

## **Flood Plain Certification**

3/14/2025



Re: Flood Plain Overlay Special Permit  
Jerry's Pond Trail, Cambridge, Massachusetts

Dear City of Cambridge, MA:

Pursuant to the Jerry's Pond Project (the Project) Notice of Intent (NOI) Submission plans dated December 12, 2023 and revised February 2 and February 16, 2024, Woodard & Curran has reviewed the proposed grading modifications as depicted on sheet L3.4 for compliance with City of Cambridge, MA Zoning Ordinance 20.70 – Flood Plain Overlay District. Consistent with the documentation provided on February 12, 2024, prepared by Vanasse Hangen Brustlin, Inc. (VHB) during the peer review process, the proposed grading is compliant with the Flood Plain Overlay District requirements.

The Project has received an Order of Conditions (OOC) from the Cambridge Conservation Commission and has been previously approved by the City of Cambridge Planning Board (Planning Board), including a Special Permit for development in the Flood Plain Overlay District. Since receiving Planning Board approval, minor grading modifications have been made to increase flood storage volume at the request of City of Cambridge Public Works and to address peer review comments provided by Kleinfelder, Inc. (Kleinfelder) during the NOI review process.

It is our understanding that the Planning Board requires a Special Permit for development in the Flood Plain Overlay District for the grading modifications described above. The Procedural requirements are met as summarized below:

**Section 20.74(1)** – A detailed landscape plan drawn to a scale of one-inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;

See NOI Plans Revision 2, dated February 16, 2024.

**Section 20.74(2)** - Base flood elevation data, where the base flood elevation is not provided on the FIRM;

See NOI Plans Revision 2, dated February 16, 2024. Base flood elevation (BFE) data is shown on FEMA FIRM Panel 25017C0419E as Zone AE, elevation 7 in the North American Vertical Datum of 1988 (NAVD88). Converted to City of Cambridge datum, the BFE is 18.76 feet. The Special Flood Hazard Area limit and BFE contour are shown on the NOI Plans Revision 2, dated February 16, 2024.

**Section 20.74(3)** - Certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway as specified above in Subsection 20.73 shall not result in any increase in flood levels during the occurrence of the 100-year flood;



Grading from the project does not encroach on the mapped Floodway and is limited to the Floodway Fringe, as certified by this letter.

**Section 20.74(4)** - Such other technical information as necessary to permit the Planning Board to make the findings required in Section 20.75;

See these sections addressed below.

**Section 20.74(5)** - Description of the status of the proposal, pursuant to the requirements of the Massachusetts Wetlands Protection Act, before the Cambridge Conservation Commission, including any Order of Conditions or Determination of Applicability issued;

An Order of Conditions was issued on March 18, 2024.

**Section 20.74(6)** – Four (4) copies of all application materials.

Application materials will be provided in digital form and four hard copies.

**Section 20.75(1)** - No filling or other encroachment shall be allowed in Zone A areas or in the floodway which would impair the ability of these Special Flood Hazard Areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law

See response to Section 20.74(3) above. No fill is proposed in the Floodway or Zone A. Fill is proposed in the Floodway Fringe (Zone AE) and compensatory storage has been provided as documented in VHB's Memorandum to Ms. Jennifer Letourneau, Director of the Cambridge Conservation Commission, dated February 12, 2024.

**Section 20.75(2)** - Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with the following requirements.

See Section 20.75(1) item above. Fill is proposed in the Floodway Fringe (Zone AE) and compensatory storage has been provided as documented in VHB's Memorandum to Ms. Jennifer Letourneau, Director of the Cambridge Conservation Commission, dated February 12, 2024. The compensatory storage calculations were previously prepared by Woodard & Curran and approved by the Conservation Commission and their Peer Reviewer prior to issuance of the Order.



The calculations were recently updated to account for piers and piles proposed for the eco-center pavilion, which were not accounted for in the initial values. Sufficient excess compensatory flood storage volume was proposed with the initial design and is still available considering the updated proposed impacts, as shown below.

