

APPENDIX F
NEEDHAM ORDER OF CONDITIONS



Planning & Community Development Dept.

Conservation Division
500 Dedham Avenue
Needham, MA 02492
781-455-7550 ext. 72272
www.needhamma.gov

VIA OFFICE PICKUP AND EMAIL:

Signature: _____ Date: _____

To: Colleen Rizzi
Massachusetts Water Resources Authority
2 Griffin Way
Chelsea, MA 02150

From: Tim Puopolo, Conservation Specialist *TP*

Re: **MWRA Needham Dewatering Drainage Line**
DEP File #234-974

Date: August 31, 2026

I have enclosed both an original and a copy of the Order of Conditions issued by the Needham Conservation Commission for the proposed project at 161 Highland Avenue. **The original must be recorded at the Registry of Deeds, and proof of recording must be provided to the Conservation Department prior to the start of work. A pre-construction meeting must take place on-site prior to the start of work.**

Please remember that at the completion of the project a Certificate of Compliance must be requested, approved by the Conservation Commission and recorded in the Registry of Deeds to remove the encumbrance placed on the property title by the Order of Conditions.

If you have any questions, please contact our office at (781) 455-7550 x 72272.

Thank you.

cc: Colleen Rizzi (Colleen.Rizzi@mwra.com)
Paul Savard (Paul.Savard@mwra.com)
Andrew Foley (Andrew.Foley@mwra.com)
David Abt (David.Abt@mwra.com)
Will Walkup (walkupw@bv.com)
Michael LaValle (Michael.LaValle@mwra.com)
Julianne Sullivan Thakur (Julianne.SullivanThakur@mwra.com)
MA Department of Environmental Protection
File



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:
MassDEP File #:234-0974
eDEP Transaction
#:2042253
City/Town:NEEDHAM

A. General Information

1. Conservation Commission		NEEDHAM	
2. Issuance		a. ☒ OOC	b. ☐ Amended OOC
3. Applicant Details			
a. First Name		b. Last Name	
c. Organization		MASSACHUSETTS WATER RESOURCES AUTHORITY	
d. Mailing Address		2 GRIFFIN WAY	
e. City/Town	CHELSEA	f. State	MA
		g. Zip Code	02150
4. Property Owner			
a. First Name		b. Last Name	
c. Organization			
d. Mailing Address			
e. City/Town		f. State	
		g. Zip Code	
5. Project Location			
a. Street Address		I-95/HIGHLAND AVENUE INTERCHANGE	
b. City/Town	NEEDHAM	c. Zip Code	
d. Assessors	MULTIPLE, SEE ATTACHED	e. Parcel/Lot#	MULTIPLE, SEE ATTACHED
Map/Plat#	PROPERTY LIST		PROPERTY LIST
f. Latitude	42.30626N	g. Longitude	71.22096W
6. Property recorded at the Registry of Deed for:			
a. County	b. Certificate	c. Book	d. Page
NORFOLK		33014	523
NORFOLK		3637	13
7. Dates			
a. Date NOI Filed : 7/29/2026	b. Date Public Hearing Closed: 8/27/2026	c. Date Of Issuance: 8/31/2026	
8. Final Approved Plans and Other Documents			
a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date: e. Scale:
MASSACHUSETTS WATER RESOURCES AUTHORITY METROPOLITAN WATER TUNNEL PROGRAM NEEDHAM DEWATERING DRAINAGE LINE NEEDHAM, MASSACHUSETTS	WSP USA	WILLIAM SMITH WALKUP, CIVIL P.E. #56210	07/07/2026 1" = 20'



Massachusetts Department of Environmental Protection

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SPECIAL
CONDITIONS -
EXHIBIT A

TOWN OF
NEEDHAM

08/27/2026

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

Approved subject to:

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

Denied because:

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

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

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☒ Bank	32 a. linear feet	32 b. linear feet	16 c. linear feet	16 d. linear feet



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5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☒ Land under Waterbodies and Waterways	965	965	490	490
	a. square feet	b. square feet	c. square feet	d. square feet
	80			
	e. c/y dredged	f. c/y dredged		
7. ☒ Bordering Land Subject to Flooding	415	415	415	415
	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	0		0	
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ 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. ☒ Riverfront Area	14225	14225		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	9725	9725	9415	9415
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	4500	4500	4500	4500
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds				

