ch. 131, Sec. 40, as amended, and Boxford's Wetlands Protection Bylaw and Regulations. For more information, contact Ross Povenmire at rpovenmire@town.boxford.ma.us.

For the Commission,
Ross Povenmire, Conservation Director

06-02-02.2 WASHINGTON WILLOW STREETS, BOXFORD MA ABUTTERS LIST
 CONSERVATION COMMITTEE 250' AND PONDS

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
10-02-31	57 WILLOW RD	GATEWOOD MICHAEL		57 WILLOW RD	BOXFORD	MA	01921
10-02-32	3 WHITTIER TER	REED EDWARD SCOTT	REED KATHERINE R	3 WHITTIER TER	BOXFORD	MA	01921
10-02-33	8 WHITTIER TER	BURNHAM DAVID TE	BURNHAM GARBRIELLE A	8 WHITTIER TER	BOXFORD	MA	01921
10-02-34	2 WHITTIER TER	KUHN WILLIAM ALLAN	KUHN ANN	2 WHITTIER TER	BOXFORD	MA	01921
10-02-35	56 WILLOW RD	D'AVOLIO CHARLES A JT	D'AVOLIO FLORENCE P	56 WILLOW RD	W BOXFORD	MA	01885
10-02-36	60 WILLOW RD	CORDEIRO EDWARD TE	CORDEIRO KIM A	60 WILLOW RD	BOXFORD	MA	01921
10-02-38	WILLOW RD	ESSEX COUNTY GREENBELT ASSOC		82 EASTERN AVE	ESSEX	MA	01929
11-01-11-4	114 VALLEY RD	WASSUNG DENNIS C JR	ANDERSON BRITTA J	114 VALLEY RD	BOXFORD	MA	01921
11-01-11-5	116 VALLEY RD	CASEY STEPHEN M TE	CASEY LAURIE A	116 VALLEY RD	BOXFORD	MA	01921
11-01-03	24 DEER RUN RD	CLADER SUSAN	CLADER JOHN	24 DEER RUN RD	BOXFORD	MA	01921
11-01-03-1	12 DEER RUN RD	SKLADANY, MATTHEW	CIPRIAN, ROSA	12 DEER RUN RD	BOXFORD	MA	01921
11-01-06	81 WILLOW RD	LINNEHAN JOSEPH R JR		81 WILLOW RD	BOXFORD	MA	01921
11-01-07	87 WILLOW RD	MINOTT ANGELA M.	MINOTT ADDISON D.	87 WILLOW RD	BOXFORD	MA	01921
11-01-08	89 WILLOW RD	KAZMIERCZAK KELLY A	KAZMIERCZAK MICHAEL J	35 WEDGEWOOD ST	EVERETT	MA	02149
11-01-09	97 WILLOW RD	AGREN MICHAEL	KOKORDA GREGORY	97 WILLOW RD	BOXFORD	MA	01921
11-02-15	161 SPOFFORD RD	BUCO CHRISTOPHER W.	ADRAGNA SARAH T.	161 SPOFFORD RD	BOXFORD	MA	01921
11-02-16	3 PINE PLAIN RD	EISENBERG DANIEL J JT	SMITH COURTNEY J	3 PINE PLAIN RD	BOXFORD	MA	01921
11-02-17	120 WILLOW RD	DAWKINS ROGER V TE	ELLEN D DAWKINS	P O BOX 258	W BOXFORD	MA	01885
11-02-18	7 PINE PLAIN RD	ALDRIDGE PAUL K & DENISE M - TRUSTEES	7 PINE PLAIN REALTY TRUST	7 PINE PLAIN RD	BOXFORD	MA	01921
11-02-19	11 PINE PLAIN RD	RAMINI, QUINN H	DAIGLE, LAUREN M	11 PINE PLAIN RD	BOXFORD	MA	01921
11-02-20	17 PINE PLAIN RD	REGNETTA LEIZA TE	REGNETTA ROBERT	17 PINE PLAIN RD	BOXFORD	MA	01921
11-02-23	28 PINE PLAIN RD	NARASIMHAN SUNDAR TE	LAMB MARIE	28 PINE PLAIN RD	BOXFORD	MA	01921
11-02-26	26 PINE PLAIN RD	MORTON DAVID A TR	MORTON MARY L TR	26 PINE PLAIN RD	BOXFORD	MA	01921
11-02-27	22 PINE PLAIN RD	WINSHIP JOHN SCOTT TE	WINSHIP DIANE E	22 PINE PLAIN RD	BOXFORD	MA	01921
11-02-30	PINE PLAIN RD	MC NUTT ET AL ARNOLD C	VISCONTI CHERYL M	PO BOX 990795	BOSTON	MA	02199
11-02-31	21 PINE PLAIN RD	HARRAH JODY H	HARRAH CHRISTOPHER	21 PINE PLAIN RD	BOXFORD	MA	01921
11-02-32	62 WILLOW RD	WOODBURY STEPHEN T J	CYNTHIA A WOODBURY	62 WILLOW RD PO BOX 312	W BOXFORD	MA	01885
11-02-33	14 PINE PLAIN RD	FITZGERALD THOMAS JOHN	FITZGERALD VIVIANE CARVALHO	14 PINE PLAIN RD	BOXFORD	MA	01921
11-02-34	LOT B WILLOW RD	PRICE FAMILY LLC		54 WALTHAM AVE	SPRINGFIELD	MA	01109
11-02-35	18 PINE PLAIN RD	LOJKO STEPHEN	SMITH KERRY	18 PINE PLAIN RD	BOXFORD	MA	01921
11-02-36	10 PINE PLAIN RD	MANZI DAVID M TR	MANZI NADINE M TR	10 PINE PLAIN RD	BOXFORD	MA	01921
11-02-07-1	162 SPOFFORD RD	CONSTAN ALEXANDER A	SULTZBACH MARY	162 SPOFFORD RD	BOXFORD	MA	01921
06-02-02-2	WASHINGTON & WILLOW	TOLL NORTHEAST V CORP		1140 VIRGINIA DRIVE	FT WASHINGTON	PA	19034
06-02-02-B	22 WASHINGTON ST	PRICE THOMAS M		19A CHADWICK FARM RD	BOXFORD	MA	01921
07-01-01	44 PINE PLAIN RD	REGAN JOHN F	REGAN MICHAELA A	44 PINE PLAIN RD	BOXFORD	MA	01921
07-01-02	REAR PINE PLAIN RD	COUNTY OF ESSEX		36 FEDERAL ST	SALEM	MA	01970
07-01-03	GROVELAND LINE	PRICE THOMAS M		19A CHADWICK FARM	BOXFORD	MA	01921

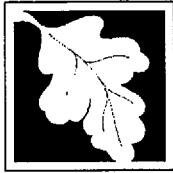
CERTIFIED COPY 2/05/2024

Stacey Fournier

Attachment B

Order of Conditions issued October 18, 2021

(DEP File #: 114-1313)



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:
 114-1313
 MassDEP File #

eDEP Transaction #
 Boxford
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Essex South
 a. County Essex South b. Certificate Number (if registered land) 540
 32071
 c. Book 32071 d. Page 540
7. Dates: 11-19-2020 10-7-2021 10-18-2021
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Plan of Land for the Willows at Boxford
 a. Plan Title Site Plan of Land for the Willows at Boxford
 The Morin-Cameron Group, Inc. Scott M. Cameron, P.E.
 b. Prepared By c. Signed and Stamped by
 8-26-2021 As noted
 d. Final Revision Date e. Scale
 See Attachment A for complete list of documents
 f. Additional Plan or Document Title g. Date

B. Findings

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

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

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

Approved subject to:

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



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

Provided by MassDEP:
 114-1313
 MassDEP File #

 eDEP Transaction #
 Boxford
 City/Town

B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>44</u> a. linear feet	<u>44</u> b. linear feet	<u>84</u> c. linear feet	<u>84</u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>777</u> a. square feet	<u>729</u> b. square feet	<u>989</u> c. square feet	<u>945</u> 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 type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>95,281</u> a. total sq. feet	<u>95,281</u> b. total sq. feet		
Sq ft within 100 ft	<u>2620</u> c. square feet	<u>2620</u> d. square feet	<u>2620</u> e. square feet	<u>2620</u> f. square feet
Sq ft between 100-200 ft	<u>92661</u> g. square feet	<u>92661</u> h. square feet	<u>92661</u> i. square feet	<u>92661</u> j. square feet



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

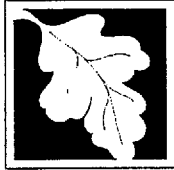
Provided by MassDEP:
114-1313
MassDEP File #

eDEP Transaction #
Boxford
City/Town

B. Findings (cont.)

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

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



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:
 114-1313
 MassDEP File #

eDEP Transaction #
 Boxford
 City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

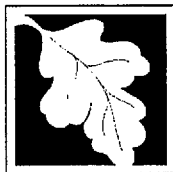
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 10-18-2024 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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:

114-1313

MassDEP File #

eDEP Transaction #

Boxford

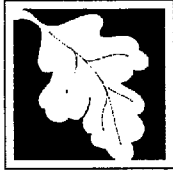
City/Town

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

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

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

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



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:
114-1313
MassDEP File #

eDEP Transaction #
Boxford
City/Town

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

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

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

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

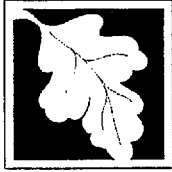
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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

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

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

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



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:

114-1313

MassDEP File #

eDEP Transaction #

Boxford

City/Town

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

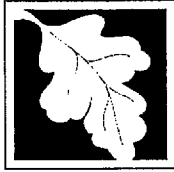
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type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

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

See Attachment B: Findings for additional conditions, also see the Order of Conditions issued pursuant to the Town of Boxford Wetlands Protection Bylaw & Regulations.

*See Order recorded at Book 40885, Page 032

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



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:
 114-1313
 MassDEP File #

eDEP Transaction #
 Boxford
 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.

10-18-2021
 1. Date of Issuance

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

5
 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.

The following members signed electronically as authorized per vote of 11-5-2020

See Vote recorded at Book 39250, Page 458.

<u>Peter Delaney</u> Signature	_____	Printed Name
<u>Natasha Grigg</u> Signature	_____	Printed Name
<u>Alan Fowler</u> Signature	_____	Printed Name
<u>Mark Mitsch</u> Signature	_____	Printed Name
<u>Dave Smallman</u> Signature	_____	Printed Name
_____ Signature	_____	Printed Name
_____ Signature	_____	Printed Name
_____ Signature	_____	Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

10-18-2021
Date



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:

114-1313

MassDEP File #

eDEP Transaction #

Boxford

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:
 114-1313
 MassDEP File #

eDEP Transaction #
 Boxford
 City/Town

G. Recording Information

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

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 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

Attachment A to Order of Conditions issued under the Wetland Protection Act
List of Approved Plans and Documents

- Notice of Intent Application The Willows at Boxford—An Active Adult Community filed by LEC Environmental Consultants, Inc. on November 19, 2020
- Technical Narrative and Stormwater Management Report The Willows at Boxford, Located Off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Site Plan of Land, The Willows at Boxford an Active Adult Community Located off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Civil Engineering Peer Review #1 prepared by The Engineering Corp on February 1, 2021
- Active Residential Community Parking Area Access Sight Distance Review, Willow Road, Boxford, MA prepared by McMahon Associates on April 1, 2021
- Response to Peer Review #1 prepared by the Morin-Cameron Group, Inc. on April 29, 2021
- Civil Engineering Peer Review #2 prepared by The Engineering Corp on June 11, 2021
- Response to Peer Review #2 prepared by The Morin-Cameron Group, Inc. on June 16, 2021
- Conservation Bond Estimate Willows at Boxford prepared by Toll Brothers, Inc. on July 15, 2021
- Final Plan Revisions letter prepared by The Morin-Cameron Group, Inc. on August 26, 2021
- Draft Stormwater Pollution Prevention Plan prepared by The Morin-Cameron Group, Inc. on August 26, 2021
- Final Civil Engineering Peer Review prepared by The Engineering Corp on September 14, 2021
- Erosion Control Plan for The Willows at Boxford prepared by The Morin-Cameron Group, Inc. on September 16, 2021.
- Draft Bond Format
- Draft Conservation Restriction last revised September 2, 2021
- Proposed Open Space Figure, dated July 20, 2021

**ATTACHMENT B TO NOTICE OF INTENT
ISSUED UNDER THE WETLANDS PROTECTION ACT
TOWN OF BOXFORD CONSERVATION COMMISSION**

FILE #:114-1313

DATE OF APPROVED PLAN: last revised 8-26-2021

APPLICANT: Toll Bros, Inc.

FINDINGS : The activity within protected Buffer Zone, Bordering Vegetated Wetland, Bank, and Riverfront Area, as shown on the approved plan, has been made subject to conditions presented in this Order sufficient to protect the interests of the Wetland Protection Act, MGL Ch. 131 s. 40.

This Order permits the construction of a 66-unit elderly housing development project, including community facilities, roadways, water supply system, septic disposal and other supporting infrastructure, wildlife habitat area, and associated improvements as shown on the various plans and reports as listed in Attachment A, within 100-feet of Wetland Resource Area Bordering Vegetated Wetland, Bank, and Riverfront Area.

The applicant has agreed to post a surety bond in the amount of \$127,100 in order to ensure the completion of portions of the project described in the approved Conservation Bond Estimate.

On June 25, 2021, the Secretary of Energy and Environmental Affairs issued a Certificate stating that the proposed project does not require an Environmental Impact Report under the Massachusetts Environmental Policy Act (MEPA) or associated regulations.

The Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife (DFW) determined in a letter dated December 17, 2020 that while the proposed project meets the state listed species performance standards for the issuance of an Order of Conditions under the Massachusetts Wetland Protection Act, a Conservation Management Permit (CMP) would be required to comply with the "no take" provisions of the Massachusetts Endangered Species Act (MESA). A partially executed CMP was issued by DFW on October 2, 2021. Final execution and recording of the CMP is anticipated to occur shortly. Proof of the recording of the completely executed DFW CMP shall be provided prior to beginning construction.

The applicant shall grant to the Boxford Conservation Commission a Conservation Restriction. The Conservation Restriction is also referenced in, and is integral to, the CMP referenced above.

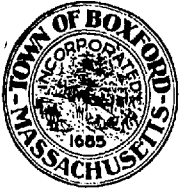
The Conservation Restriction includes a Proposed Open Space Figure. Implementation of the various improvements shown on the Proposed Open Space Figure, such as the trail signage, trail kiosks, and trailhead parking area, is considered by the Commission to be essential to the protection of resource area values listed in the Boxford Wetlands Protection Bylaw.

The applicant has agreed to fund a third party to provide monitoring, inspection and reporting services during construction, including any construction and monitoring related to the implementation of the Proposed Open Space Figure, as contracted with the Town of Boxford.

SPECIAL CONDITIONS

See separate Order of Conditions issued pursuant to the Boxford Wetlands Protection Bylaw. **

**See Order recorded at Book 40885, Page 032.



Town of Boxford Massachusetts
Conservation Commission

Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

Boxford File Number

114-1313

for official use only

A Applicant Information

From:

Boxford Conservation Commission
Conservation Commission

For:

114-1313
Project File Number

To:

Ted Merchant c/o Toll Bros., Inc.
Applicant Name
116 Flanders Road, Suite 1200
Mailing Address
Westborough
City/Town
MA 01581
State Zip Code

The Notice of Intent for this project was filed on:

11-19-2020
Date

The public hearing was closed on:

10-7-2021
Date

Issuance date of this Order:

10-18-2021
Date

Title and date of final plans and other documents:

Site Plan of Land for the Willows at Boxford (30 sheets), dated 11-19-2020, last revised 8-26-2021, prepared by The Morin-Cameron Group, Inc., and stamped by Scott P. Cameron, P.E.