Elevation Increment	Helical piers (Permanent Impact, CF)	Coi Logs & Fill along Rindge Avenue (Permanent Impact, CF)	Total Impact (CF)	Proposed Storage Increase (CF)	New Storage (CF)
18.0-18.76	19.5	798	817.5	865	47.5
17.0-18.0	27.4	750	777.4	822	44.6
16.0-17.0	19.3	90	109.3	3762	3652.7
15.0-16.0	11.1	0	11.1	370	358
14.0-15.0	9.6	0	9.6	177	167.4
13.0-14.0	5.6	0	5.6	55	49.4

**Section 20.75(3)** - All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Planning Board may require screening or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

See NOI Plans Revision 2, dated February 16, 2024. Compensatory flood storage has been provided within the same footprint as approved by the Planning Board Decision filed August 16, 2022, included in VHB's Memorandum to Ms. Jennifer Letourneau, Director of the Cambridge Conservation Commission, dated February 12, 2024.

**Section 20.75(4)** - The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, Wetlands Protection Act, and any other applicable laws.

See the 2022 Planning Board Approval (PB-387-36-64) and the Cambridge Conservation Commission Order of Conditions (123-322) issued on March 18, 2024. The project has been previously approved by the Planning Board and Conservation Commission.

**Section 20.75(5)** - Applicants for development in the Alewife area shall be familiar with area specific and general city-wide land use plans and policy objectives (e.g. ConcordAlewife Plan, A Report of the Concord Alewife Planning Study, November 2005; Toward a Sustainable Future, Cambridge Growth Policy, 1993, Update, 2007; Section 19.30 - Urban Design Objectives of this Zoning Ordinance) and shall demonstrate how their plan meets the spirit and intent of such documents in conjunction with the requirements of this Section 20.70 - Flood Plain Overlay District and Section 20.90 - Alewife Overlay Districts 1-6.

See the 2022 Planning Board Approval (PB-387-36-64) and the Cambridge Conservation Commission Order of Conditions (123-322) issued on March 18,

2024. The project has been previously approved by the Planning Board Conservation Commission.

**Section 20.75(6)** - The requirement of Section 20.74(3) has been met.

See Section 20.74(3) item above.



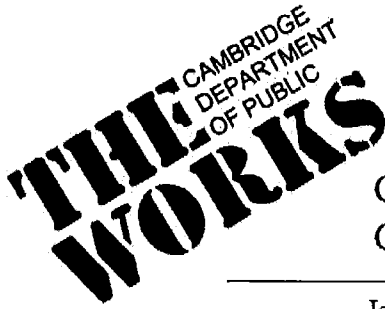
Sincerely,  
Kevin A. McCaffery, PE

A handwritten signature in black ink that reads "Kevin A. McCaffery".

WOODARD & CURRAN, INC.  
Technical Manager



Cc  
Danielle Desilets, KZLA  
Howard Moshier, VHB



City of Cambridge  
Conservation Commission

147 Hampshire Street  
Cambridge, MA 02139  
theworks@cambridgema.gov

P: 617 349 4680  
F: 617 349 4868

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Jennifer Letourneau, Conservation Commission Director

March 18, 2024

Howard Moshier  
VHB  
101 Walnut Street  
Watertown, MA 02472

Re: Conservation Commission Paperwork  
Order of Conditions  
DEP File #123-322

Howard Moshier:

The attached paperwork must be recorded at the Registry of Deeds and the Recording Information must be returned to my office. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Letourneau', is written over the printed name and title.