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a. square feet b. square feet

c. c/y dredged d. c/y dredged

19. Land Containing Shellfish

a. square feet b. square feet c. square feet d. square feet

20.7 Fish Runs

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

c. c/y dredged d. c/y dredged

21.7 Land Subject to Coastal Storm Flowage

a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

┐ Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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



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- the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
 8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
 10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "234-0974"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the



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Provided by MassDEP:

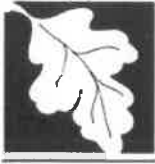
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following conditions;

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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- 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 EXHIBIT A FOR FINDINGS AND CONDITIONS ADOPTED UNDER THE MA WETLANDS PROTECTION ACT (M.G.L. CH. 131 S. 40) AND THE NEEDHAM GENERAL WETLANDS PROTECTION BYLAW (ARTICLE 6), MADE PART HEREOF



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

2. The Conservation Commission hereby (check one that applies):

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☐ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____

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:



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E. Signatures

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

8/31/2026

1. Date of Original Order

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

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.

Signatures:

William Hebard

Dave Herer

Fred Moder

Clary Coutu

Reade Everett

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land



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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.

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

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

08/31/2026

1. Date of Issuance

1 on behalf of 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.



Signature

Timothy Puopolo, Conservation Specialist
 (Duly Authorized Book 42723 Page 143,
 Land Reg. Office of Norfolk County)

Printed Name

Dave Herer

Signature

Printed Name

Clary Coutu

Signature

Printed Name

Reade Everett

Signature

Printed Name

William Hebard

Signature

Printed Name

Fred Moder

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

08/31/2026

Date

Date



**Massachusetts Department of Environmental
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subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

NEEDHAM

Conservation Commission

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

To:

NEEDHAM

Conservation Commission

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

I-95/HIGHLAND AVENUE INTERCHANGE

Project Location

234-0974

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Rev. 4/1/2010

**ORDER OF CONDITIONS
DEP FILE NO. 234-974
EXHIBIT A**

Project: This Notice of Intent is for the Needham Dewatering Drain Line (NDDL) which is required to be in place before the start of the Metropolitan Water Tunnel Project (MWTP). This involves a new line to be constructed beneath I-95 and extend to the Charles River where a discharge point will be constructed. All discharged water will be treated, and the discharge point is a 36-inch pipe extended 14 feet into the Charles River at a rip-rap scour protection outfall.

Applicant: Colleen Rizzi
Massachusetts Water Resources Authority (MWRA)
2 Griffin Way
Chelsea, MA 02150

Owners: Multiple –

Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

163 Highland Owner LLC
411 Theodore Fremd Avenue Suite 300
c/o Acadia Realty Trust
Rye, NY 10580

Commonwealth of Massachusetts
Department of Conservation and Recreation
State Transportation Building
10 Park Plaza, Suite 6620
Boston, MA 02116

Location: I-95/Highland Avenue Interchange to Charles River via Brook Road, Arlington Road, Charles Street and 161 Highland Avenue; 60 Charles Street

Documents of Record:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received July 29, 2026.
- ☐ Plan Set entitled: “Massachusetts Water Resources Authority Metropolitan Water Tunnel Program Needham Dewatering Drainage Line Needham, Massachusetts”, prepared by WSP USA, stamped and signed by William Smith Walkup, Civil P.E. #56210 dated July 7, 2026.

FINDINGS OF FACT:

This project is being filed under the MWRA’s enabling legislation (Chapter 372 of the Acts of 1984) which describes that the MWRA is not subject to local wetlands protection Bylaws that exceed the Act. The project site is a 1,250+/- linear foot corridor extending easterly from the I-95/Highland Avenue interchange to the Charles River within the northeast portion of Needham.

Wetland resource areas identified within the project site include Bank of the Charles River, the 100-foot Buffer Zone to the Bank of the Charles River and its associated 200-foot Riverfront Area. In addition, there is an intermittent stream with Bank and the 100-foot Buffer Zone to Bank. Bordering Land Subject to Flooding (BLSF) and Land Under Waterway (LUWW) are all present associated with the Charles River. The project includes a construction level erosion and sediment control plan, a dewatering plan, and restoration measures.

The overall project will provide redundancy to the MWRA's metropolitan water supply system that will allow MWRA to continue to provide water services to the affected towns when the existing tunnel is out of service, the ability to perform maintenance on existing tunnels years round, meet high-demand flow with no seasonal restrictions and avoid activation of emergency reservoirs. The project will consist of constructing two (2) deep rock water supply tunnels to provide redundancy for MWRA's existing Metropolitan Tunnel System. The tunnels will span approximately 15 miles and include below ground structures such as shafts, connection valves, and underground pipelines. A portion of the southern tunnel will extend through Needham.