For a complete list of approved plans and documents, see Attachment A
Plan Title

The project site is located at:

Willow Road Boxford
Street/Street address (if available) City/Town

Map: 6 Block: 2 Lot: 2.2
Assessors Map/Block/Lot Number

and the property is recorded at the Registry of Deeds for:

Essex South 32071 540
County Book Page

Certificate (if registered land)



SO.ESSEX #435 Bk:40885 Pg:032
04/22/2022 02:54 PM CONDN Pg 1/35
eRecorded

B Findings

Findings of the Boxford Conservation Commission pursuant to the Boxford Wetlands Protection Bylaw:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Bylaw (check all that apply)

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat
- Protection of Rare Species Habitat
- Agriculture
- Recreation values

Furthermore, the Boxford Conservation Commission hereby finds that the project, as proposed, is:

(check one of the following boxes)

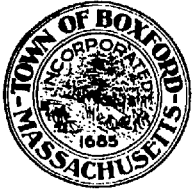
Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the Bylaw regulations, to protect those interests checked above. This Commission orders that all the 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.

Additional Findings

This Order is issued under the Boxford Wetlands Protection Bylaw, Town Code c. 192. The Boxford Bylaw is more protective of wetland resources than the Wetland Protection Act and associated regulations because, among other things, it identifies a 100-foot wetland buffer zone around wetlands as a separate resource area, and establishes specific wetland setbacks for identified activities within the buffer zone. The Boxford Conservation Commission reviewed the proposed

Premises: Willow Road, Boxford, MA



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

project with consideration for the more protective requirements of the Boxford Bylaw, and determined that the additional conditions contained in this Bylaw Order are necessary to ensure adequate protection of resource areas.

This Order permits the construction of a 66-unit elderly housing development project, including community facilities, roadways, water supply system, septic disposal and other supporting infrastructure, wildlife habitat area, and associated improvements as shown on the various plans and reports as listed in Attachment A, within 100-feet of Wetland Resource Area and Riverfront Area.

The applicant has agreed to post a surety bond in the amount of \$127,100 in the form substantially as presented in Attachment B in order to ensure the completion of portions of the project described in the approved Conservation Bond Estimate. The posting of this bond is hereby made a condition of this Order (see Condition #5).

On June 25, 2021, the Secretary of Energy and Environmental Affairs issued a Certificate stating that the proposed project does not require an Environmental Impact Report under the Massachusetts Environmental Policy Act (MEPA) or associated regulations.

The Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife (DFW) determined in a letter dated December 17, 2020 that while the proposed project meets the state listed species performance standards for the issuance of an Order of Conditions under the Massachusetts Wetland Protection Act, a Conservation Management Permit (CMP) would be required to comply with the "no take" provisions of the Massachusetts Endangered Species Act (MESA). A partially executed CMP was issued by DFW on October 2, 2021. Final execution and recording of the CMP is anticipated to occur shortly. Proof of the recording of the completely executed DFW CMP shall be provided prior to beginning construction, and is made a condition of this Order (see Condition #6).

The applicant shall grant to the Boxford Conservation Commission a Conservation Restriction in the form as provided in Attachment C or as modified and approved by the Commission. The Conservation Restriction is also referenced in, and is integral to, the CMP referenced above. Eventual execution and recording of the Conservation Restriction are made a condition of this Order (see Condition #7).

The Conservation Restriction includes a Proposed Open Space Figure as provided in Attachment D. Implementation of the various improvements shown on the Proposed Open Space Figure, such as the trail signage, trail kiosks, and trailhead parking area, is considered by the Commission to be essential to the protection of resource area values listed in the Boxford Wetlands Protection Bylaw, and is made a condition of this Order (see Condition #16)

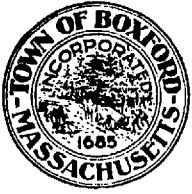
The applicant has agreed to fund a third party to provide monitoring, inspection and reporting services during construction, including any construction and monitoring described in Attachment C (e.g., trails, kiosks), as contracted with the Town of Boxford. The funding of this inspection and monitoring is made a condition of this Order (see Condition #8).

General Conditions

1. This Bylaw Order of Conditions hereby incorporates by reference and affirms all conditions set forth in the Massachusetts Wetlands Protection Act Order of Conditions issued simultaneously by the Boxford Conservation Commission for this project.
2. The BCC or its Administrator, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Boxford Wetlands Protection Bylaw and Regulations, Town Code Ch. 192 and Ch. 375, and shall have the right to require any data or documentation that it deems necessary for that evaluation.
3. **No work shall be undertaken until this Order has become final and then has been recorded in its entirety 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 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 Boxford Conservation Commission on the form at the end of this Order, which must be stamped by the Registry of Deeds, prior to the commencement of the work.
4. All activities on this property shall comply with the provisions of the Boxford Wetlands Protection Bylaw and Regulations.

Prior to Construction

5. The applicant shall post a surety bond of \$127,100 in a form substantially as presented in Attachment B, and present proof of this posting to the Conservation Agent at the Pre-Activity Meeting.
6. The applicant shall provide proof of the issuance and recording of the DFW CMP.
7. The applicant shall provide proof of the execution and recording of a Conservation Restriction in the form as shown in Attachment C or as modified and approved by the Commission, at the earliest possible time, and before an application is submitted for a Certificate of Compliance.
8. The applicant shall fund third party inspection, monitoring and reporting services to be contracted by the Town of Boxford. Sufficient funds to pay for these services shall be provided by the applicant to the town prior to beginning construction and shall be held by the Town of Boxford in a designated escrow account
9. The applicant shall schedule a Pre-Activity Meeting with the Conservation Agent. On-site construction supervisors/forepersons should attend this meeting. At the Pre-Activity Meeting, the Conservation Agent shall, among other things, verify that the Order is recorded with the Registry of Deeds, the DEP sign is correctly installed, the erosion control is correctly installed, that the Supervisor of the work has a copy of the Order and associated plans and that the Order and Plans are available on site, that a construction



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

schedule is provided, and that contact information is provided. The Agent may also place Conservation markers at or near the boundary of protected areas. Conservation markers consist of a four-inch diameter white metal disk with green lettering which reads: "Boxford Conservation Commission Protected Area."

10. The applicant shall provide the Agent with pre-construction photographs of the work area.

During Construction

11. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.
 12. In case of emergencies, problems, or the need to discuss site conditions with the Boxford Conservation Commission, contact the Commission or its Administrator during business hours at (987) 887-6000 x506.
 13. Mulch sock may be used as erosion control in lieu of silt fence and haybales when approved by the Conservation Agent. Conservation Agent may require different or additional erosion control as site conditions warrant.
 14. Prior to application of seed, steep graded slopes shall be stabilized with bonded fiber matrix or equivalent as shown on the Erosion Control Plan for The Willows at Boxford prepared by The Morin Cameron Group dated 9-16-2021.
 15. Erosion controls shall be placed at the construction access sufficient to prevent mud from tracking onto paved areas or as directed by the Conservation Agent in the field.
 16. Improvements shown on the Proposed Open Space Figure shall be implemented by the applicant and shall be completed before an application is submitted for a Certificate of Compliance.
 17. Wetland replication, bank/stream restoration and wetland restoration plantings shown and described on Sheet 29 of the approved plan set shall be monitored and reported to the Commission as described on the plan. Dead or dying plantings shall be replaced as necessary to achieve 75% coverage of vegetation at the end of the second growing season following installation.
- (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) Post-construction photographs of the work area.
 - (4) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Boxford Wetlands Protection Bylaw. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management measures, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) The location of Conservation markers;
 - (e) A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - (5) A final monitoring report demonstrating successful establishment of 75% vegetative cover in the wetland replication, bank/stream restoration and wetland restoration areas, as shown on the approved plan.

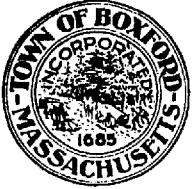
Continuing Conditions: These conditions shall survive the expiration of this Order, and shall be included as continuing conditions in perpetuity on the Certificate of Compliance,

After Construction

18. An application for a Certificate of Compliance must be submitted to the Boxford Conservation Office within 30 days of completion of the work, but in no event later than 30 days after the expiration of this Order whether work is completed or not. This requirement shall continue in force after the expiration of this Order.
19. In addition to the items required for a Certificate of Compliance by the Wetlands Protection Act Order of Conditions, the following items must also be submitted under this Bylaw Order of Conditions:
 - (1) A check for the applicable Bylaw fee made out to the "Town of Boxford" must be submitted with the written request for a Certificate of Compliance.
20. Conservation markers shall remain in place during and after construction, in perpetuity.
21. De-icing chemicals (e.g., sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones.
22. No pesticides, herbicides, fungicides or fertilizers may be used within any wetland including Riverfront Area. No pesticides or herbicides may be used within the 100-foot Buffer Zone. Only organic fertilizers containing slow-release nitrogen and not more than 3% phosphorous may be used within the 100-foot Buffer Zone. To mitigate potential chemical runoff do not fertilize directly before a rainstorm. To avoid over fertilizing, only apply according to manufacturer application rates. Fertilizer application may only occur in late April and September. This is a perpetual maintenance condition that will not expire upon issuance of a Certificate of Compliance.

This Order is valid for three years from the following date unless extended:

10-18-2021
Date



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

Signatures: The members signed electronically as authorized by vote taken 11-5-2020

See Vote recorded at Book 39250,
Page 458.

Peter Delaney, Chair _____

Natasha Grigg _____

David Smallman _____

Mark Mitsch _____

Alan Fowler _____

On this
14th _____

day of
October _____
Month
2021 _____
Year

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on
10-18-2021 _____
Date

Attachment A
List of Approved Plans and Documents

- Notice of Intent Application The Willows at Boxford—An Active Adult Community filed by LEC Environmental Consultants, Inc. on November 19, 2020
- Technical Narrative and Stormwater Management Report The Willows at Boxford, Located Off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Site Plan of Land, The Willows at Boxford an Active Adult Community Located off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Civil Engineering Peer Review #1 prepared by The Engineering Corp on February 1, 2021
- Active Residential Community Parking Area Access Sight Distance Review, Willow Road, Boxford, MA prepared by McMahon Associates on April 1, 2021
- Response to Peer Review #1 prepared by the Morin-Cameron Group, Inc. on April 29, 2021
- Civil Engineering Peer Review #2 prepared by The Engineering Corp on June 11, 2021
- Response to Peer Review #2 prepared by The Morin-Cameron Group, Inc. on June 16, 2021
- Conservation Bond Estimate Willows at Boxford prepared by Toll Brothers, Inc. on July 15, 2021
- Final Plan Revisions letter prepared by The Morin-Cameron Group, Inc. on August 26, 2021
- Draft Stormwater Pollution Prevention Plan prepared by The Morin-Cameron Group, Inc. on August 26, 2021
- Final Civil Engineering Peer Review prepared by The Engineering Corp on September 14, 2021
- Erosion Control Plan for The Willows at Boxford prepared by The Morin-Cameron Group, Inc. on September 16, 2021.
- Draft Bond Format (Attachment B)
- Draft Conservation Restriction last revised September 2, 2021 (Attachment C)
- Proposed Open Space Figure, dated July 20, 2021 (Attachment D)

Attachment B
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That _____,

a [corporation][limited liability company][partnership] having an address of _____ hereinafter called "Principal" and

_____ of _____, State of _____
(Surety) (City)

_____ hereinafter called the "Surety" and licensed by the State Division of Insurance to do business under the laws of the Commonwealth of Massachusetts, are held and firmly bound to the Town of _____, Massachusetts, hereinafter called "Obligee," in the penal sum of _____ Dollars (\$ _____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that, whereas the Obligee, through its _____, has issued a _____ to the Principal for _____, among which terms and conditions is the requirement that

_____ a copy of which section is attached hereto and made a part hereof (such requirement hereinafter referred to as the "_____ Obligation").

NOW, THEREFORE, if the Principal shall well, truly and faithfully fulfill the _____ Obligation, and if the Principal shall also satisfy any and all claims and demands incurred in fulfilling the _____ Obligation, and shall also fully indemnify and save harmless the Obligee from all costs, expenses and damages which Obligee may suffer by reason of the Principal's failure to do so, and shall reimburse and repay the Obligee all such costs, expenses and damages which the Obligee may incur in making good any default of the _____ Obligation, then this obligation shall be void; otherwise, this obligation shall remain in full force and effect.

PROVIDED, FURTHER, that the Surety's obligation under this Bond shall arise after the Obligee has declared that the Principal (1) is in default of the _____ Obligation, or (2) has failed, or is otherwise unable or unwilling, to fulfill the _____ Obligation (collectively referred to as a "Principal Default"). The determination of a Principal Default shall be made solely by the Obligee.

When the Surety's obligation under this Bond arises, the Surety, at its sole expense and at the consent and election of the Obligee, shall promptly take one of following steps: (1) arrange for the Principal to comply with the _____ and fully perform and complete the _____ Obligation; or (2) arrange for a contractor other than the Principal to perform and complete the _____ Obligation. Surety will keep Obligee reasonably informed of the progress, status and results of any investigation of any claim of the Obligee.

(Address-Zip Code)

(SEAL)

Witness as to Surety

(Address-Zip Code)

NOTE: Date of Bond must not be prior to date of Contract. If Principal is a Partnership,
 all partners should execute Bond.

782514

f

ATTACHMENT C

MA DFW/NHESP MESA Conservation Restriction
MAKE ALL CHANGES USING THE TRACK CHANGES FUNCTION OF MS WORD

Draft: September 2, 2021 (Enter date of draft and number of pages)

Grantor: Toll Brothers, Inc.

Grantee: Boxford Conservation Commission

Property Address: Willow Road, Boxford (Assessors Map 6, Block2, Lot 2.2)

Grantor's Title: Book _____ Page _____ in Southern Essex District Registry of Deeds.

CONSERVATION RESTRICTION

Toll Brothers, Inc., with a mailing address of 116 Flanders Road, Suite 1200, Westborough, MA 01581, being the sole owner, for my successors and assigns holding any interest in the Premises as hereinafter defined (the "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to the Town of Boxford acting by and through its Conservation Commission, with an address of 7A Spofford Road, Boxford, MA 01921, their permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land containing a 90.8-acre portion of a 117.6-acre Property located in Boxford, Commonwealth of Massachusetts, specifically "Conservation Restriction Area 1" and "CRA 2" (the "Premises"), which Premises is shown on the *Conservation Restriction Plan* dated September 2, 2021, prepared by The Morin-Cameron Group, Inc., and recorded in the Southern Essex District Registry of Deeds at Plan Book _____ as Plan _____ (the "Plan"), a reduced copy of which is attached hereto as Exhibit C. The Grantor and the Grantee, their successors and assigns, are bound by and subject to the terms and conditions of this Conservation Restriction.

- I. **PURPOSES:** This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of the Conservation Restriction is to assure that the Premises will be retained in perpetuity substantially in its natural, scenic, and vegetated condition as set forth herein and to prevent any use of the Premises that will impair or interfere with the Conservation Values of the Premises. This Conservation Restriction supersedes the Declaration of Restriction recorded on the Premises in the Southern Essex District Registry of Deeds at Book _____, Page _____. The conservation of the Premises will yield a significant public benefit for the following reasons:
 - a. **Wildlife & Habitat Protection:** Conservation of the Premises will protect habitat used by a variety of wildlife including, but not limited to, the Blanding's Turtle (*Emydoidea blandingii*) and Wood Turtle (*Glyptemys insculpta*), species protected under the Massachusetts Endangered Species Act.
 - b. **Nearby Natural Areas:** The Premises contain fields, early successional habitat, vernal pools, upland forest, and wetland habitat, including the Parker River, for native wildlife and plant species and communities, including many species of native plants, lichens, mammals, birds, reptiles, amphibians, and invertebrates. The preservation of the Premises will protect these habitats. The Premises also contribute to the protection of the scenic and natural open space character of the Town of Boxford by connecting to the 54± acre "Hazeltine Meadow" conservation area owned by the Essex County Greenbelt Association (aka "Ingalls Memorial Wetlands") via existing paths and a wooden boardwalk over the Parker River, a 74± acre Conservation Restriction held by Essex County Greenbelt Association ("Price CR"), and the

19± acre Chadwick Farm Road Conservation Area” owned by the Essex County Greenbelt Association.