Jennifer Letourneau, Director  
Conservation Commission

Cc: File  
DEP-Northeast Region



**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:  
 123-322

MassDEP File #

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**A. General Information**

**Please note:**  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

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



1. From: Cambridge  
Conservation Commission

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

3. To: Applicant:

David

a. First Name

Surette

b. Last Name

IQHQ-Alewife, LLC

c. Organization

201 Washington Street

d. Mailing Address

Boston

e. City/Town

MA

f. State

02108

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

36-64 Whittemore Avenue

a. Street Address

Cambridge

b. City/Town

269

c. Assessors Map/Plat Number

138

d. Parcel/Lot Number

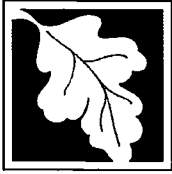
Latitude and Longitude, if known:

42d39m47s

d. Latitude

71d13m91s

e. Longitude



**Massachusetts Department of Environmental Protection**  
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**A. General Information (cont.)**

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

Middlesex South

No. 273807

a. County

b. Certificate Number (if registered land)

75297; 5354

443; 342

c. Book

d. Page

7. Dates: 01/02/2024 02/26/2024 03/18/2024  
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):

See Complete NOI

a. Plan Title

VHB

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

**Approved subject to:**

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





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**B. Findings (cont.)**

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	437 a. linear feet	437 b. linear feet	287 c. linear feet	287 d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	2258 a. square feet	2258 b. square feet	58 c. square feet	58 d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	82 a. square feet	82 b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	5081 a. square feet	5081 b. square feet	13123 c. square feet	13123 d. square feet
Cubic Feet Flood Storage	1724.2 e. cubic feet	1724.2 f. cubic feet	6051 g. cubic feet	6051 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 type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

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

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



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**B. Findings (cont.)**

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

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

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 03/18/2027 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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### C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number                      123-322 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

#### See Attachment

- 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.



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

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No
2. The \_\_\_\_\_ hereby finds (check one that applies):

Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

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

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





**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:

123-322

MassDEP File #

eDEP Transaction #

Cambridge

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.

03/18/2024

1. Date of Issuance

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

1

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

2. Number of Signers

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

Jennifer Letourneau, Director Authorized Signatory for the Cambridge Conservation Commission

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

03/18/2024

Date

Date



**Massachusetts Department of Environmental Protection**  
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### **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:  
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### 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.

Cambridge

Conservation Commission

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

To:

Cambridge

Conservation Commission

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

36-64 Whittemore Avenue

Project Location

123-322

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South

County

Book

Page

for:

IQHQ-Alewife, LLC

Property Owner

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

75297; 5354

Book

443; 342

Page

In accordance with the Order of Conditions issued on:

03/18/2024

Date

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

Instrument Number

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

No. 273807

Document Number

Signature of Applicant

**DEP File #123-322**  
**IQHQ – Jerry’s Pond**  
**Circulation and Access Improvements**  
**Rindge Avenue, Cambridge, MA**

**Documents and Plans:**

The complete file is available for review in the Cambridge Conservation Commission office.

Owner: IQHQ-Alewife, LLC

Applicant: IQHQ-Alewife, LLC

Consultant: VHB

- December 29, 2023: Notice of Intent complete with plans and attachments
- January 18, 2024: Review Memo by Kleinfelder on behalf of the City of Cambridge
- January 22, 2024: Hearing Presentation by Proponents
- February 2, 2024: Response to Comments Memo and Supplemental NOI Materials by Proponents
- February 8, 2024: Commission Site Walk
- February 9, 2024: Review Memo #2 by Kleinfelder on behalf of the City of Cambridge
- February 12, 2024: Hearing #2 Presentation by Proponents
- February 12, 2024: Response to Comments Memo #2 and Revised WPA Form 3 by Proponents
- February 16, 2024: Response to Comments Memo #3 and Supplemental NOI Materials by Proponents
- February 26, 2024: Hearing #3 Presentation by Proponents
- February 26, 2024: Hearing Closed; OOC Approved with Special Conditions

**Special Conditions:**

18. Work shall conform to the Notice of Intent under the Massachusetts Wetlands Protection Act, M.G.L. ch. 131, sec. 40, submitted to the Cambridge Conservation Commission on **December 29, 2023**, and the additional information and modifications outlined in the supplemental documents and plans provided by the applicant and approved on **February 26, 2024**. Specifically, the proposed work shall conform to the most recent revisions to the Notice of Intent document and plans, received by the Commission as stated above.
19. Any further proposed or executed changes in the plans approved under this Order shall require the applicant to seek an amended Order of Conditions or to file a new Notice of Intent, or to inquire of the Cambridge Conservation Commission in writing whether the change or changes is/are substantial enough to require a new filing. Any errors in the plans or information by the applicant shall be considered changes and the above procedures shall be followed.