The purpose of this filing is for the installation of the Needham Dewatering Drain Line (NDDL). The NDDL is an enabling project required to be in place and serviceable before tunnel construction begins and for future operation of the MWTP

The NDDL will:

- Convey and discharge construction-period dewatering from tunnel boring operations.
- Convey and discharge flushing water during MWTP start-up.
- Provide a discharge point to drain the tunnel for inspections, maintenance, and repairs (if needed) during the South Tunnel's service life.

The project entails installation of a 36-inch pipe extending the length of the corridor, eight (8) drainage manholes, an outfall at the Charles River, and associated restoration activities. Two types of construction methods will be used to install the drain line. A trenchless excavation under the I-95 off-ramp and on-ramp and open cut excavation for the remainder of the corridor. The project also entails replacing the existing 288-foot-long 12-inch A/C sewer line with a 12-inch PVC pipe. Open cut excavation will be used to remove and replace the sewer line.

At the Charles River, the drainage line will extend into the river approximately 14-feet and discharge to a rip-rap erosion/scour protection outfall. The outfall will measure approximately 20-feet wide by 30.5-feet long. Within the footprint of the drainage line/outfall, the riverbed will be excavated to sub-grade elevations and back-filled with a gravel and rip-rap layer prior to placement of the drainage line.

The approximately 1-year construction period is anticipated to commence Winter 2026/2027. A coffer dam and turbidity curtain will be installed in the Charles River for the duration of the work in that outfall. The activities to be located in jurisdiction include construction access, drainage line installation, dredging, installation of the outfall, and dewatering activities. Conversion of a forested slope to a rip-rap slope will require the removal of six (6) living and two (2) dead trees.

As part of this project, MWRA will also replace a segment of the Town of Needham's 12-inch sewer line.

Dewatering Drainage Line Wetland Resource Area Impacts

Wetland Resource Area	Permanent Impacts	Temporary Impacts	Total
LUWW (SF)	475	490	965

BANK (LF)	16	16	32
Riverfront Area (SF)	310	8,210	8,520
BLSF (SF)	0	260	260

Portions of the NDDL and associated outfall structure will be located within the 100-foot Buffer Zone to Bank of an intermittent stream, 100-foot Buffer Zone to Bank of the Charles River, the 200-foot Riverfront Area to the Charles River, Bordering Land Subject to Flooding (BLSF), and on the Bank and within Land Under Waterway (LUWW) of the Charles River. Erosion controls are proposed. In areas where there is existing lawn that will be disturbed, the Applicant will install a native seed mix in lieu of re-installing lawn.

The site is not located in Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No Certified or Potential Vernal Pools are identified within or adjacent to the proposed site.

SPECIAL CONDITIONS:

GENERAL

1. Except where modified by the following conditions, all work shall be performed in accordance with the plans and the Notice of Intent referenced above.
2. The Needham Conservation Commission and Needham Conservation Department staff reserve the right to enter upon the premises to inspect the work for compliance with the Order of Conditions.
3. If any change is intended to be made in the work permitted hereunder, the Applicant shall submit a written request to the Commission with plans that reflect the proposed changes. The Commission shall review said request and plans and may require the applicant to submit a request for amendment to the Order of Conditions. No changes shall be made prior to said written request to the Commission and approval thereof. Failure to comply with this condition shall be deemed a violation of the Order and may result in the issuance of enforcement actions to the fullest extent of the law.
4. If any change is made, altered, or revised without prior approval of the Commission, or if erosion, siltation or other adverse impact to the Resource occurs, the Commission may impose additional conditions as necessary to protect the interests of the Wetlands Protection Act.
5. Unless shown on the approved plans, this Order of Conditions does not permit the installation of any perimeter or foundation drains that connect to the municipal drainage system. Any such proposed system is subject to review and approval through the Request for an Amended Order of Conditions process.
6. This Order of Conditions supports the 314 CMR 9.00 Section 401 of the federal Clean Water Act, 33 U.S.C. 1251 Water Quality Certificate.

PRE-CONSTRUCTION

7. A copy of the approved plans, the Notice of Intent, and this Order of Conditions must be provided to the Contractors prior to the commencement of work.

