



Department of Environmental Protection

Northeast Regional Office

Address: 150 Presidential Way, Woburn, MA 01801 | Phone: 978-694-3200

Maura T. Healey
Governor

Kim Driscoll
Lieutenant Governor

Rebecca Tepper
Secretary

Bonnie Heiple
Commissioner

January 20, 2026

Resident Group
c/o Peter Severance
48a Middlesex Street
Chelmsford, MA 01863

RE: WETLANDS/CHELMSFORD
DEP File #129-0967
Freeman Lake
Superseding Order of Conditions

Dear Mr. Severance,

Following an in-depth review of the file referenced above, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), is issuing the enclosed Superseding Order of Conditions (SOC) approving the project. This SOC allows the project based upon: 1) information contained in the file to date and plans submitted; 2) information gathered during the site inspection; and 3) reasons MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act (the "Act") and Regulations.

The project site is located at Freeman Lake (the lake) which is also known as Newfield Pond in Chelmsford, MA (the "Site"). Freeman Lake is located between Groton Road and Route 3. The lake is approximately 77 surface acres in size with a maximum depth of approximately 26 feet and an average depth of 11.9 feet. Two small boat launches provide public access for recreational use. The watersheds that contribute to the lake include the local surrounding developed areas and diverted flows from Stony Brook, a perennial stream. An outlet control structure is located on the southeast corner of the lake that controls the elevation of water in the lake. Excess water overflows into the outlet control structure and into an intermittent stream that flows back into Stony Brook. The site is bordered by residential properties to the north, east, south and west.

The project as proposed in the Notice of Intent (NOI), filed with the Chelmsford Conservation Commission (the CCC) on April 8, 2025, consists of an Aquatic Management

Program for the Lake that was filed as an Ecological Restoration Limited Project under 310 CMR 10.53(4)(e)5. The purpose of the project is to control non-native nuisance vegetation and algae within the Lake resulting in improved fish habitat, water quality, and slowing eutrophication. The Aquatic Management Program was created to address the Lake management recommendations from the "Update of the Freeman Lake Diagnostic and Management Assessment" performed by TRC. The Aquatic Management Program includes selective aquatic and algae management based on pre and post management monitoring reports. Control strategies include the use of herbicides/algaecides, benthic barriers, and/or manual removal using Diver Assisted Suction Harvesting (DASH). All work will occur within Land Under Water (LUW) which is a jurisdictional resource area under the Act. The project results in approximately 3,571,920 sq. ft. of temporary impacts to LUW.

On July 1, 2025, the CCC issued an OOC approving the project based on its opinion that the proposed project could be conditioned to meet the performance standards set forth in the Regulations and the local Bylaw.

On July 16, 2025, MassDEP received your appeal of the OOC for review and issuance of a SOC. The appeal states that it is your opinion the proposed project: 1) Fails to meet performance standards required of an Ecological Restoration Limited Project by not providing evidence of the extent and severity of the impairment(s); 2) Fails to document the magnitude and significance of the benefits of the project; 3) Fails to describe the magnitude and significance of the impacts of the project that may be modified, converted, and/or lost to comply with 310 CMR 10.53(4)(d)3.

On August 28, 2025, MassDEP conducted a site visit. In attendance were you and other individuals from the Resident Group, members of the CCC, and the applicant and their representatives. At the site visit, MassDEP discussed the project, observed the areas where work is proposed, and reviewed the wetland resource areas present.

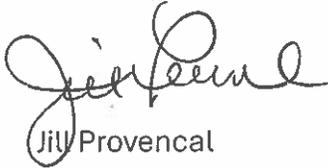
MassDEP's review of the file and site visit confirms that the project site contains the following Areas Subject to Protection Under the Act: Inland Bank and LUW. These areas are significant to the statutory interests listed on the attached form. The proposed project will only occur within LUW.

Based on the information and plans contained in the file, information gathered at the site inspection, and consideration of all issues raised through the appeal, it is MassDEP's opinion that the project as currently proposed meets the criteria of an Ecological Restoration Limited Project in accordance with 310 CMR 10.53(4)(e)5. Further, it is MassDEP's opinion that the applicant has provided sufficient evidence of the impairments of Freeman Lake that are reducing the capacity of the resource areas to

protect and sustain the interests of the Act while also demonstrating how the project will improve the resource area functions in accordance with 310 CMR 10.53(4)(d), respectively. Therefore, it is MassDEP's opinion that the enclosed SOC approving this project serves to protect the interests of the Act and Regulations. Please be advised that it is MassDEP's responsibility to address only those interests identified in the Act. However, MassDEP reserves the right, should there be further proceedings in this case, to raise additional issues and present further evidence as may be appropriate. Should you or any concerned party dispute these findings, your attention is directed to the language at the end of the attached Superseding Order specifying the rights and procedures for appeal.