- c. Scenic Landscape Preservation: The Premises comprise part of a scenic landscape associated with a natural, undisturbed environment. The open space conservation land protected under this Conservation Restriction is an important public resource. The preservation of the Premises, by prohibiting significant alterations to the natural character thereof, will further protect and enhance the area’s scenic and open space attributes
- d. Flood Plain Protection: Portions of the Premises lie within the 100-year floodplain of the Parker River. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events.
- e. Water Quality Protection: Preserving the natural, undisturbed environment will provide for groundwater recharge and protect wetland resource areas.
- f. Furtherance of Government Policy: Protection of the Premises furthers the Town of Boxford 2015 Open Space and Recreation Plan that facilitate the protection of the Town’s natural resources. The Premises are located within NHESP’s BioMap2 Core Habitat.
- g. Massachusetts Endangered Species Act (“MESA”): This Conservation Restriction is granted pursuant to and in accordance with the requirements set forth in Conservation and Management Permit No. XYZ-123. DFW, date Month____, Year, issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program (“Division”) recorded at Book Page No, in the _____ County Registry, and incorporated by reference herein (“CMP”).
- h. Access by the Grantee and the Public: This Conservation Restriction also grants to the grantee and the general public the right to enter upon a portion of the Premises identified as “Public Trail” in Exhibit C, attached hereto, for non-commercial, non-motorized passive recreational purposes including, but not limited to, walking, jogging, hiking, cross-country skiing, snow shoeing, wildlife observation, and photography. Additional non-commercial activities allowed on the Public Trail by the general public are non-motorized mountain biking and horseback riding. Motorized wheelchairs and motorized scooters may be used on the Public Trail by members of the public who reasonably require the use of such devices due to disability, advanced age, or limited mobility. Parking for users of the Public Trail shall be permitted in the Parking Area designated on Exhibit B. Such access shall be subject to the following rules of use (1) any such activity shall be limited to daylight hours only unless Grantor provides permission for an exception; (2) all such activities shall be confined to the limits of the Public Trail, except for parking which shall be confined to the limits of the parking Area; (3) dogs shall be leashed at all times; (4) no motor vehicles of any kind shall be permitted except as noted for persons requiring the use of motorized wheelchairs and motorized scooters and for vehicles parking in the designated trailhead Parking Area; (5) no hunting, trapping or discharge of firearms shall be conducted; (6) no dumping, waste disposal, or littering of any kind be allowed; (7) no activity of a commercial nature be allowed; and (8) the public shall adhere to such reasonable rules and regulations as the Grantor or Grantees may establish and post from time to time regarding the access provided in this paragraph. Grantor may temporarily close the Public Trail from time-to-time as may

be necessary in order to conduct property and trail maintenance and other reserved rights that may be incompatible with public use, but no more than five days without written agreement from the Grantee. The Grantor hereby reserves the right to alter the locations of established trails, after consultation with the Grantees and with the Grantees' approval, provided that as so relocated, neither the conservation values of this Conservation Restriction nor access to and passage through the Premises is materially impaired. To the extent permitted by law, the Grantor and the Grantees hereby expressly disclaim any duty to maintain the Premises or warn persons who may enter upon the same. Pursuant to M.G.L. Chapter 21, Section 17C, neither the Grantor nor the Grantees is liable to any member of the public for injuries to person or property sustained by such person while on the Premises in the absence of willful, wanton, or reckless conduct. The right of access by the Grantee and the public shall include the right to erect and maintain a kiosk, trail signs consistent with other trail signage in Boxford, and a trailhead with parking for six cars.

- i. Baseline Documentation Report and Survey (BDRS): These conservation values are described in more detail in the Baseline Documentation Report and Survey ("BDRS"), copies of which are to be kept on file at the office of the Grantee and incorporated herein by this reference. Grantor and Grantee agree that the purpose of the BDRS, which consists of maps, narratives, survey plans and aerial and ground photographs that portray the condition of the Premises at the time of the creation of the BDRS and immediately prior to recording of this Conservation Restriction, is to provide a baseline from which future changes to the Premises, whether natural or human-caused, can be measured including to objectively and accurately document natural or other uses, physical features, improvements, and trails and as they relate to the prohibited and permitted uses of the Premises. Notwithstanding, in the event that the BDRS is unavailable, or is determined to be inadequate for resolving any issue that may arise after the granting of this Conservation Restriction, other evidence may be used to show the condition of the Premises at either the time of the grant or some subsequent point in time

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor and the Grantee voluntarily agree that the Conservation Restriction described herein is an appropriate means to ensure compliance with the CMP issued pursuant to MESA and achieve the community's open space goals and objectives, all of which thereby represent significant public benefits.

II. DEFINITIONS:

- a. Conservation Values: shall mean, without limiting the generality of the terms, those conservation attributes set forth above in Section 1 and as further described in the BDRS.
- b. Hazardous Material: shall mean any material or substance that, whether by its nature or use, is now or hereafter defined as a pollutant, dangerous substance, toxic substance, hazardous waste, hazardous material, hazardous substance or contaminant under any environmental law, or which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic or otherwise hazardous and which is now or hereafter regulated under any environmental law.

- c. Pervious: shall mean built of materials consisting of unconsolidated minerals such as sand, dirt or gravel, or natural materials such as wood chips or grass.
- d. Structure: (whether or not said term is capitalized) shall mean anything constructed or erected which requires permanent or temporary location on, in, over or under the ground or permanent or temporary attachment to something which is erected or placed on the ground and designed, intended or arranged for the housing, shelter, enclosure and/or structural support of persons, animals or property of any kind, including but not limited to houses, mobile homes, tents, barns, sheds, greenhouses, treehouses, and other buildings of any kind; silos and cribs; swimming pools; playing courts; outdoor riding rings; fences; pads; patios and decks; docks; bridges; roads; driveways and parking areas (whether surfaced with macadam, brick, paving stones, gravel, clay or other material); artificially surfaced walkways; solar panels; satellite dishes and antennae; signs and billboards; storage tanks; windmills and wind turbines; and water, sewer, power, fuel, gas and communication lines, other utility systems and related facilities. A kiosk at the trailhead shall not be considered a structure.
- e. Passive Recreation: activities that are non-consumptive uses of resources and do not require prepared facilities like sports fields and pavilions. Passive recreation activities place minimal stress on the site's resources and are compatible with the Conservation Values. Examples include hiking, wildlife viewing, observing and photographing nature, picnicking, walking, bird watching, running/jogging, non-motorized mountain biking, and horse-back riding. Passive recreation excludes the use of motorized vehicles, except for motorized wheelchairs and motorized scooters by the disabled.
- f. Baseline Documentation Report (BDR): Baseline Documentation Report ("BDR") consists of maps, narratives, survey plans stamped by a Professional Land Surveyor registered in the State of Massachusetts, and aerial and ground photographs, which portray the condition of a restricted property at the time of the creation of the BDRS and immediately prior to recording of the Restriction. The purpose of the BDRS is to provide a baseline from which future changes to the property, whether natural or human-caused, can be measured including to objectively and accurately document natural or other uses, physical features, improvements, trails and as they relate to the prohibited and permitted uses of the restricted area.

III. PROHIBITED USES & RESERVED RIGHTS:

- a. Prohibited Uses: Except as to reserved rights set forth in Section III.b. below, the Grantor shall not perform or permit others to perform the following acts or uses, which are prohibited, in, on, above or below the Premises:
 - i. Hunting, fishing, and trapping.
 - ii. Swimming, boating, and kayaking in any waterbody or waterway.
 - iii. Constructing, placing, or allowing to remain any Structure;
 - iv. Mining, excavating, dredging or removing of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;

- v. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree or other vegetation cutting, waste or Hazardous Material or other substance or material whatsoever, whether or not generated on the Premises, or the installation of underground storage tanks;
- vi. Removing, cutting, pruning or destroying vegetation (native or non-native), including, but not limited to trees or plants, understory, grasses and ground covers, except as allowed in writing by the Grantee and Division to remove hazards to users
- vii. Applying or using fertilizers, fungicides, herbicides or pesticides in any quantity;
- viii. Planting, releasing, cultivating, maintaining, or engaging in any other activity that would introduce plant or animal species that pose a substantial risk of being invasive or are otherwise detrimental to the native plant and animal community, as determined by the Division. A list of plant species deemed to be invasive, as of the time of this recording, is provided in the Massachusetts Prohibited Plant List, which is updated and maintained by the Massachusetts Department of Agricultural Resources;
- ix. Activities detrimental to drainage, flood control, erosion control, water or soil conservation, archaeological resources or the quality of ground water and wetlands;
- x. Any commercial recreation, other business or industrial use;
- xi. Animal penning or grazing; holding horses, pets, livestock, or domestic animals within a paddock; causing or permitting any domestic or livestock to be unattended or to roam or be at large; and the storing or dumping of manure or other animal wastes; any agricultural use;
- xii. Using, parking or storing motorized vehicles, including, but not limited to, trucks, trail bikes, motorized or non-motorized, all-terrain vehicles, dune buggies, boats, trailers, and snowmobiles, except as necessary by the police, fire fighters or other governmental agents in carrying out their lawful duties; and except for motorized wheelchairs or scooters used by physically challenged parties;
- xiii. Disrupting, removing, destroying any stone walls, historical stone monuments, or granite fences or posts;
- xiv. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- xv. Damaging, disturbing, or removing, any part or portion of the property or any or resource, real, natural, personal, cultural or historic, except through hunting, fishing, or trapping when permitted and carried out in accordance with regulations issued by the Division of Fisheries and Wildlife subject to MGL Ch 130, 101 and 321 CMR, or

other written authorization from the Division of Fisheries and Wildlife, and only when hunting, fishing, and trapping may be necessary to protect the natural resources; and

- xvi. Any other use or activity which is inconsistent or interferes with, or that would materially impair the purposes or Conservation Restriction's Purpose.
- b. Reserved Rights in the Premises: The Grantor reserves the right to conduct or permit the following activities provided they do not materially impair the Conservation Values or purposes of this Conservation Restriction or other significant interests:
- i. With prior written permission of the Grantee and Division, after consultation with and consistent with the advice of a professional biologist to ensure such use will not be detrimental to any state-listed species or other wildlife, the erection and maintenance of sight-pervious, non-enclosing, wildlife friendly fences, such as wooden split rail or other open-faced fences, or low hedges of native species;
 - ii. The right to install temporary or permanent boundary monuments; the right to erect and maintain small signs that provide information including identifying the Grantor and Grantee provided that such signage is consistent with the purposes of this Conservation Restriction and does not identify the location or existence of any specific state-listed species on the Premises;
 - iii. The activities hereinafter identified and described in section IV(c) ("Access") of this document.
 - iv. The Grantor and its invitees are permitted to conduct recreational activities on the Public Trail in the same manner as the general public as described in section IV.c., as well as non-commercial, passive recreational uses of the Premises, such as nature study, birding, wildlife observation, walking on existing trails, and similar passive recreation activities, provided such uses do not alter the topography, including, but not limited to the landscape or environmental qualities of the Premises;
 - v. With prior written permission of the Grantee and Division, the right to remove or control hazardous trees, poison ivy, oriental bittersweet, other invasive or exotic species, insect infestations, diseases, and other types of pests by methods in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
 - vi. With prior written permission of the Grantee and Division, the right to restore, maintain, enhance or otherwise manage biotic communities or habitats for native or rare species that include, but are not limited to, selective planting of native species, cutting, prescribed burning or removal of native vegetation, and modification of soils. Where the CMP requires habitat restoration, maintenance or enhancement of rare species habitat, no written permission shall be required from the Grantee. All habitat restoration, maintenance or enhancement of rare species habitat shall be done in accordance with the written permission of the Division, or applicable CMP requirements;

- vii. The marking, clearing, mowing or maintaining of footpaths and woods roads existing and shown on the Plan and described in the BDRS, including any Public Trails or Private Trails;
- viii. All actions and activities required or authorized by the CMP, as the CMP may be subsequently amended and duly recorded with the Southern Essex District Registry of Deeds with reference to the CMP and this Conservation Restriction; and
- ix. Any work undertaken in conjunction with the reserved rights mentioned above in paragraph III.b. shall seek to minimize disturbance to the Premises. Upon completion of any site work performed in conjunction with paragraph IIIb., any disturbed areas shall be restored substantially to match the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work.
- x. Archaeological investigations and activities, including without limitation surveys, excavation, and artifact retrieval conducted under the direction of a qualified organization or person, following submission of an archaeological field investigation plan and written approval thereof by (a) the Commonwealth and (b) the State Archaeologist of the Massachusetts Historical Commission, and in accordance with Massachusetts 950 CMR 70.00 with approval of the Grantee in consultation with Division; and (c) the Division in accordance with the requirements of MESA.
- xi. With the prior written permission of the Division and Grantee, installation of irrigation wells within the Conservation Restriction Area 1, provided all appropriate state and local permits are obtained and the limit of disturbance is minimized to the greatest extent practical.

The exercise of any right reserved by the Grantor under paragraph III.b. shall be in compliance with the Zoning By-Laws of the Town of Boxford in effect at the time the right is exercised, and all other applicable federal, state, county and local laws, bylaws, rules and regulations, including, but not limited to Massachusetts Historic Commission regulations and local wetland conservation commission bylaws and regulations. The inclusion of any reserved right in paragraph III(b) requiring a permit from a public agency does not imply that the Grantee or the Division takes any position on whether such permit should be issued.

IV. ADDITIONAL PROVISIONS:

a. NOTICE AND APPROVAL:

Whenever notice to or approval by Grantee or Division is required, Grantor shall notify Grantee or Division, as applicable, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, MESA Tracking Number and/or CMP Number, if applicable, and any other material aspect of the proposed activity in sufficient detail to permit the Grantee or Division, as applicable, to make an informed judgment as to its consistency with the purposes of this Conservation Restriction and CMP. Where Grantee's or Division's approval is required, Grantee or Division, as applicable, shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. The Grantee or Division may require the submittal of additional

information necessary to evaluate the proposed activity. Grantee's or Division's approval, as applicable, shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction.

Failure of Grantee or Division to respond in writing within 60 days shall be deemed to constitute approval by Grantee or Division, as applicable, of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, is not in violation of any local, state or federal law, including but not limited to MESA, and the activity will not materially impair the conservation values or purposes of this Conservation Restriction.

b. LEGAL REMEDIES OF THE GRANTEE:

i. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

The Conservation Restriction shall also be enforceable by the Commonwealth of Massachusetts acting through the Division; and does not limit in any manner the Division's authorities or duties under G.L. c. 131 and 131A et. seq. or the implementing regulations for such statutory provisions.

ii. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

iii. Disclaimer of Liability.