8. Any person performing work on the activity that is the subject of this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order. The Applicant must provide the Commission with the names, addresses, e-mails and telephone numbers of the persons responsible for site supervision and compliance with this Order. Such persons shall have authority, among other things, to receive comments from the Conservation Commission and/or their Agent, and to direct any contractor working on the site to take measures to control erosion and sedimentation or otherwise protect the Resource Area, and to order all or any portion of the work to cease.
9. Signs shall be displayed along the project site at reasonable intervals and be 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 234-974." Such sign shall be located as to be visible to the public. The sign shall NOT be affixed to a living tree.
10. Erosion controls shall be installed at the limit of work as shown on the approved plan, and in accordance with the manufacturer instructions. Any substitute erosion control barrier must be approved by the Conservation Commission or their designee prior to installation. Hay bales are not an approved barrier due to the presence of weed seeds. No work may proceed until the Conservation Commission, or their Agent has inspected and approved the installation of the erosion control barrier.
11. **Prior to commencing any activity subject to this Order, the Applicant and contractor(s) shall meet with the Conservation Commission or their designee at the project site to review this Order of Conditions. At (or prior to) this meeting the applicant shall submit evidence that this Order has been filed at the Registry of Deeds. At the meeting, the DEP file number signs and erosion control barrier will be available for inspection by the Conservation Commission or their designee. Site meetings shall be scheduled with Conservation staff as each new portion of the project is beginning.**
12. The Applicant shall notify the Conservation Office at least three (3) business days before any work begins (781-455-7550 x72248 or conservation@needhamma.gov).
13. The Conservation Department shall be sent copies of all Permits the Applicant obtains as part of this project, for their records.

CONSTRUCTION

14. No work, disturbance or alteration shall occur on the Resource Area side of the erosion controls which shall serve as the limit of work. No heavy equipment may operate beyond the limit of work at any time.
15. The Applicant shall remove all silt caught by the erosion control barrier periodically. In no event shall the silt be allowed to collect to a height greater than six inches.
16. Any discharge of water will follow the permit requirements under the MWRA Project National Pollutant Discharge Elimination System (NPDES) and the US Army Corps of Engineers (USACE) permits.
17. Erosion control barriers must be regularly inspected by the Applicant and be continually maintained in good condition until all upgradient areas have been permanently stabilized with vegetation or other approved means and all construction is completed. No erosion controls may be removed without the approval of the Conservation Commission or their designee.
18. At no time shall silt or sediment be allowed to enter the resource area. The Commission must be notified within 24 hours if any silt or sediment enters any resource area or drainage system.

19. No fueling or maintenance of vehicles shall be allowed within the 100-foot Buffer Zone.
20. No soil stockpiling within any areas under Wetlands Protection Act jurisdiction.
21. All man-made debris to be removed from the site (including, but not limited to, fencing, concrete and other debris) shall be disposed of in compliance with applicable regulations.
22. No construction materials, debris, leaves, or other materials shall be deposited, intentionally or unintentionally, within Resource Areas or downgradient of the limit of work.
23. In the event that earthwork ceases for more than 30 days, all exposed soils must be stabilized with a temporary vegetative cover, straw mulch, or other method of erosion control accepted by the Massachusetts Department of Environmental Protection.

PLANTING WORK & MONITORING

24. Although the work involves removal of eight (8) trees within jurisdiction, the Applicant is not required to follow the Needham Wetlands Protection Bylaw and Regulations, Tree Removal and Protection Policy, no tree replacement is required; however, the Applicant has agreed to replace areas that were previously lawn, but disturbed by construction, with a native seed mix in lieu of lawn.

POST-CONSTRUCTION

25. A Certificate of Compliance Request shall be submitted in writing on WPA Form 8A. An As-Built plan showing all structures and grading, signed and stamped by a Professional Engineer or Registered Land Surveyor, must be submitted to the Commission at the time a Certificate of Compliance is requested. This plan shall be accompanied by a separate certificate signed by a Registered Surveyor or Professional Engineer stating that all work has been completed strictly in accordance with the Order of Conditions. If such work has not been so completed, this Certificate must describe any deviations from the plans as approved by the Commission.
26. It shall be presumed that any work or alteration, which includes, but is not limited to, building, grading, clearing, dumping of leaves or other landscaping debris or other materials, mowing or in any way disturbing the areas protected by the Act and By-law that is inconsistent with, or not specifically authorized by, this Order of Conditions shall require the filing of a new Notice of Intent, and the issuance of an Order of Conditions from the Conservation Commission. **This condition shall survive the issuance of a Certificate of Compliance.**