20. Prior to any work on the site, the applicant shall record this Order of Conditions at the Registry of Deeds. Failure to do so shall be deemed cause to revoke this Order.
21. The applicant shall provide to the Conservation Commission copies of all other Federal, state, and local permits, variances, licenses, or determinations which may be necessary for this project prior to commencing the work authorized thereunder.
22. This Order of Conditions shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede all conflicting contract requirements that are less protective of Wetland Resource Areas.
23. The applicant and its contractor shall keep at least one copy of the approved Order of Conditions on site.
24. The applicant or its agent shall specify to the Commission, prior to commencement of activity on the site, the name and telephone number of the person(s) designated by the applicant to be responsible for compliance with the conditions of this Order on the site and his/her alternate. A pre-construction site meeting shall be scheduled 72 hours in advance of starting work. Erosion/sedimentation controls and tree protection should be installed prior to the site meeting.
25. The applicant shall provide to the Conservation Commission copies of project inspectional reports during construction including but not limited to stormwater pollution prevention inspections and reports associated with the release abatement measure (RAM) plan during construction.
26. The members and agents of the Conservation Commission shall have the right to enter the site to verify compliance with this Order and to require the submittal of additional data deemed necessary by the Commission for that verification. The Commission understands that construction-site safety procedures must be followed during site visits.
27. During project construction and operations, the applicant or its contractors shall provide and maintain free and safe passage for pedestrians and bicyclists along the roads or walkways adjacent to the site.
28. If some unexpected or unforeseen event occurs, that needs to be addressed, all work shall stop until the event can be brought to the attention of the Director of the Commission and a decision made by the Director as to whether it needs to be brought before the Commission.
29. If a workday commences with heavy rain, no work shall take place in the buffer zone or resource area that day. If heavy rain commences after the start of work, all work shall cease in the buffer zone or resource area for that day, and appropriate sedimentation and erosion control shall be in place, to prevent any sedimentation to the pond, bordering vegetated wetlands, and other resource areas.

30. Trucks entering and leaving the site shall have their loads completely covered in compliance with M.G.L. Chapter 85 section 36. The applicant shall also instruct all drivers on site that vehicles shall not idle for longer than 5 minutes in compliance with M.G.L. Chapter 90 section 16A.
31. The responsible parties must coordinate with the Conservation Commission Director and City Arborist if any tree limbs or tree roots need to be cut during the construction activities.
32. Prior to planting, a final planting plan must be submitted. The planting plan will include the locations of trees to be planted. If utility conflicts are identified that will prevent the planting of trees on the north side of Rindge Avenue consistent with the plans reviewed by the Commission at its meeting on February 26, 2024, the applicant will plant new trees elsewhere on the project Site at sites reviewed and approved by the Commission Director and City Arborist. The applicant will plant at least 125 caliper inches (at diameter at breast height (DBH)) of compensatory trees at locations consistent with the foregoing.
33. Prior to submitting a Request for Certificate of Compliance, an Operation and Maintenance Plan must be submitted to the Conservation Commission along with as-built plans and confirmation that the landscape and hardscape have been built, maintained, and/or restored.
34. Prior to submitting a Request for Certificate of Compliance, the replanting plan must be complete and have established over 3 growing seasons.
35. Prior to submitting a Request for Certificate of Compliance, the applicant shall conduct an inspection and evaluation of the ecological values and wetlands functions in the northwest area of Jerry's Pond (the former "Lehigh-Babos" parcel). The evaluation shall assess whether any ecological values and wetlands functions could be improved by additional work on this portion of the property.