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

iv. Acts Beyond the Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

c. ACCESS:

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

This Conservation Restriction also grants to the Grantee and the general public the right to enter upon a portion of the Premises identified as "Public Trail" in Exhibit C, attached hereto, for non-commercial, non-motorized passive recreational purposes including, but not limited to, walking, jogging, hiking, cross-country skiing, snow shoeing, wildlife observation, and photography. Additional non-commercial activities allowed on the Public Trail by the general public are non-motorized mountain biking and horseback riding. Motorized wheelchairs and motorized scooters may be used on the Public Trail by members of the public who reasonably require the use of such devices due to disability, advanced age, or limited mobility. Parking for users of the Public Trail shall be permitted in the Parking Area designated on Exhibit B. Such access shall be subject to the following rules of use (1) any such activity shall be limited to daylight hours only unless Grantor provides permission for an exception; (2) all such activities shall be confined to the limits of the Public Trail, except for parking which shall be confined to the limits of the parking Area; (3) dogs shall be leashed at all times; (4) no motor vehicles of any kind shall be permitted except as noted for persons requiring the use of motorized wheelchairs and motorized scooters and for vehicles parking in the designated trailhead Parking Area; (5) no hunting, fishing, trapping or discharge of firearms shall be conducted; (6) no dumping, waste disposal, or littering of any kind be allowed; (7) no activity of a commercial nature be allowed; and (8) the public shall adhere to such reasonable rules and regulations as the Grantor or Grantees may establish and post from time to time regarding the access provided in this paragraph. Grantor may temporarily close the Public Trail from time-to-time as may be necessary in order to conduct property and trail maintenance and other reserved rights that may be incompatible with public use, but no more than five days without written agreement from the Grantee. The Grantor hereby reserves the right to alter the locations of established

trails, after consultation with the Grantees and with the Grantees' approval, provided that as so relocated, neither the conservation values of this Conservation Restriction nor access to and passage through the Premises is materially impaired. To the extent permitted by law, the Grantor and the Grantees hereby expressly disclaim any duty to maintain the Premises or warn persons who may enter upon the same. Pursuant to M.G.L. Chapter 21, Section 17C, neither the Grantor nor the Grantees is liable to any member of the public for injuries to person or property sustained by such person while on the Premises in the absence of willful, wanton, or reckless conduct. The right of access by the Grantee and the public shall include the right to erect and maintain a kiosk, trail signs consistent with other trail signage in Boxford, and a trailhead with parking for six cars.

a. EXTINGUISHMENT:

- i. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs and the Division. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.
- ii. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.
- iii. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with paragraph V. B – above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

b. ASSIGNABILITY:

- iv. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.
- v. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.
- vi. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

c. SUBSEQUENT TRANSFERS:

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

d. ESTOPPEL CERTIFICATES:

Upon request by the Grantor, the Grantee shall, within thirty (30) [60 days for municipalities unless otherwise agreed upon] days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

e. NON MERGER:

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

f. AMENDMENT:

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction and the CMP, shall not affect its perpetual duration, shall be approved in writing by the Secretary of Energy and Environmental Affairs and Division, and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Southern Essex District Registry of Deeds.

g. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Southern Essex District Registry of Deeds.

h. NOTICES:

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either be served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Toll Brothers, Inc.
116 Flanders Road, Suite 1200
Westborough, MA 01581

To Grantee: Boxford Conservation Commission
7A Spofford Road
Boxford, MA 01921

To Division: Natural Heritage & Endangered Species Program
Massachusetts Division of Fisheries & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

i. GENERAL PROVISIONS:

- vii. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- viii. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- ix. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- x. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

j. MISCELLANEOUS.

- xi. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- xii. Homestead

The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release.

In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to M.G.L. c. 188 10(e).

- xiii. The Grantor agrees to subordinate all liens, mortgages, construction loans and home equity lines of credit to this Conservation Restriction.
- xiv. Attached hereto and incorporated herein by reference are the following:

SIGNATURE PAGES:

Grantor

Grantee Acceptance

Approval by Select Board or City Council

Approval of the Secretary of Energy and Environmental Affairs

Acknowledgement by the MA Division of Fisheries and Wildlife

EXHIBITS:

Exhibit A: legal description

Exhibit B: Proposed Open Space Figure (reduced copy)

Exhibit C: Conservation Restriction Plan (reduced copy)

WITNESS my hand and seal this ____ day of _____, 20____,

[Name of Grantor and Title if Grantor is corporate entity or Trust – make sure to attach corporate authority or trustee certificate if applicable]

COMMONWEALTH OF MASSACHUSETTS

[Enter County], ss:

On this _ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT BY TOWN OF BOXFORD CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Boxford, Massachusetts, hereby certify that at a public meeting duly held on [ENTER DATE], the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from Toll Brothers, Inc. pursuant to M.G.L. Chapter 184 Section 32 and Chapter 40 Section 8(C).

BOXFORD CONSERVATION COMMISSION:

COMMONWEALTH OF MASSACHUSETTS

[Enter County], ss:

On this _ day of _____, 20___, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Boxford, hereby certify that at a public meeting duly held on _____, 20__, the Select Board voted to approve the foregoing Conservation Restriction from Toll Brothers, Inc. to the Town of Boxford, acting by and through the Conservation Commission, pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

SELECT BOARD:

COMMONWEALTH OF MASSACHUSETTS

[Enter County], ss:

On this _ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Toll Brothers, Inc. to the Town of Boxford, acting by and through the Conservation Commission has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 20__

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _ day of _____, 20__, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACKNOWLEDGEMENT BY THE MA DIVISION OF FISHERIES AND WILDLIFE

This grant of Conservation Restriction set forth above to the the Town of Boxford, acting by and through the Conservation Commission by Toll Brothers, Inc., is acknowledged this _____ day of _____, 201__. The MA Division of Fisheries and Wildlife (Division) acknowledges the reserved rights and obligations of the Division set forth herein.

Mark S. Tisa, Director

Date: _____

COMMONWEALTH OF MASSACHUSETTS

On this _____ day of _____, 201__, before me, the undersigned notary public, personally appeared Mark S. Tisa, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Director of the Commonwealth of Massachusetts Division of Fisheries and Wildlife.

Notary Public
My commission expires:

EXHIBIT A

Legal Description of Premises

[In order to satisfy the requirements of MGL Chapter 184 Section 26(c), any land burdened by a Conservation Restriction MUST be described by metes and bounds OR by reference to a filed plan. A mere deed reference does not satisfy the requirements of the statute

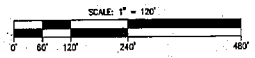
ALL Building Envelopes and Exclusion areas MUST be defined by metes and bounds.]

EXHIBIT B

Proposed Open Space Figure dated July 20, 2021 (reduced copy)

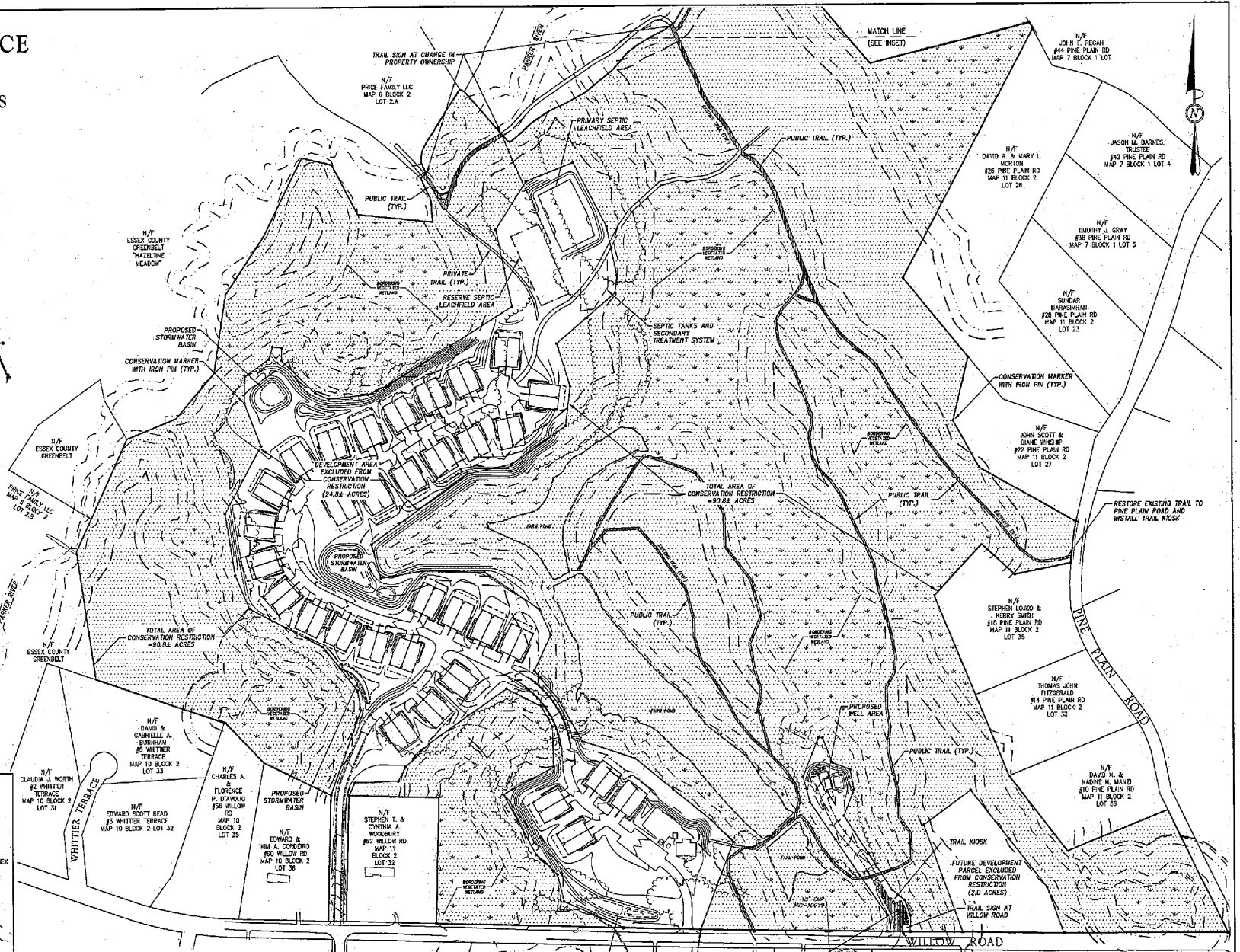
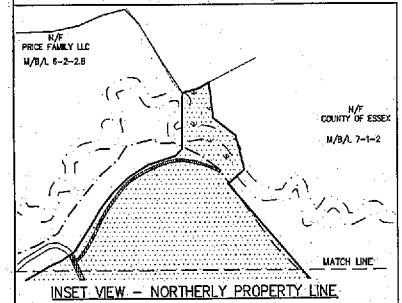
**PROPOSED OPEN SPACE
FIGURE**
IN
BOXFORD, MASSACHUSETTS
ON
LAND OFF WILLOW ROAD
(ASSESSOR'S MAP 6, BLOCK 2, LOT 2.2)

PREPARED FOR:
TOLL BROS., INC.
116 FLANDERS ROAD, WESTBOROUGH, MA
DATE: JULY 20, 2021



TRAIL LEGEND

- PUBLIC TRAIL
- PUBLIC TRAIL TO BE RESTORED
- PRIVATE TRAIL



NO.	REVISION'S DESCRIPTION	DATE	SHEET NO.
		PRCL #3717	1 OF 1

EXHIBIT C

Conservation Restriction Plan (reduced copy)

CONSERVATION
RESTRICTION PLAN
LOCATED IN
BOXFORD, MASS.

PREPARED FOR
PRICE FAMILY, LLC

DATE: 9/2/21 SCALE: 1"=100'

The
Morin-Cameron
GROUP, INC.

CIVIL ENGINEERS | ENVIRONMENTAL CONSULTANTS
LAND SURVEYORS | LAND USE PLANNERS
15 KNOX AV. HAVERTH, MICHIGAN 48324
P: 978-272-0310, F: 978-272-3388, W: WWW.MORINCAMERON.COM



LEGEND

- ESSEX COUNTY BOUND BACK CENTER
- IRON PIPE FOUND
- IRON ROD FOUND
- CONCRETE BOUND FOUND
- DRILL HOLE FOUND
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND TO BE SET (5"x5"x10")
- IRON ADD TO BE SET
- ⊥ PROPOSED SIGN

CRA 1 CONSERVATION RESTRICTION AREA

----- PRIVATE TRAIL

----- PUBLIC TRAIL

NOTES

- ORIENTATION IS TO MASS MAINLAND SPG NAD 1983 BASED ON MULTIPLE GSN RTK OBSERVATIONS
- THE DEED DESCRIPTION FROM CONEN TO ESSEX COUNTY GREEN BELT IS AMBIGUOUS AND PHYSICAL EVIDENCE IS MINIMAL. A BOUNDARY LINE AGREEMENT IS RECOMMENDED.
- THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO ESTABLISH THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.
- THE TOTAL AREA OF NATURAL HERITAGE ENDANGERED SPECIES AREAS 1 & 2 IS 3,955,209 SF OR 90.7991 ACRES.
- BOUNDARY LINE HELD PER REFERENCE PLAN 6. REFERENCE PLAN 10 SHOWS BOUNDARY AT PARKER RIVER. BACK TITLE DEEDS INDICATE THAT LOCUS EXTENDS EAST OF RIVER AS SHOWN ON PLAN 6.

REFERENCE DEEDS

- DEED FROM ALEXANDER GORDON PRICE AND SUSAN M. PRICE TO PRICE FAMILY, LLC. RECORDED IN DEED BOOK 32071 PAGE 540 SOUTH ESSEX REGISTRY OF DEEDS DECEMBER 28, 2012.

REFERENCE PLANS

- SOUTH ESSEX REGISTRY OF DEEDS PLAN 199 OF 1977
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 165 PLAN 69
- WILLOW ROAD 1931 ESSEX COUNTY LAYOUT 2496
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 142 PLAN 73
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 106 PLAN 38
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 50 PLAN 27-C
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 122 PLAN 44
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 132 PLAN 45
- SOUTH ESSEX REGISTRY OF DEEDS PLAN 684 OF 1962
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 124 PLAN 84
- SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 420 PLAN 79
- PLAN OF LAND LOCATED IN BOXFORD, MASS., PREPARED FOR PRICE FAMILY, LLC DATED 8/6/21 PREPARED BY THE MORIN-CAMERON GROUP, INC.

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

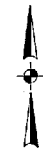
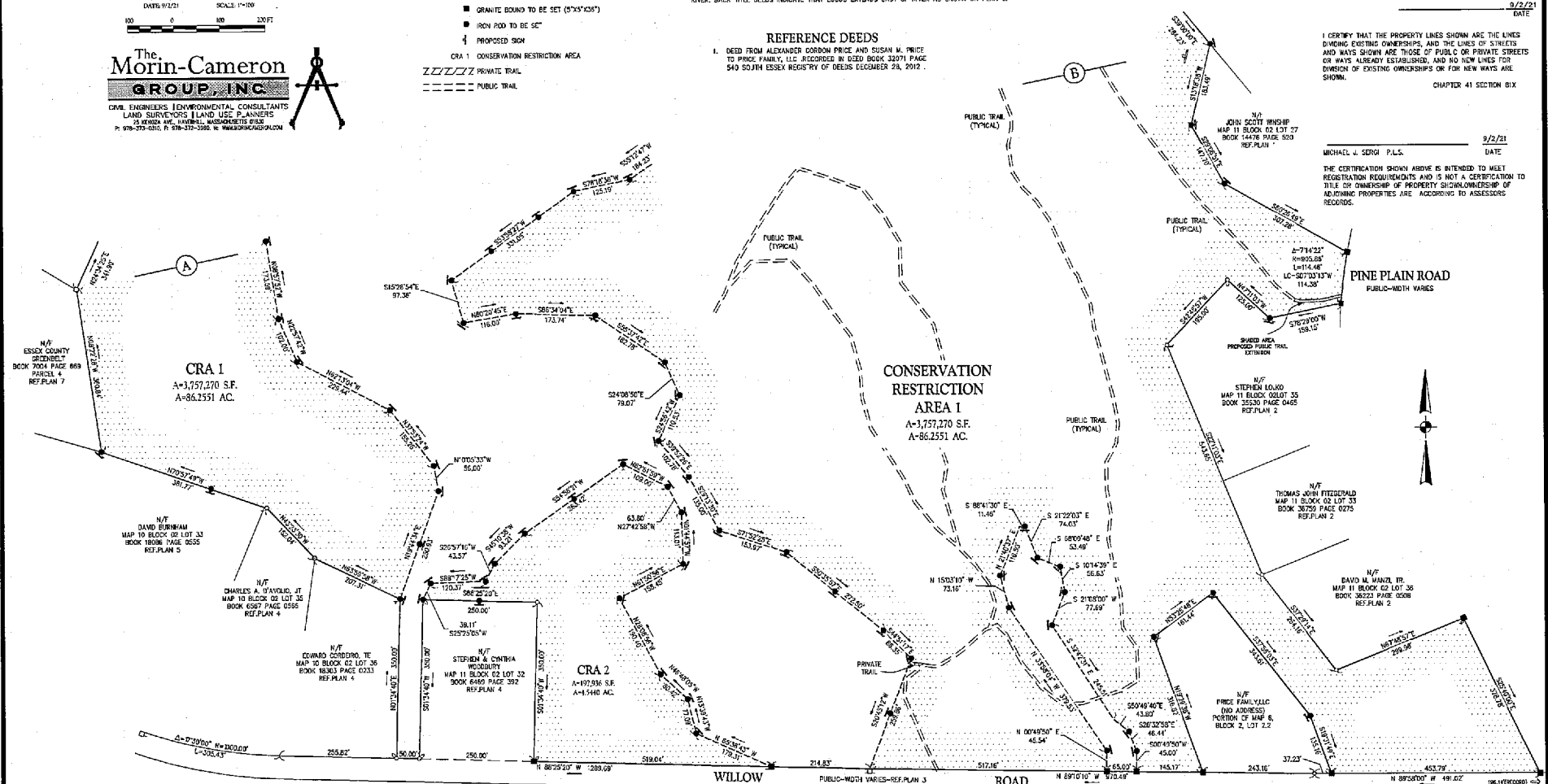
9/2/21
DATE

I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DURING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.
CHAPTER 41 SECTION SIX

MICHAEL J. SERGI, P.L.S.