Should you have any questions regarding this letter, please contact Tyler Ferrick at Tyler.Ferrick@mass.gov.

Sincerely,



Jill Provencal
Section Chief
Wetlands Program - NERO



Tyler Ferrick
Environmental Analyst
Wetlands Program - NERO

cc: Chelmsford Conservation Commission, 50 Billerica Road, Room LL01, Chelmsford,
MA 01824
Town of Chelmsford, 50 Billerica Road, Chelmsford, MA 01824
Attn: Courtney Thompson



Massachusetts Department of Environmental Protection
 Bureau of Water Resources – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #

129-0967

A. General Information

1. From: Northeast Regional Office
 Massachusetts Department of Environmental Protection (MassDEP/the Department)

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

3. To: Applicant:

a. First Name Town of Chelmsford b. Last Name _____
 c. Organization _____
 50 Billerica Road
 d. Mailing Address Line 1 _____
 Chelmsford MA 01824
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address Line 1 _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

Freeman Lake Chelmsford
 a. Street Address b. City/Town
 NA NA
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.62764 71.39433
 e. Latitude f. Latitude



A. General Information (cont'd)

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

NA
 a. County _____ b. Certificate (if registered land) _____
 c. Book _____ d. Page _____

7. Dates: 4/21/2025 7/1/2025 8/28/2025
 a. Date NOI Received b. Date Local Order Issued c. Date of SOC Site Visit

8. Final Approved Plans and Other Documents (attach additional plans or document references):

Notice of Intent Application
 a. Plan Title
 Town of Chelmsford
 b. Prepared By _____ c. Signed and Stamped By _____
 4/8/2025
 d. Final Revision Date e. Scale _____
 Update of the Freeman Lake Diagnostic and Management Assessment March 2025
 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, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

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

2. This Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.



B. Findings (cont'd)

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

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) _____ a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	3,571,920 _____ a. square feet	3,571,920 _____ 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 Cubic Feet Flood Storage	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage	_____ a. square feet	_____ b. square feet	_____ e. cubic feet	_____ f. cubic feet
	_____ c. cubic feet	_____ d. cubic feet		
9. <input type="checkbox"/> Riverfront area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq feet within 100 feet	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq feet between 100-200 feet	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet

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

10. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) _____ a. linear feet
11. Designated Port Areas - Indicate size under Land Under the Ocean, below

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
12. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		

13. Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.



B. Findings (cont'd)

- | | | | | |
|--|-------------------------------------|-------------------------------------|-----------------------------------|-----------------------------------|
| 14. <input type="checkbox"/> Coastal Beaches | a. <u> </u> square feet | b. <u> </u> square feet | c. <u> </u> c/y nourish. | d. <u> </u> c/y nourish. |
| 15. <input type="checkbox"/> Coastal Dunes | a. <u> </u> square feet | b. <u> </u> square feet | c. <u> </u> c/y nourish. | d. <u> </u> c/y nourish. |
| 16. <input type="checkbox"/> Coastal Banks | a. <u> </u> linear feet | b. <u> </u> linear feet | | |
| 17. <input type="checkbox"/> Rocky Intertidal Shores | a. <u> </u> square feet | b. <u> </u> square feet | | |
| 18. <input type="checkbox"/> Salt Marshes | a. <u> </u> square feet | b. <u> </u> square feet | c. <u> </u> square feet | d. <u> </u> square feet |
| 19. <input type="checkbox"/> Land Under Salt Ponds | a. <u> </u> square feet | b. <u> </u> square feet | | |
| | c. <u> </u> c/y dredged | d. <u> </u> c/y dredged | | |
| 20. <input type="checkbox"/> Land Containing Shellfish | a. <u> </u> square feet | b. <u> </u> square feet | c. <u> </u> square feet | d. <u> </u> square feet |
| 21. <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. <u> </u> c/y dredged | b. <u> </u> c/y dredged | | |
| 22. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. <u> </u> square feet | b. <u> </u> square feet | | |
| 23. <input type="checkbox"/> Riverfront area | a. <u> </u> total sq. feet | b. <u> </u> total sq. feet | | |
| Sq feet within 100 feet | c. <u> </u> square feet | d. <u> </u> square feet | e. <u> </u> square | f. <u> </u> square feet |
| Sq feet between 100-200 feet | g. <u> </u> square feet | h. <u> </u> square feet | i. <u> </u> square feet | j. <u> </u> square feet |