9/2/21
DATE

THE CERTIFICATION SHOWN ABOVE IS INTENDED TO MEET REGISTRATION REQUIREMENTS AND IS NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY. SHOWERSHIP OF ADJOINING PROPERTIES ARE ACCORDING TO ASSESSOR'S RECORDS.



FDR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

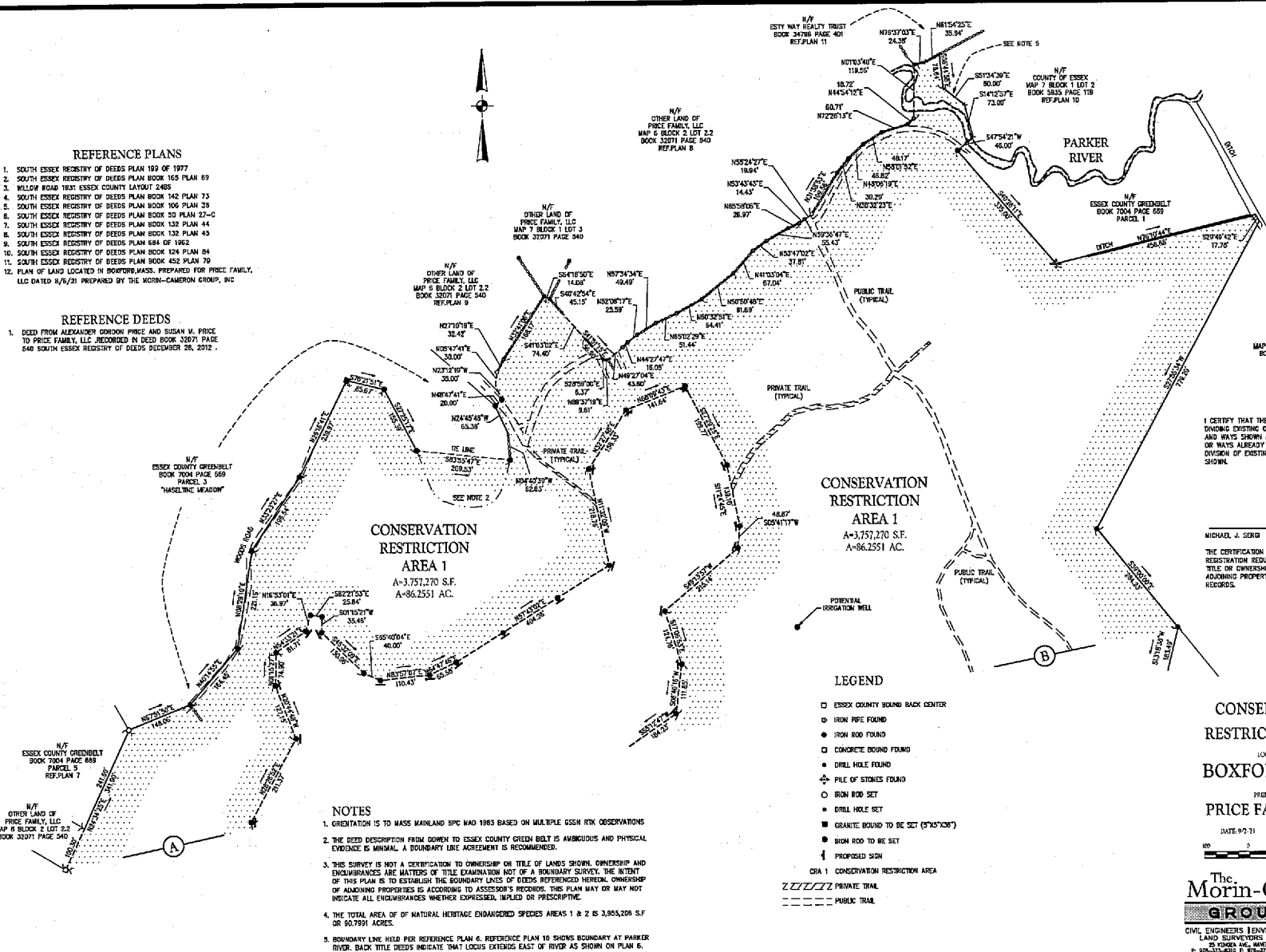
9/2/21
DATE

REFERENCE PLANS

1. SOUTH ESSEX REGISTRY OF DEEDS PLAN 189 OF 1977
2. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 165 PLAN 89
3. WILLOW ROAD TRAIL ESSEX COUNTY LAYOUT 2489
4. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 142 PLAN 73
5. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 106 PLAN 28
6. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 50 PLAN 25-0
7. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 132 PLAN 44
8. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 132 PLAN 49
9. SOUTH ESSEX REGISTRY OF DEEDS PLAN 484 OF 1962
10. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 124 PLAN 84
11. SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 452 PLAN 79
12. PLAN OF LAND LOCATED IN BOXFORD, MASS., PREPARED FOR PRICE FAMILY, LLC DATED 6/6/21 PREPARED BY THE MORIN-CAMERON GROUP, INC

REFERENCE DEEDS

1. GOED FROM ALEXANDER GORDON PRICE AND SUSAN V. PRICE TO PRICE FAMILY, LLC, RECORDED IN DEED BOOK 32871 PAGE 840 SOUTH ESSEX REGISTRY OF DEEDS DECEMBER 28, 2012.



I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

CHAPTER 41 SECTION 81X

9/2/21
DATE

MICHAEL J. SORGI P.L.S.

THE CERTIFICATION SHOWN ABOVE IS INTENDED TO MEET REGISTRATION REQUIREMENTS AND IS NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY. SHOWING OWNERSHIP OF ADJOINING PROPERTIES ARE ACCORDING TO ASSESSORS RECORDS.

CONSERVATION RESTRICTION AREA 1
A=3,757,270 S.F.
A=86,2551 AC.

CONSERVATION RESTRICTION AREA 1
A=3,757,270 S.F.
A=86,2551 AC.

LEGEND

- ESSEX COUNTY BOUND BACK CENTER
- IRON PIPE FOUND
- IRON ROD FOUND
- CONCRETE BOUND FOUND
- DRILL HOLE FOUND
- PILE OF STONES FOUND
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND TO BE SET (57x57x38")
- IRON ROD TO BE SET
- ↑ PROPOSED SIGN
- CRA 1 CONSERVATION RESTRICTION AREA
- PRIVATE TRAIL
- PUBLIC TRAIL

NOTES

1. ORIENTATION IS TO MASS MAINLAND SPG MAD 1983 BASED ON MULTIPLE GSN RTK OBSERVATIONS
2. THE DEED DESCRIPTION FROM GOWEN TO ESSEX COUNTY GREEN BELT IS AMBIGUOUS AND PHYSICAL EVIDENCE IS MINIMAL. A BOUNDARY LINE AGREEMENT IS RECOMMENDED.
3. THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO ESTABLISH THE BOUNDARY LINES OF DEEDS REFERENCED HEREIN. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.
4. THE TOTAL AREA OF NATURAL HERITAGE ENDANGERED SPECIES AREAS 1 & 2 IS 3,985,206 S.F. OR 90.7991 ACRES.
5. BOUNDARY LINE HELD PER REFERENCE PLAN 6. REFERENCE PLAN 10 SHOWS BOUNDARY AT PARKER RIVER. BACK TITLE DEEDS INDICATE THAT LOCUS EXTENDS EAST OF RIVER AS SHOWN ON PLAN 6.

CONSERVATION RESTRICTION PLAN

LOCATED IN:

BOXFORD, MASS.

PREPARED FOR:

PRICE FAMILY, LLC

DATE 9/2/21 SCALE 1"=100'

The Morin-Cameron GROUP, INC.

CIVIL ENGINEERS ENVIRONMENTAL CONSULTANTS
LAND SURVEYORS LAND USE PLANNERS

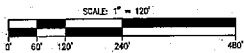
25 VICTORIA HILL, WILLOW HILLS, MASSACHUSETTS 01890
P: 978-352-2820, F: 978-352-2888, W: WWW.MORIN-CAMERON.COM



PROPOSED OPEN SPACE FIGURE

IN
BOXFORD, MASSACHUSETTS
ON
LAND OFF WILLOW ROAD
(ASSESSOR'S MAP 6, BLOCK 2, LOT 2.2)

PREPARED FOR:
TOLL BROS., INC.
116 FLANDERS ROAD, WESTBOROUGH, MA
DATE: JULY 20, 2021



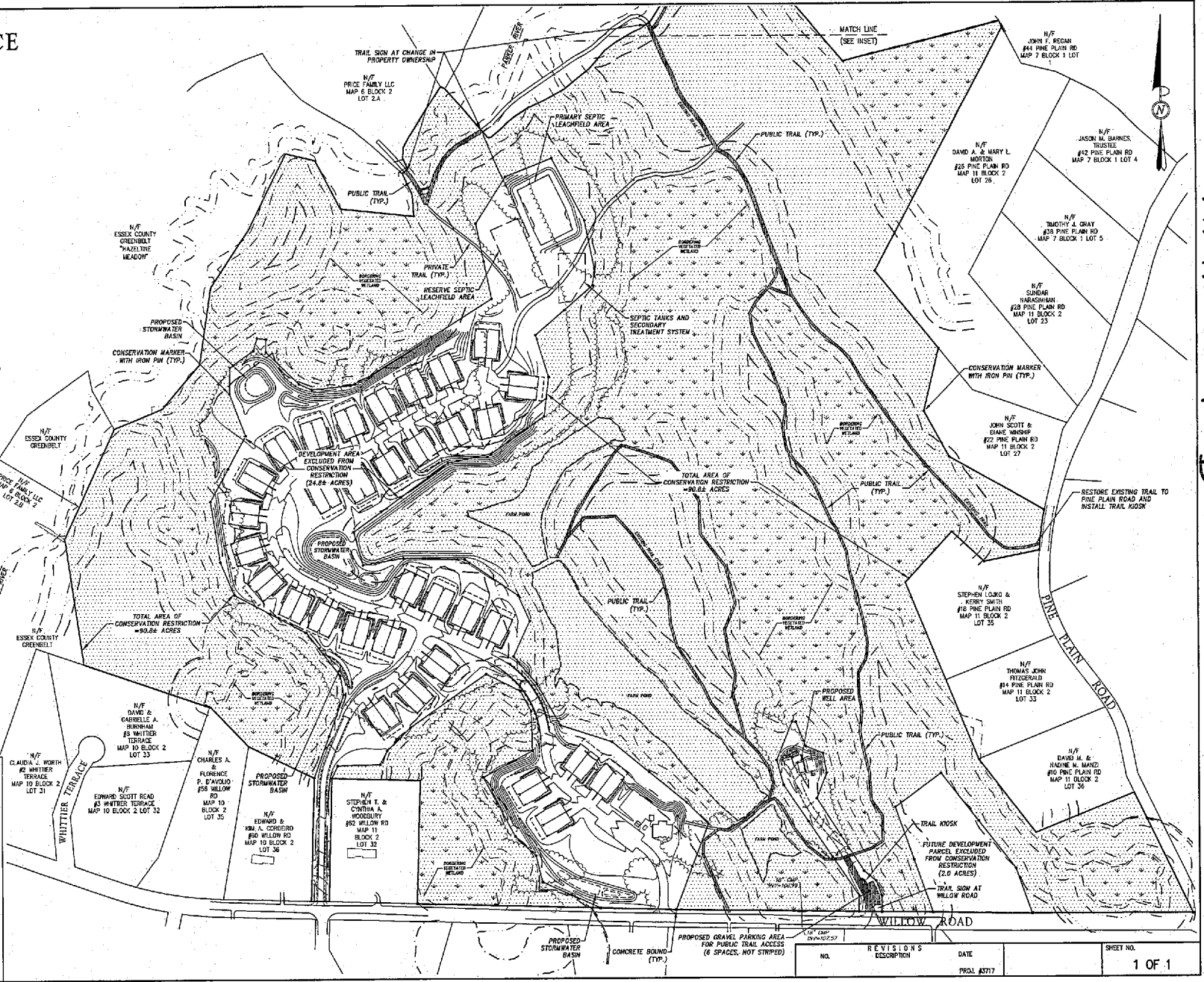
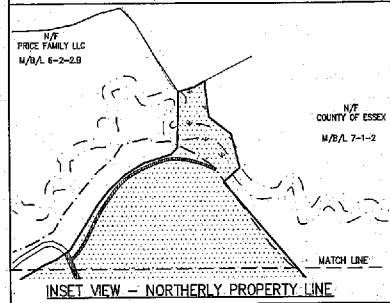
The Morin-Cameron GROUP INC.

CIVIL ENGINEERS | ENVIRONMENTAL CONSULTANTS
LAND SURVEYORS | LAND USE PLANNERS
35 FORDA AVENUE, WINTHROP, MASSACHUSETTS 01890
P. 978-373-6740, E. THEMORINC@GMAIL.COM



TRAIL LEGEND

- PUBLIC TRAIL
- PUBLIC TRAIL TO BE RESTORED
- PRIVATE TRAIL



NO.		REVISIONS DESCRIPTION	DATE	SHEET NO.
			PROJ. #5717	1 OF 1

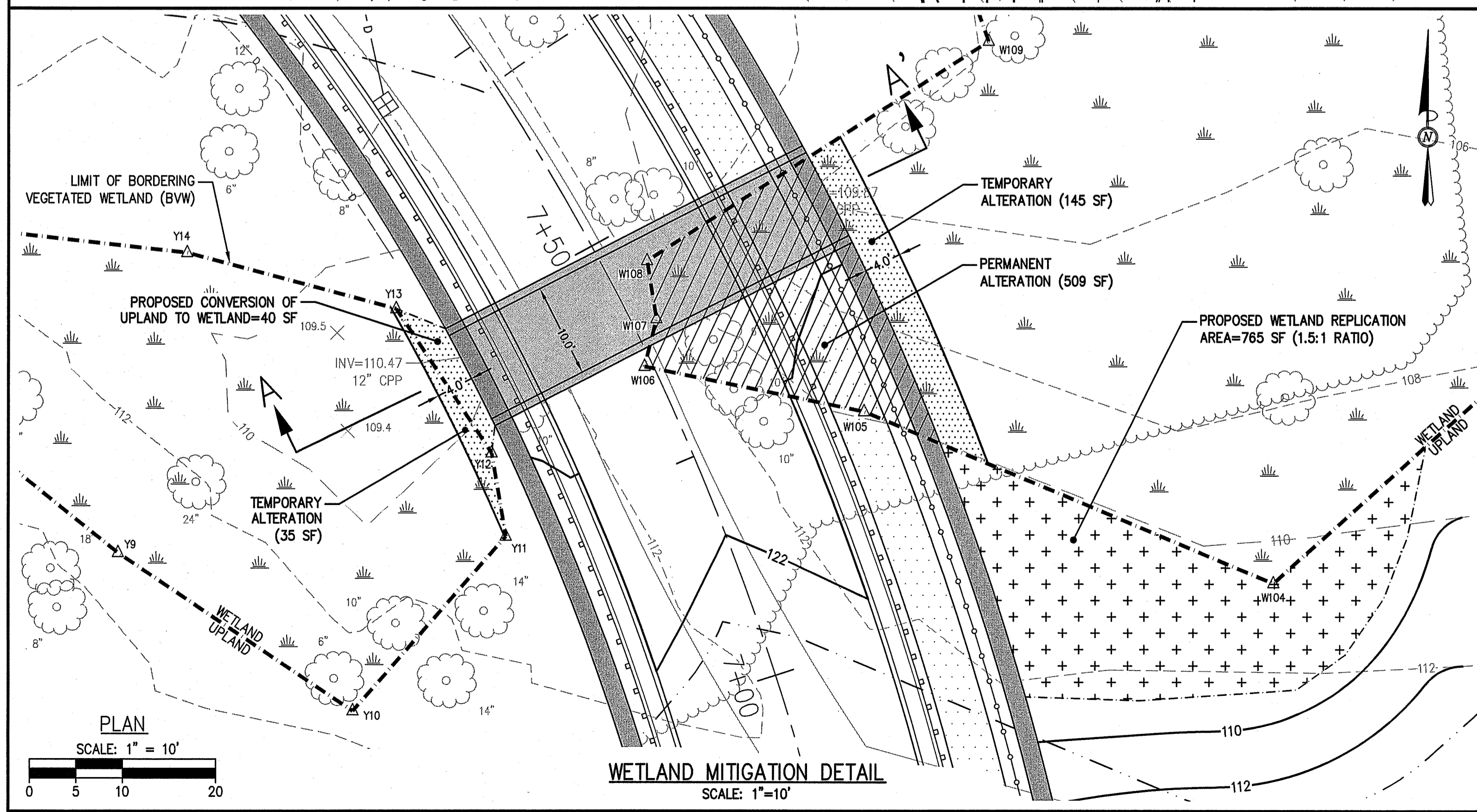
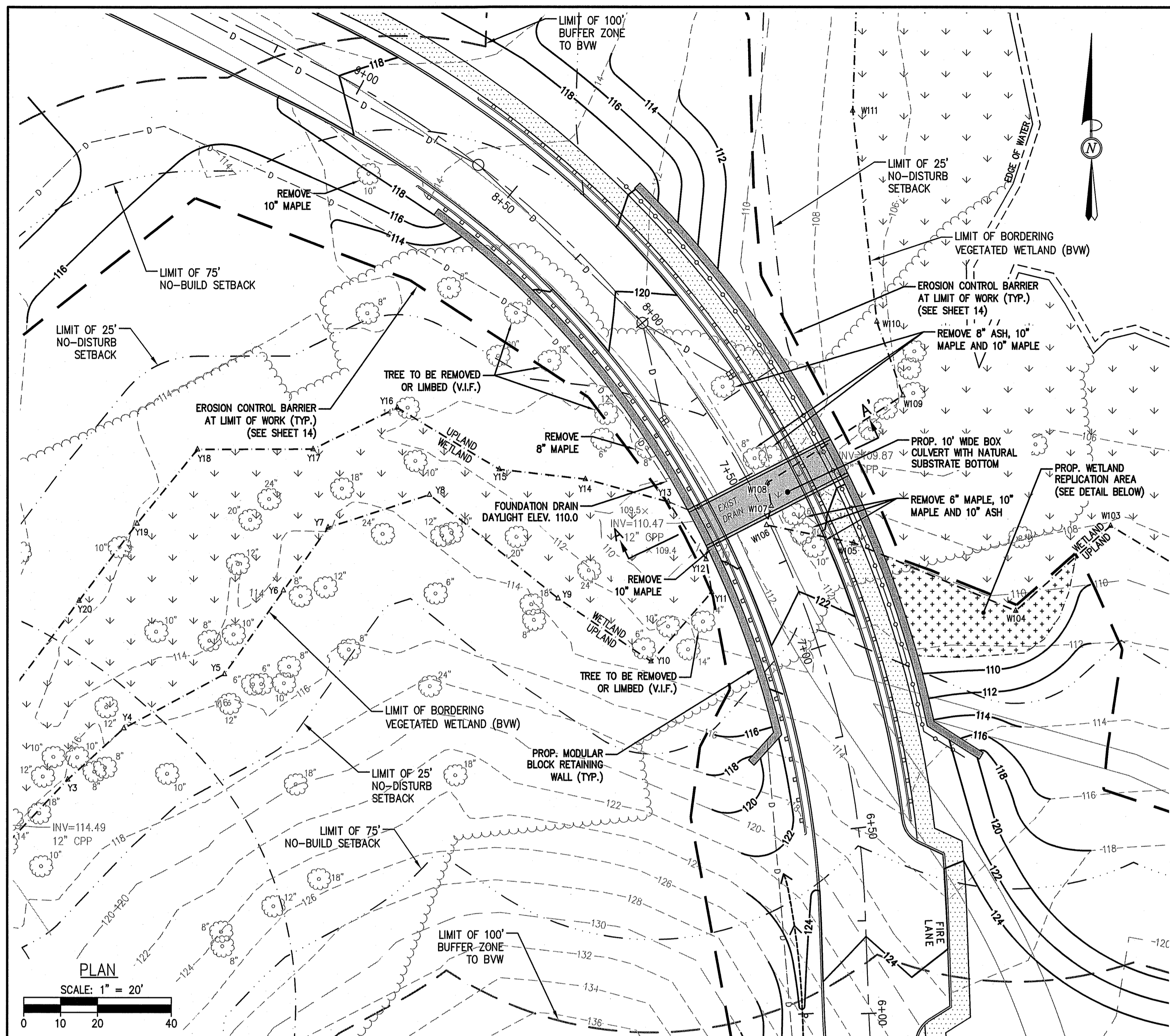
ATTACHMENT D

Attachment C

Proposed Wetland Crossing Plan (Sheet #29 of 30)

prepared by The Morin-Cameron Group, Inc.,

dated rev. 8/26/2021



- ### WETLAND REPLICATION
- THE LIMITS OF THE 635 S.F. WETLAND REPLICATION AREA SHALL BE STAKED IN THE FIELD PRIOR TO CONSTRUCTION AND CERTIFIED TO BE ACCURATELY LOCATED BY A.P.L.S.
 - MECHANICAL EQUIPMENT WILL BE USED TO EXCAVATE TO A SUB-GRADE ELEVATION APPROXIMATELY 8-12 INCHES BELOW THE FINAL ELEVATIONS. THE WETLAND SCIENTIST SHALL OVERSEE ESTABLISHMENT OF SUBGRADE AND FINAL GRADE.
 - FOLLOWING EXCAVATION TO SUBGRADE AND INSPECTION BY THE WETLAND SCIENTIST, APPROXIMATELY 8-12 INCHES OF ORGANIC TOP SOIL SHALL BE ESTABLISHED IN THE WETLAND REPLICATION AREA.
 - THE PROPOSED SOIL SHALL BE COMPRISED OF CLEAN LEAF COMPOST AND LOWMY SAND TOPSOIL MIXTURE, AND SHALL HAVE APPROXIMATELY 20% ORGANIC MATTER CONTENT. LARGE FRACTION MATERIAL (E.G. GRAVEL, COBBLE, STONES) WITHIN THE SOIL SHALL NOT EXCEED 10%. THE SOIL SHALL BE INSPECTED BY THE WETLAND SCIENTIST BEFORE PLACEMENT IN THE REPLICATION AREA.
 - FINAL ELEVATIONS SHALL MIMIC EXISTING GRADES WITHIN THE ADJACENT BORDERING VEGETATED WETLAND (BVW) ALONG THE LENGTH OF THE REPLICATION AREA. SURVEY EQUIPMENT SHALL BE FREQUENTLY USED TO ESTABLISH THE FINAL GRADE AS SOIL IS PLACED.
 - COMPACTION OF SOILS WILL BE MINIMIZED VIA SCARIFICATION OF THE SUBSOIL AND TOPSOIL WITH THE TEETH OF THE EXCAVATOR BUCKET AS THE EXCAVATOR WORKS THE LAND FROM THE BVW BOUNDARY LANDWARD TOWARD THE LIMITS OF THE WETLAND REPLICATION AREA.
 - THE NATIVE SEED MIX USED SHALL BE APPROVED BY THE MONITORING WETLAND SCIENTIST PRIOR TO SPREADING THE MIX.
 - THE WETLAND REPLICATION AREA WILL BE MONITORED DURING AND FOLLOWING CONSTRUCTION, INCLUDING THE SPRING AND FALL DURING THE FIRST TWO GROWING SEASONS BY A QUALIFIED WETLAND SCIENTIST. MONITORING REPORTS DESCRIBING THE RELATIVE HEALTH OF THE PLANTINGS WILL BE SUBMITTED TO THE CONSERVATION COMMISSION AT THE END OF EACH GROWING SEASON WITH PHOTOGRAPHIC DOCUMENTATION AND RECOMMENDATIONS FOR SUPPLEMENTAL PLANTINGS, IF NECESSARY. THE MONITORING WILL INCLUDE AN ASSESSMENT OF THE DENSITY OF THE VEGETATION TO ENSURE 75% COVERAGE BY WETLAND INDICATOR PLANTS WITHIN TWO GROWING SEASONS.
- ### WETLAND RESTORATION
- FOLLOWING COMPLETION OF THE BLOCK RETAINING WALLS, THE 364 S.F. OF TEMPORARY WETLAND IMPACTS SHALL BE RESTORED.
 - PRIOR TO RESTORING EXISTING GRADES, CONSTRUCTION DEBRIS AND GRAVEL SHALL BE REMOVED FROM THE FOOTPRINT OF THE RESTORATION AREA, AND INSPECTED BY THE MONITORING WETLAND SCIENTIST.
 - FINAL ELEVATIONS SHALL MIMIC EXISTING GRADES WITHIN THE ADJACENT WETLAND AND ESTABLISHMENT OF FINAL GRADES SHALL BE OVERSEEN BY THE MONITORING WETLAND SCIENTIST.
 - THE FOOTPRINT OF RESTORED GRADES SHALL BE INSPECTED BY THE WETLAND SCIENTIST.
 - THE NATIVE SEED MIX (SPECIALIZED WETLAND MIX FOR SHADED OBL-FACW AREAS) SHALL BE APPROVED BY THE MONITORING WETLAND SCIENTIST PRIOR TO SPREADING THE MIX.
 - THE WETLAND RESTORATION AREA WILL BE MONITORED DURING AND FOLLOWING CONSTRUCTION, INCLUDING IN THE SPRING AND FALL DURING THE FIRST TWO GROWING SEASONS BY A QUALIFIED WETLAND SCIENTIST. MONITORING REPORTS DESCRIBING THE RELATIVE HEALTH OF THE PLANTINGS WILL BE SUBMITTED TO THE CONSERVATION COMMISSION AT THE END OF EACH GROWING SEASON WITH PHOTOGRAPHIC DOCUMENTATION AND RECOMMENDATIONS FOR SUPPLEMENTAL PLANTINGS, IF NECESSARY. THE MONITORING WILL INCLUDE AN ASSESSMENT OF THE DENSITY OF THE VEGETATION TO ENSURE 75% COVERAGE BY WETLAND INDICATOR PLANTS WITHIN TWO GROWING SEASONS.
- ### GENERAL MITIGATION NOTES
- ALL PLANTINGS SHALL BE NATIVE VARIETIES WITH NO LANDSCAPE CULTIVARS PROPOSED.
 - SPECIFIC PLACEMENT OF SHRUBS AND TREES WITHIN THE PLANTING AREAS SHALL BE DETERMINED IN THE FIELD BY THE WETLAND SCIENTIST.
 - IF NECESSARY, ANY REQUIRED SUBSTITUTE NATIVE SHRUBS OR TREES SHALL BE REVIEWED BY THE WETLAND SCIENTIST PRIOR TO INSTALLATION. PROPOSED PLANTINGS SHALL BE INSPECTED ON-SITE BY THE WETLAND SCIENTIST PRIOR TO INSTALLATION.
 - INSTALLATION OF PLANTINGS SHALL OCCUR IN THE SPRING OR FALL SEASON.
 - PREPARATION AND IMPLEMENTATION OF A WATERING SCHEDULE SHALL OCCUR FOR A MINIMUM OF ONE GROWING SEASON TO ENSURE ESTABLISHMENT OF PLANTINGS. THE WATERING SCHEDULE IS DEPENDENT ON RAIN EVENTS AND TIME OF SEASON. A DEEP SOAKING OF PLANTS IS RECOMMENDED THE SAME DAY AS PLANTS ARE INSTALLED. WATERING IS RECOMMENDED IN THE EARLY MORNING HOURS.
 - THE SHRUB CLUSTERS AND INDIVIDUAL TREE PLANTINGS SHALL BE EVENLY DISTRIBUTED THROUGHOUT THE PLANTING AREAS. LAYOUT OF PLANTINGS SHALL INVOLVE WETLAND SCIENTIST OVERSIGHT.

WETLAND REPLICATION PLANT LIST

Common Name	Genus/Species	Size	Planting Specifications	No.
Tree				
red maple	<i>Acer rubrum</i>	4-6' min.	singles, 10-25 feet o.c.	4
Shrubs				
highbush blueberry	<i>Vaccinium corymbosum</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	12
northern arrowwood	<i>Viburnum dentatum</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	12
winterberry	<i>Ilex verticillata</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	*12
silky dogwood	<i>Cornus amomium</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	6
spicebush	<i>Lindera Benzoin</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	12
Herbaceous				
sensitive fern	<i>Oncoclea sensibilis</i>	1 gal. pot.	randomly spaced throughout	30

* (6 male & 6 female winterberry)

WETLAND RESTORATION PLANT LIST

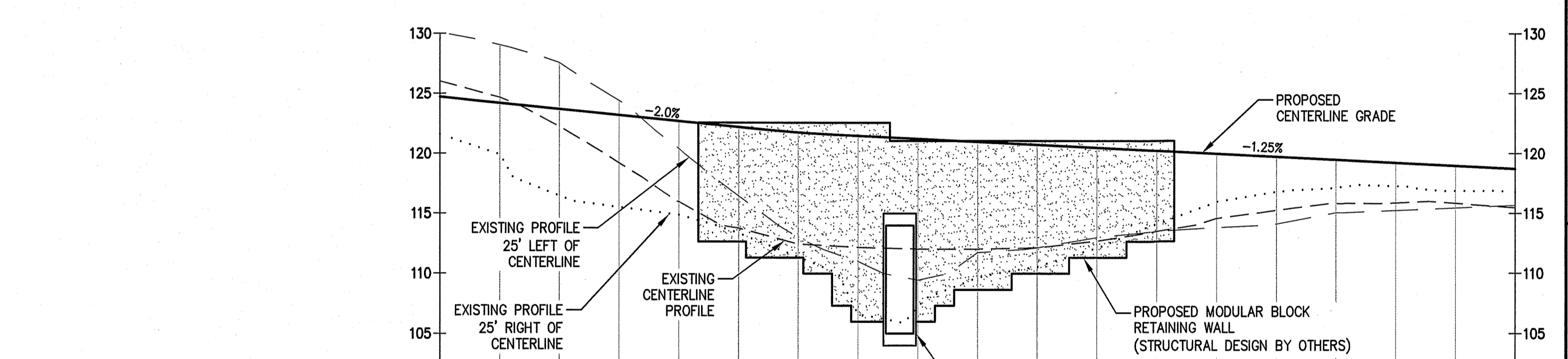
Common Name	Genus/Species	Size	Planting Specifications	No.
Shrubs				
northern arrowwood	<i>Viburnum dentatum</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	6
winterberry	<i>Ilex verticillata</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	*8
spicebush	<i>Lindera Benzoin</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	6
highbush blueberry	<i>Vaccinium corymbosum</i>	2-3' min.	in clusters of 3-3, spaced 4-7 feet o.c.	6
Herbaceous				
sensitive fern	<i>Oncoclea sensibilis</i>	1 gal. pot.	randomly spaced throughout	12

* (4 male & 4 female winterberry)