C. General Conditions Under Massachusetts Wetlands Protection Act

Brief Project Description of Permitted Activities:

The project proposes an Ecological Restoration Limited Project that includes an aquatic management program to improve the ecological function and value of Freeman Lake/Newfield Pond. The program includes pre and post monitoring surveys. Control strategies include aquatic herbicides and algaecides, benthic barriers, and Diver Assisted Suction Harvesting (DASH). Herbicides and algaecides are EPA/MA approved.



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

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on _____ 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.
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 Department 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, "MA DEP"]

"File Number 129-0967"



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

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 DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.
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 Department in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
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 Department, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to 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.

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



- 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;
 - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMPs 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, and acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

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 (See attached sheet(s) or below for additional Special Conditions numbered 20 through 39).

See special conditions attached.

D. Findings Under Municipal Wetlands Bylaw or Ordinance



Massachusetts Department of Environmental Protection
 Bureau of Water Resources – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #

129-0967

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.

E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a special condition pursuant to General Conditions # 4 or # 6.

Issued by: **Massachusetts Department of Environmental Protection:**

Northeast Regional Office

MassDEP Regional Office

Wetland Section Chief Signature

Jill Provencal

Wetland Section Chief Printed Name

Date

This Order is issued to the applicant as follows:

by Hand delivery on

by certified mail on:

Date

1/20/2026

Date

F. Appeal Rights and Time Limits

The applicant, the landowner, the conservation commission, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – Northeast Region
Wetlands Program
150 Presidential Way, Suite 300
Woburn, MA 01801

In the event that a ten-resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;

F. Appeal Rights and Time Limits (cont.)

- d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;
- f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

G. Recording Information

This Superseding 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 Department.

To: Massachusetts Department of Environmental Protection Northeast Regional Office
Issuing Authority
150 Presidential Way, Suite 300, Woburn, MA 01801
MassDEP Regional Office Address

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

Project Location (Street and Town) 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

SUPERSEDING ORDER OF CONDITIONS
DEP #129-0967
SPECIAL CONDITIONS

20. All work shall conform to the Notice of Intent, plans, reports, and special conditions:

Document or Plan Title	Date (last revised, if applicable)	Prepared By
Notice of Intent	4/8/2025	Water & Wetland
Update of the Freeman Lake Diagnostic and Management Assessment	3/1/2025	TRC

21. The Massachusetts Department of Environmental Protection (MassDEP) finds that because the effectiveness of the invasive/nuisance vegetation management methods and techniques proposed in the Notice of Intent (NOI) may not be evident for several years once their implementation has commenced, this Superseding Order of Conditions (Superseding Order) shall be valid for a period of five (5) years from the date of issuance pursuant to the provisions of 310 CMR 10.05(6)(d), and may be extended by MassDEP for one or more five-year periods beyond the SOC's initial five year duration.

22. This Superseding Order supersedes all previous Orders issued for the project, DEP File #129-0967. All work shall conform to the plans and documentation referenced above unless otherwise specified in the Superseding Order. In case of a conflict, the conditions of this Superseding Order shall prevail.

23. A copy of this Superseding Order shall be included in all construction contracts and shall supersede any conflicting requirements.

24. A copy of this Superseding Order as well as the plans and reports referenced in Special Condition No. 20 shall be available on site while activities regulated by this Superseding Order are being performed. In addition to the owners, all contractors and subcontractors shall be held responsible for compliance with this Superseding Order.

25. No work shall commence on-site until all appeal periods have elapsed and this Superseding Order has been recorded with the Registry of Deeds and MassDEP has been formally notified via the form provided at the end of this Superseding Order.

26. This Superseding Order shall apply to any successor or assigns in interest or control and any other party engaging in activity on the property identified in the NOI. The applicant

shall notify MassDEP in writing within 30 days of all transfers of title of any portion of property that takes place prior to the issuance of a Certificate of Compliance.

27. Any proposed or executed change in the plans approved under this Superseding Order shall require the applicant to inquire of MassDEP in writing whether the change is substantial enough to require a new filing. A copy shall be sent at the same time to the Chelmsford Conservation Commission (CCC). Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

28. Members and agents of MassDEP and the CCC shall have the right to enter and inspect the premises to evaluate compliance with the conditions contained in this Superseding Order and may require the submittal of any data deemed necessary by MassDEP for that evaluation.