WETLAND REPLICATION & WETLAND RESTORATION SEEDMIX

Ernst Seeds: Specialized Wetland Mix for Shaded OBL-FACW Areas

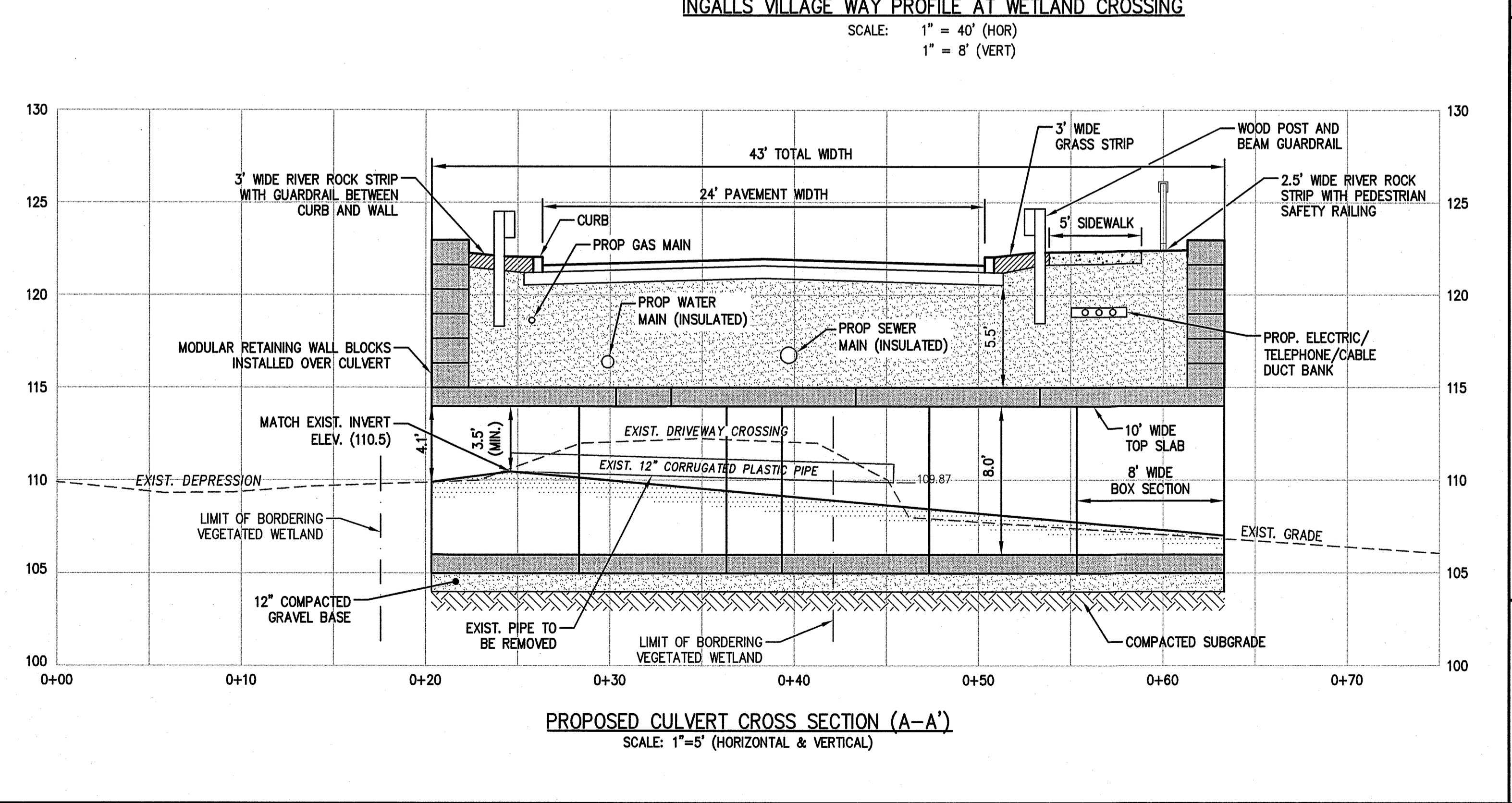
32.0% <i>Carex vaginuloides</i> , PA Ecotype (Fox Sedge, PA Ecotype)	32.0% <i>Carex vaginuloides</i> , PA Ecotype (Fox Sedge, PA Ecotype)
20.0% <i>Elymus virginicus</i> , PA Ecotype (Virginia Wildrye, PA Ecotype)	14.0% <i>Carex lurida</i> , PA Ecotype (Lundi Sedge, PA Ecotype)
8.0% <i>Carex lupulina</i> , PA Ecotype (Hog Sedge, PA Ecotype)	6.0% <i>Carex scoparia</i> , PA Ecotype (Blunt Broom Sedge, PA Ecotype)
6.0% <i>Carex scoparia</i> , PA Ecotype (Blunt Broom Sedge, PA Ecotype)	3.0% <i>Cinna arundinacea</i> , PA Ecotype (Wood Reedgrass, PA Ecotype)
3.0% <i>Cinna arundinacea</i> , PA Ecotype (Wood Reedgrass, PA Ecotype)	3.0% <i>Juncus effusus</i> (Soft Rush)
3.0% <i>Juncus effusus</i> (Soft Rush)	3.0% <i>Spartanium americanum</i> (Eastern Bur Reed)
3.0% <i>Spartanium americanum</i> (Eastern Bur Reed)	3.0% <i>Spartanium eurycarpum</i> , PA Ecotype (Giant Bur Reed, PA Ecotype)
3.0% <i>Spartanium eurycarpum</i> , PA Ecotype (Giant Bur Reed, PA Ecotype)	3.0% <i>Verberna hastata</i> , PA Ecotype (Blue Vervain, PA Ecotype)
2.0% <i>Helopsis scabra</i> , PA Ecotype (Shiny Sedges, PA Ecotype)	2.0% <i>Helopsis scabra</i> , PA Ecotype (Shiny Sedges, PA Ecotype)
1.0% <i>Carex intumescens</i> , PA Ecotype (Star Sedge, PA Ecotype)	0.5% <i>Scirpus atrovirens</i> , PA Ecotype (Green Burrush, PA Ecotype)
0.5% <i>Scirpus atrovirens</i> , PA Ecotype (Green Burrush, PA Ecotype)	0.5% <i>Scirpus opeyana</i> , PA Ecotype (Woolgrass, PA Ecotype)
0.2% <i>Eupatorium perfoliatum</i> , PA Ecotype (Boneset, PA Ecotype)	0.2% <i>Eleocharis acicularis</i> , PA Ecotype (Great Blue Lobelia, PA Ecotype)
0.2% <i>Eleocharis acicularis</i> , PA Ecotype (Great Blue Lobelia, PA Ecotype)	0.1% <i>Chelone glabra</i> , PA Ecotype (Furlinehead, PA Ecotype)
0.1% <i>Chelone glabra</i> , PA Ecotype (Furlinehead, PA Ecotype)	0.1% <i>Eupatorium fistulosum</i> , PA Ecotype (Joe Pye Weed, PA Ecotype)
0.1% <i>Eupatorium fistulosum</i> , PA Ecotype (Joe Pye Weed, PA Ecotype)	0.1% <i>Perithous sedoides</i> , PA Ecotype (Ditch Stonecrop, PA Ecotype)



CULVERT OPENNESS RATIO

OPENNESS RATIO = CROSS-SECTIONAL AREA / CULVERT LENGTH

CULVERT WIDTH = 10 FEET
 MIN. VERTICAL CLEARANCE = 3.5 FEET
 CROSS SECTIONAL AREA = 10' x 3.5' = 35 SQ FEET
 OPENNESS RATIO = 35 / 40 = 0.87
 (MINIMUM REQUIRED = 0.82)



The Morin-Cameron GROUP, INC.
 CIVIL ENGINEERS | ENVIRONMENTAL CONSULTANTS
 LAND SURVEYORS | LAND USE PLANNERS
 25 HENRIE AVE., HAVERTHILL, MASSACHUSETTS 01830
 P: 978-373-0310, W: WWW.MORINCAMERON.COM

SCOTT CAMERON
 CIVIL ENGINEER
 No. 0000000000
 EXPIRES 12/31/2024

NO.	DESCRIPTION	DATE
1	GENERAL PLAN REVISIONS	04/23/21
2	REVISIONS PER TEC COMMENTS	06/15/21
3	GRADING & DRAINAGE UPDATES	08/26/21

SURVEY BY: CSI
 DRAFTED BY: SRC
 CHECKED BY: MCL
 APPROVED BY: SPC
 SCALE: AS NOTED
 DATE: NOVEMBER 19, 2020

SITE PLAN OF LAND FOR THE WILLOWS AT BOXFORD
 AN ACTIVE ADULT COMMUNITY
 LOCATED OFF
 WILLOW ROAD
 BOXFORD, MASSACHUSETTS
 (PORTION OF ASSessor'S MAP 6, BLOCK 2, LOT 2.2)
 PREPARED FOR:
TOLL BROS., INC.

PROPOSED WETLAND CROSSING PLAN
 DRAWING NO. **29 OF 30**
 PROJ. #3717

Attachment D

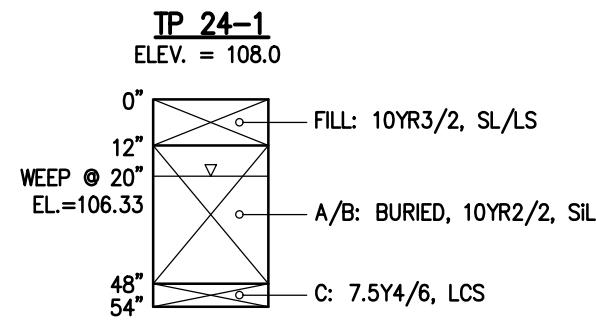
Grading Plan,

prepared by The Morin-Cameron Group, Inc.,

dated February 13, 2024

GRADING PLAN IN BOXFORD, MASSACHUSETTS

PREPARED FOR
TOLL BROS., INC
DATE: FEBRUARY 13, 2024 SCALE: 1"=20'



PLANT LIST					
COMMON NAME	GENUS/SPECIES	SIZE	PLANTING SPEC.	NO.	LOCATION
TREES					
SWAMP OAK	QUERCUS PALUSTRIS	4-6' MIN.	SINGLES, 10-25 FEET OC	2	WRA
RED MAPLE	ACER RUBRUM	4-6' MIN.	SINGLES, 10-25 FEET OC	2	WRA
RED OAK	QUERCUS RUBRA	4-6' MIN.	SINGLES, 10-25 FEET OC	3	BZ
RED MAPLE	ACER SACCHARUM	4-6' MIN.	SINGLES, 10-25 FEET OC	3	BZ
SHRUBS					
HIGHBUSH BLUEBERRY	VACCINIUM CORYMBOSUM	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7' OC	8	WRA
SILKY DOGWOOD	CORNUS AMOMUM	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7 FEET OC	8	WRA
SPICEBUSH	LINDERA BENZOIN	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7 FEET OC	8	WRA
BLACK CHOKEBERRY	ARONIA MELANOCARPA	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7 FEET OC	12	BZ
NORTHERN ARROWWOOD	VIBURNUM DENTATUM	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7 FEET OC	12	BZ
NANNYBERRY	VIBURNUM LENTAGO	2-3' MIN.	IN CLUSTERS OF 2-3, SPACED 4-7 FEET OC	14	BZ
HERBACEOUS					
SENSITIVE FERN	ONOCLEA SENSIBILIS	1 GAL. POT	RANDOMLY SPACED THROUGHOUT	30	WRA
GROUNDCOVER					
ERNST WETLAND MEADOW MIX		1 LB.			WRA
ERNST PARTIALLY SHADED AREA ROADSIDE MIX		1.5 LB.			BZ

WETLAND REPLICATION NOTES & CONSTRUCTION SEQUENCE

- THE LIMITS OF THE WETLAND REPLICATION AREA SHALL BE STAKED IN THE FIELD PRIOR TO CONSTRUCTION AND CERTIFIED TO BE ACCURATELY LOCATED BY A PLS.
- EROSION CONTROLS (SILT FENCE) WILL BE ESTABLISHED AT THE LIMIT OF WORK. FOLLOWED BY REMOVAL OF EXISTING VEGETATION.
- MECHANICAL EQUIPMENT WILL BE USED TO EXCAVATE TO A SUB-GRADE ELEVATION APPROXIMATELY 12 INCHES BELOW THE FINAL ELEVATIONS. THE WETLAND SCIENTIST SHALL OVERSEE ESTABLISHMENT OF SUBGRADE AND FINAL GRADE.
- FOLLOWING EXCAVATION TO SUBGRADE AND INSPECTION BY THE WETLAND SCIENTIST, APPROXIMATELY 12 INCHES OF ORGANIC TOP SOIL SHALL BE ESTABLISHED IN THE WETLAND REPLICATION AREA.
- CLEARING & GRADING ALONG THE UPLAND EDGE OF THE REPLICATION AREA SHALL BE MINIMIZED AND CARRIED OUT AS NECESSARY TO ESTABLISH APPROXIMATELY 3:1 SLOPE TO THE EXTENT PRACTICABLE.
- THE PROPOSED SOIL SHALL BE COMPRISED OF CLEAN LEAF COMPOST AND LOAMY SAND/SANDY LOAM TOPSOIL MIXTURE, AND SHALL HAVE APPROXIMATELY 16-20% ORGANIC MATTER CONTENT. LARGE FRACTION MATERIAL (E.G. GRAVEL, COBBLE, STONES) WITHIN THE SOIL SHALL NOT EXCEED 10%. THE SOIL SHALL BE INSPECTED BY THE WETLAND SCIENTIST BEFORE PLACEMENT IN THE REPLICATION AREA. EXISTING SALVAGED WETLAND SOILS FROM ON-SITE MAY BE REUSED IN THE REPLICATION AT THE DISCRETION OF THE WETLAND SCIENTIST MONITOR.
- FINAL ELEVATIONS SHALL BE SIMILAR TO EXISTING GRADES WITHIN THE ADJACENT WETLAND. SURVEY EQUIPMENT SHALL BE USED TO ESTABLISH THE DESIRED FINAL REPLICATION GRADE BY COMPARING TO EXISTING GRADES WITHIN THE ADJACENT WETLANDS.
- PROPOSED MINOR ADJUSTMENTS TO GROUND SURFACE BETWEEN THE STREAM AND THE WRA TO ALLOW FOR A PORTION OF THE STREAM TO FLOW INTO THE WRA SHALL BE CARRIED OUT BY HAND. THE HAND WORK SHALL BE DIRECTLY OVERSEEN BY THE WETLAND SCIENTIST. A RELEASE POINT FOR THE STREAM FLOW FROM THE WRA SHALL BE CREATED IN THE FIELD ADJACENT TO WF 103. THE WORK SHALL BE CARRIED OUT BY HAND AND OVERSEEN BY THE WETLAND SCIENTIST. THE WETLAND SCIENTIST SHALL NOTIFY THE BOXFORD CONSERVATION AGENT PRIOR TO THIS HAND WORK TO ALLOW FOR INSPECTION.
- MICRO-TOPOGRAPHY SHALL BE ESTABLISHED WITHIN THE WETLAND REPLICATION AREA UNDER THE OVERSIGHT OF THE WETLAND SCIENTIST. MICROTOPOGRAPHY LOW POINTS (4-8" DIAMETER) IN THE WRA WILL BE TARGETED AT APPROXIMATELY 6 INCHES BELOW THE STREAM RELEASE POINT ELEVATION. MICROTOPOGRAPHY HIGH POINTS (4-8" DIAMETER) IN THE WRA SHALL BE TARGETED AT APPROXIMATELY BETWEEN 2-4 INCHES BELOW THE RELEASE POINT ELEVATION. SURVEY EQUIPMENT SHALL BE USED FREQUENTLY TO CONFIRM ELEVATIONS.
- COMPACTION OF FINAL GRADE SHALL BE MINIMIZED. THE EXCAVATOR SHALL COMPLETE FINAL GRADE WORKING FROM THE FURTHEST POINT TOWARD THE CONSTRUCTION ACCESS.
- ALL PLANTINGS SHALL BE NATIVE VARIETIES WITH NO CULTIVARS. SPECIFIC LOCATIONS OF PLANTINGS SHALL BE MANAGED BY THE WETLAND SCIENTIST. ANY SUBSTITUTE SPECIES SHALL BE APPROVED BY THE WETLAND SCIENTIST. PLANTS SHALL BE PROTECTED FROM THE WIND/COVERED WHEN TRANSPORTED TO THE SITE. SHOULD PLANTS BE STOCKPILED TEMPORARILY, THEY SHALL BE WATERED APPROPRIATELY AND STORED IN THE SHADE.
- THE ERNST FACW MIX OR EQUIVALENT SHALL BE SPREAD THROUGHOUT THE REPLICATION AREA. THE WETMIX USED SHALL BE APPROVED BY THE MONITORING WETLAND SCIENTIST PRIOR TO SPREADING THE MIXTURES.
- COARSE WOODY DEBRIS, INCLUDING BRANCHES, LOGS, ETC., SOURCED FROM THE SITE SHALL BE PLACED WITHIN THE WETLAND REPLICATION AREA AT A ROUGHLY 2-4% COVERAGE RATE.
- PREPARATION OF A WEEKLY WATERING SCHEDULE IS RECOMMENDED TO BE IMPLEMENTED FOR A MINIMUM OF ONE GROWING SEASON TO ENSURE ESTABLISHMENT OF PLANTINGS. A WATERING SCHEDULE IS DEPENDANT ON WEATHER CONDITIONS (E.G. RAIN EVENTS), TIME OF SEASON AND HYDROLOGY. A DEEP SOAKING OF PLANTS SHALL OCCUR THE SAME DAY AS PLANTS ARE INSTALLED, IF NECESSARY BASED ON CURRENT HYDROLOGY. WATERING IS RECOMMENDED IN THE EARLY MORNING HOURS.

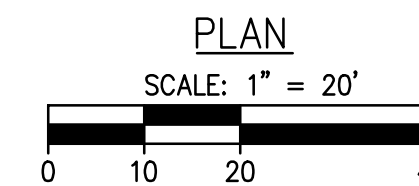
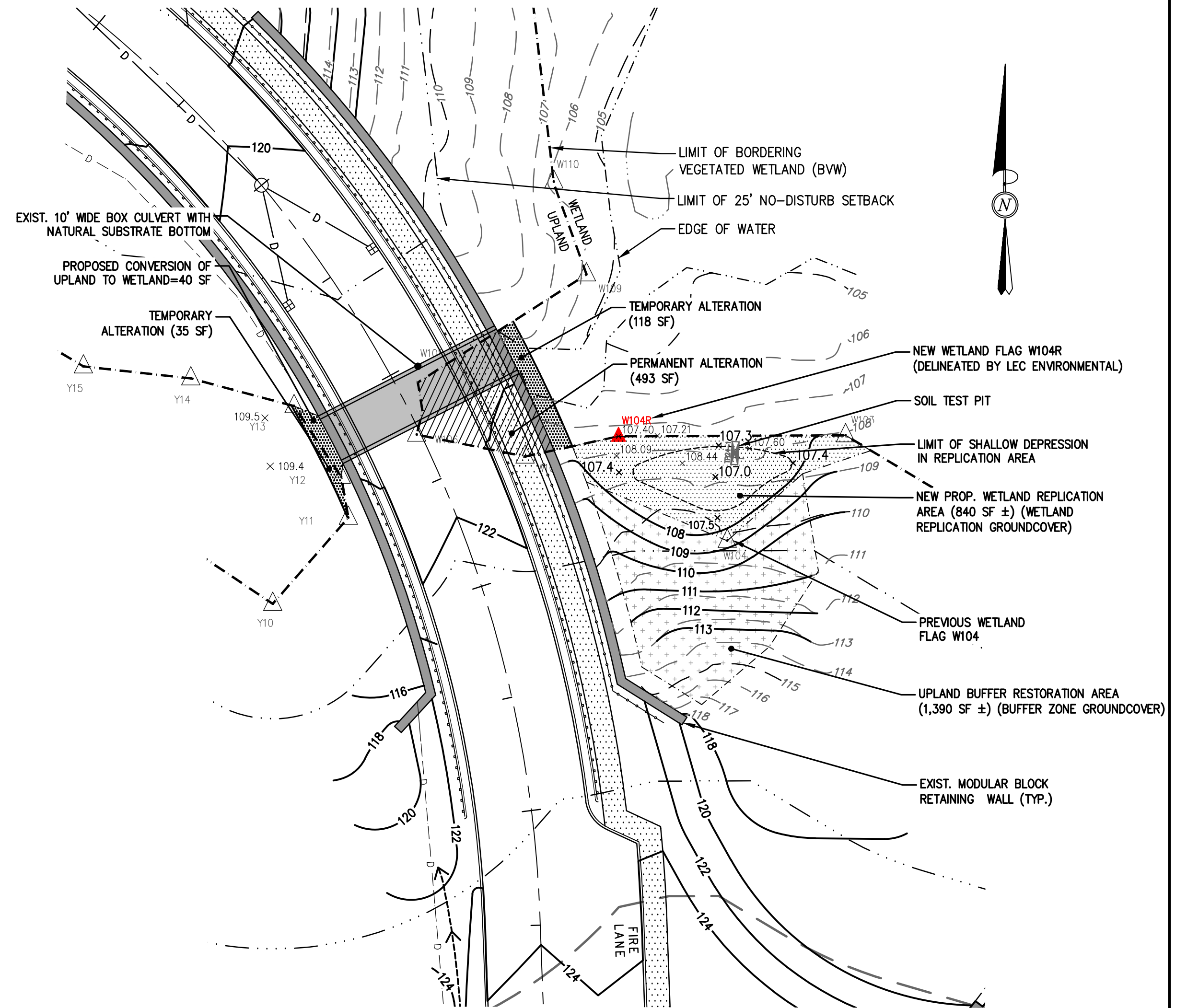
BUFFER ZONE RESTORATION

BUFFER AREA DISTURBANCE ASSOCIATED WITH THE REPLICATION WORK ACTIVITY SHALL BE RESTORED.

IF TOPSOIL IS ABSENT, APPROXIMATELY 4-6 INCHES OF ORGANIC RICH TOPSOIL (LEAF COMPOST AND LOAM MIXTURE) SHALL BE ESTABLISHED WITHIN THE DISTURBED BUFFER ZONE AREAS.

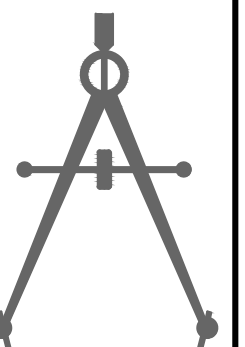
BIODEGRADABLE NETTING IS RECOMMENDED ON SLOPES (E.G. 3:1 OR GREATER) WHERE APPLICABLE OR AS RECOMMENDED BY THE PROJECT ENGINEER OR WETLAND SCIENTIST.

THE PROPOSED NATIVE BUFFER ZONE SEEDMIX SHALL BE LIGHTLY RAKED INTO THE SURFACE AND APPLIED ACCORDING TO THE SUPPLIERS INSTRUCTIONS.



The
Morin-Cameron
GROUP, INC.

CIVIL ENGINEERS | ENVIRONMENTAL CONSULTANTS
LAND SURVEYORS | LAND USE PLANNERS
25 KENOZA AVENUE, HAVERHILL, MASSACHUSETTS 01830
P: 978-373-0310, W: WWW.MORINCAMERON.COM



Attachment E

Seed Mixes

Ernst Seeds

FACW Wetland Meadow Mix

Partially Shaded Area Roadside Mix



Ernst Conservation Seeds

8884 Mercer Pike
 Meadville, PA 16335
 (800) 873-3321 Fax (814) 336-5191
www.ernstseed.com

Date: February 13, 2024

FACW Wetland Meadow Mix - ERNMX-122

Botanical Name	Common Name	Price/Lb
22.00 % <i>Carex lurida</i> , PA Ecotype	Lurid Sedge, PA Ecotype	67.20
20.00 % <i>Elymus virginicus</i> , Madison-NY Ecotype	Virginia Wildrye, Madison-NY Ecotype	10.45
19.50 % <i>Carex vulpinoidea</i> , PA Ecotype	Fox Sedge, PA Ecotype	28.80
18.20 % <i>Carex scoparia</i> , PA Ecotype	Blunt Broom Sedge, PA Ecotype	81.60
3.00 % <i>Juncus effusus</i>	Soft Rush	48.00
3.00 % <i>Verbena hastata</i> , PA Ecotype	Blue Vervain, PA Ecotype	38.40
2.00 % <i>Asclepias incarnata</i> , PA Ecotype	Swamp Milkweed, PA Ecotype	177.60
2.00 % <i>Heliopsis helianthoides</i> , PA Ecotype	Oxeye Sunflower, PA Ecotype	33.60
1.50 % <i>Verbena urticifolia</i> , PA Ecotype	White Vervain, PA Ecotype	144.00
1.50 % <i>Zizia aurea</i> , PA Ecotype	Golden Alexanders, PA Ecotype	72.00
1.00 % <i>Juncus tenuis</i> , PA Ecotype	Path Rush, PA Ecotype	48.00
1.00 % <i>Lycopus americanus</i> , PA Ecotype	American Water Horehound, PA Ecotype	72.00
0.80 % <i>Solidago rugosa</i> , PA Ecotype	Wrinkleleaf Goldenrod, PA Ecotype	264.00
0.70 % <i>Eupatorium perfoliatum</i> , PA Ecotype	Boneset, PA Ecotype	192.00
0.70 % <i>Lobelia siphilitica</i> , PA Ecotype	Great Blue Lobelia, PA Ecotype	384.00
0.70 % <i>Scirpus atrovirens</i> , PA Ecotype	Green Bulrush, PA Ecotype	144.00
0.60 % <i>Aster lanceolatus</i>	Lance Leaved Aster	432.00
0.50 % <i>Carex crinita</i> , PA Ecotype	Fringed Sedge, PA Ecotype	216.00
0.50 % <i>Mimulus ringens</i> , PA Ecotype	Square Stemmed Monkeyflower, PA Ecotype	216.00
0.40 % <i>Aster puniceus</i> , PA Ecotype	Purplestem Aster, PA Ecotype	432.00
0.30 % <i>Scirpus cyperinus</i> , PA Ecotype	Woolgrass, PA Ecotype	115.20
0.10 % <i>Alisma subcordatum</i> , PA Ecotype	Mud Plantain, PA Ecotype	192.00

100.00 %

Mix Price/Lb Bulk: \$62.77

Seeding Rate: 20 lb per acre, or 1/2 lb per 1,000 sq ft with a cover crop. For a cover crop use one of the following: grain rye (1 Sep to 30 Apr; 30 lbs/acre), Japanese millet (1 May to 31 Aug; 10 lbs/acre), or barnyard grass (1 May to 31 Aug; 10 lbs/acre).

Grasses & Grass-like Species - Herbaceous Perennial; Herbaceous Flowering Species - Herbaceous Perennial; Wet Meadows & Wetlands

The diverse species provide pollinator habitat and erosion control in wet meadows. Excellent for facultative wetland mitigation sites. Mix formulations are subject to change without notice depending on the availability of existing and new products. While the formula may change, the guiding philosophy and function of the mix will not.

Price quotes guaranteed for 30 days.
All prices are FOB Meadville, PA.
Please check our web site at www.ernstseed.com
for current pricing when placing orders.



Ernst Conservation Seeds

8884 Mercer Pike
 Meadville, PA 16335
 (800) 873-3321 Fax (814) 336-5191
www.ernstseed.com

Date: February 13, 2024

Partially Shaded Area Roadside Mix - ERNMX-140

	Botanical Name	Common Name	Price/Lb
49.40 %	<i>Schizachyrium scoparium, Fort Indiantown Gap-PA Ecotype</i>	Little Bluestem, Fort Indiantown Gap-PA Ecotype	14.60
18.50 %	<i>Elymus virginicus, Madison-NY Ecotype</i>	Virginia Wildrye, Madison-NY Ecotype	10.45
9.50 %	<i>Echinacea purpurea</i>	Purple Coneflower	43.20
6.50 %	<i>Elymus hystrix, PA Ecotype</i>	Bottlebrush Grass, PA Ecotype	33.15
3.00 %	<i>Rudbeckia hirta</i>	Blackeyed Susan	31.20
2.00 %	<i>Chamaecrista fasciculata, PA Ecotype</i>	Partridge Pea, PA Ecotype	12.00
1.80 %	<i>Heliopsis helianthoides, PA Ecotype</i>	Oxeye Sunflower, PA Ecotype	33.60
1.00 %	<i>Penstemon digitalis</i>	Tall White Beardtongue	168.00
1.00 %	<i>Zizia aurea, PA Ecotype</i>	Golden Alexanders, PA Ecotype	72.00
0.70 %	<i>Liatris spicata</i>	Marsh Blazing Star	252.00
0.60 %	<i>Aster macrophyllus, PA Ecotype</i>	Bigleaf Aster, PA Ecotype	336.00
0.60 %	<i>Baptisia australis, Southern WV Ecotype</i>	Blue False Indigo, Southern WV Ecotype	96.00
0.50 %	<i>Anemone canadensis, PA Ecotype</i>	Canadian Anemone, PA Ecotype	456.00
0.50 %	<i>Gaura biennis</i>	Biennial Beeblossom	151.20
0.50 %	<i>Lespedeza capitata, RI Ecotype</i>	Roundhead Lespedeza, RI Ecotype	115.20
0.50 %	<i>Rudbeckia triloba, WV Ecotype</i>	Browneyed Susan, WV Ecotype	57.60
0.40 %	<i>Asclepias tuberosa, PA Ecotype</i>	Butterfly Milkweed, PA Ecotype	312.00
0.40 %	<i>Aster pilosus, PA Ecotype</i>	Heath Aster, PA Ecotype	264.00
0.30 %	<i>Asclepias syriaca, PA Ecotype</i>	Common Milkweed, PA Ecotype	96.00
0.30 %	<i>Monarda fistulosa</i>	Wild Bergamot	96.00
0.30 %	<i>Pycnanthemum incanum, MD Ecotype</i>	Hoary Mountainmint, MD Ecotype	432.00
0.30 %	<i>Solidago bicolor, PA Ecotype</i>	White Goldenrod, PA Ecotype	240.00
0.30 %	<i>Solidago nemoralis, PA Ecotype</i>	Gray Goldenrod, PA Ecotype	264.00
0.30 %	<i>Tradescantia ohioensis, PA Ecotype</i>	Ohio Spiderwort, PA Ecotype	252.00
0.20 %	<i>Aquilegia canadensis</i>	Eastern Columbine	384.00
0.20 %	<i>Aster prenanthoides, PA Ecotype</i>	Zigzag Aster, PA Ecotype	432.00
0.20 %	<i>Solidago juncea, PA Ecotype</i>	Early Goldenrod, PA Ecotype	336.00
0.10 %	<i>Penstemon hirsutus</i>	Hairy Beardtongue	480.00
0.10 %	<i>Penstemon laevigatus, PA Ecotype</i>	Appalachian Beardtongue, PA Ecotype	336.00
100.00 %		Mix Price/Lb Bulk:	\$37.40

Seeding Rate: 20 lbs/acre with 30 lbs/acre of a cover crop. For a cover crop use either grain oats (1 Jan to 31 Jul) or grain rye (1 Aug to 31 Dec).

Grasses & Grass-like Species - Herbaceous Perennial; Herbaceous Flowering Species - Herbaceous Perennial; Pollinator Favorites; Woodland Openings

The native grasses and forbs are ideal for roadside areas and woodland margins. Mix formulations are subject to change without notice depending on the availability of existing and new products. While the formula may change, the guiding philosophy and function of the mix will not.

Price quotes guaranteed for 30 days.
All prices are FOB Meadville, PA.
Please check our web site at www.ernstseed.com
for current pricing when placing orders.