29. The applicant shall retain a wetland scientist who will serve as the project's Environmental Monitor (EM). This person shall be competent in wetland ecology and have a minimum of five (5) years of experience in ecological restoration projects and lake/pond management. The applicant shall provide MassDEP, and a copy sent to the CCC, with the name(s), address(es) and telephone number(s) of EM and their alternate including their qualifications and contact information for MassDEP's approval. The EM or their backup shall be available on a 24-hour basis.

30. The EM shall be responsible for overseeing herbicide and algaecide treatments to verify that these management treatments are performed in the locations identified in the annual pre-management surveys. An email documenting compliance shall be emailed to MassDEP and a copy emailed to the CCC following each herbicide and algaecide treatment.

All reports shall be sent to:

Tyler Ferrick
MassDEP Wetlands Program
Northeast Regional Office
150 Presidential Way, Suite 300
Woburn, MA 01801
or via email to Tyler.Ferrick@mass.gov

and shall reference the DEP File No. 129-0967.

31. Annually, but no later than one (1) week prior to the start of the season's first management event, the Applicant shall provide MassDEP and the CCC with the results of the annual pre-management survey each season and provide the proposed lake management activities for the current season/year which is referred to as the Annual Work

Plan. The Annual Work Plan shall include: a map (or maps) of the lake showing the proposed location(s) of herbicide application(s), benthic barrier installation(s), DASH, and manual harvesting of water chestnut; specific herbicides, both brand and common names, proposed for use in each location where application of herbicide is proposed; and, if possible, approximate dates for each management event.

32. As agreed to by the Applicant, at least forty-eight (48) hours in advance of the start of each management event, the Applicant shall:

- a. Notify MassDEP and the CCC Agent via e-mail of planned management event(s). The notifications to MassDEP and the CCC shall identify the type(s) of event(s) scheduled, their location(s), and date(s) of application. Any management events involving the application of herbicides shall also identify the brand and common names of the herbicide(s) to be used.
- b. Post on the Town of Chelmsford website a public notice with the information cited in Condition #32a above.
- c. Provide MassDEP and the CCC Agent with the name and contact information of the on-site contractor employee who will be responsible for overseeing day-to-day management event(s).

33. As agreed to by the Applicant, no later than ten (10) calendar days in advance of every scheduled herbicide application event, the Applicant or Applicant's Contractor shall:

- a. Send by regular USPS mail (certified mail not necessary) 'NOTIFICATION OF AQUATIC TREATMENT' notices to all abutters to the lake. The 'NOTIFICATION OF AQUATIC TREATMENT' shall include the scheduled date(s) of application(s) and describe the restrictions on water use, and their duration, associated with the application(s).
- b. Publish the public notice/notification in The Lowell Sun.
- c. No later than seven (7) calendar days in advance of the start of every scheduled herbicide application event, the Applicant or Applicant's Contractor shall:
Post, at a sufficient number of appropriate locations around the perimeter of the lake, 'WARNING' notices displaying the scheduled application date(s) and describing the restrictions on water use, and their duration, associated with the application(s).

34. If any unauthorized and/or unexpected issues are encountered during the course of a management event(s), the MassDEP and the CCC shall be immediately notified and provided with a report via e-mail describing the issue and steps taken to correct the problem.

35. Following each site visit by lake/pond management personnel, MassDEP and the CCC shall be provided with a summary of the "Field Notes" no later than one (1) week after the Applicant's receipt of the same from the contractor, as specified in the NOI filing.

36. MassDEP shall be provided with the annual year-end survey status report on the lake's condition no later than one (1) week after the Applicant's receipt of same from the

contractor. A copy shall also be sent to the CCC. If possible, the year-end status report shall include indications for the following year's Annual Work Plan.

37. As agreed to by the Applicant, the Applicant or Applicant's contractor shall place a suitable number of orange highway cones (provided by the Applicant) to block pedestrian access to the public beach on the dates of scheduled herbicide applications.

38. Storing, servicing, or cleaning of equipment, including but not limited to fueling, changing, adding, or applying lubricants or hydraulic fluids, or washing/rinsing of trucks or equipment, shall be performed outside the 100-foot Buffer Zone unless prior authorization is obtained from MassDEP.

39. Upon completion of the project, the Applicant shall request a Certificate of Compliance (WPA Form 8A) from MassDEP and shall submit supporting information demonstrating compliance with the approved plans and the special conditions specified in this SOC and setting forth deviations if any exist.

