



Commonwealth of Massachusetts  
Town of Wrentham  
**Conservation Commission**

79 South Street, Wrentham, MA 02093

TEL: (508) 384-5417  
FAX: (508) 384-3174



**ORDER OF CONDITIONS  
WRENTHAM WETLAND PROTECTION BYLAW**

The Wrentham Conservation Commission (“the Commission”), pursuant to the authority granted to it under Article 7.31 of the Bylaws of the Town of Wrentham (the Wrentham Wetland Protection Bylaw), hereby makes the following findings and decision with respect to the Notice of Intent described below:

**I. DESCRIPTION DEPSE 351-1175.**

**APPLICANT: Sara J. Marks, Trustee, Meadowbrook Realty Trust**

**PROPERTY LOCUS: 35 Gilmore Road**

**OWNER: same**

**TITLE REFERENCE: Norfolk County: Book 21030 Page 374**

Certificate No. (if registered)

**ASSESSORS MAP/LOT Map K-09 Block 5 Lot 8**

The Notice of Intent for this project was filed on 01/25/22

The Hearing for this Notice was closed on 02/10/22

The Order of Conditions was issued on 03/01/22

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**II. RELATED PROCEEDINGS UNDER G.L. c. 131, Sec. 40**

This Order of Conditions is issued in conjunction with the Order of Conditions issued pursuant to G.L. c. 131, Sec. 40, the Wetlands Protection Act (“the Act”), under DEP Wetlands File No. **DEPSE 351-1175** with such Superseding or Final Orders of Conditions as may be issued by the Department of Environmental Protection in the same, matter, and shall be recorded therewith. All General Conditions and Special Conditions included in the Order of Conditions issued under the Act and recorded herewith are incorporated by reference herein.



**Town of Wrentham  
Order of Conditions  
Article 7.31**

**General Bylaw for Wetland Protection**

**DEP# SE-351- 1175**

**Location: 35 Gilmore Road**

**Map: K-09, Block 5, Lot 8**

**Recorded at Registry of Deeds: Book: 21030 Page: 374**

**Applicant: Sara J. Marks, Trustee - Meadowbrook Realty Trust**

**Address: 35 Gilmore Road Wrentham, MA 02093**

**Property owner if different: same**

ISSUED BY THE WRENTHAM CONSERVATION COMMISSION on 03/01/22

**Signatures:**

\_\_\_\_\_  
Leo Immonen

\_\_\_\_\_  
Seth M. Jensen

\_\_\_\_\_  
Dianne Demarais  
  
\_\_\_\_\_  
Julie Garland

\_\_\_\_\_  
Maria Jomides  
\_\_\_\_\_  
Richard Bassett

\_\_\_\_\_  
Delana Reardon

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Detach on dotted line and submit to:

**Wrentham Conservation Commission, 79 South St., Wrentham, MA 02093 prior to commencement of work.**

**Wrentham Conservation Commission: - DEPSE 351-1175**

Please be advised that the Order of Conditions has been recorded at the Norfolk Registry of Deeds and has been noted on the chain of title of the affected property in accordance with Special Condition 13 on \_\_\_\_\_ (date).

Book \_\_\_\_\_, Page \_\_\_\_\_

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

If registered land, the document number which identifies the transaction is: \_\_\_\_\_

Signature \_\_\_\_\_ Applicant/Representative.

**SPECIAL ORDERS OF CONDITIONS ISSUED UNDER THE AUTHORITY OF:**

The Wrentham Wetlands Protection Bylaw (the “Bylaw”), Article 17.31 of Town of Wrentham General Bylaws, and the Massachusetts Wetlands Protection Act (the “Act”), M.G.L. Chapter 131, Section 40, to: **35 Gilmore Road, DEP# SE-351-1175**

The Owner<sup>1</sup> proposes to construct stone steps from an existing home to within 15 feet of Lake Pearl. The approved Project will alter approximately 1,000 square feet of the wetland buffer zone and will come no closer than 10-feet to the nearest Resource Area. The Wrentham Conservation Commission (the Commission) recognize that the following are the approved Plans for conducting the Work at the Project

- *35 Gilmore Road, Septic System As-Built*, Landmark Engineering with amendments by Mr. Conrad, 7/11/02, 1 sheet, showing a set of stairs and proposed 12’ x 15’ patio.
- *Notice of Intent*, submitted for the Project.
- *Determination from the Massachusetts Division of Fisheries and Wildlife*, February 14, 2022.

The following Special Orders of Conditions that are applicable under the Act and the Bylaw:

**PRIOR TO ANY WORK**

21. **Read and Understand the Official Plans and any attachments:** The Owner and Contractors shall read and comply with these Orders, perform the Work as described on the Plans. Failure to comply with these Orders is a violation that may subject the Owner and Contractors to fines, criminal charges, and civil action. A copy of these Orders and the Plans must be kept on the Property in a location known to all workers.
22. **Post the Bond:** The Owner shall post funds through a bond, tripartite agreement, or passbook savings account with the Town named as co-holder in the amount of \$1,460. The purpose of the bond is to ensure that adequate stabilization of the Property may be performed by the Commission if the Owner fails to act. The calculation of the bond is shown in the Findings Section of these Orders. Seven days after the Commission notifies the Owner to perform actions to protect any Resource Area, and the Commission believes that the Owner has not acted to prevent erosion and sedimentation, the Commission shall use the funds to stabilize the Property. The bond, or bond amount remaining after any necessary action by the Commission, will be released once the Certificate of Compliance has been issued.
23. **Record the Orders at the Registry of Deeds:** The Owner shall provide the Commission with proof of filing of these Orders with the Norfolk County Registry of Deeds. If proof is not received within 30 days, the Commission may file this Order with the Registry of Deeds and no Certificate of Compliance will be issued until the Commission is reimbursed for all related costs. These Orders are valid for three years following the date

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<sup>1</sup> Capitalized terms are defined at the end of these Orders of Conditions unless they are defined within this text or the Act or Bylaw.

- b. Allow no stormwater flows from any altered area in a concentrated, channel.
- c. Any disturbed ground within the buffer zone or within 50-feet of any stormwater structure is stabilized with erosion control blankets, jute netting, or wood chip mulch at least 3-inches deep within 48 hours.
- d. Prevent the introduction of invasive plant or insect species in accordance with good horticultural practice within the parameters established by these Orders. Stands of invasive plants on the permitted property that extend onto other properties, to the extent practicable, shall be eliminated with permission of the abutting property owners.

## COMPLETING WORK

- 29. **Phase and Project Completion:** When Work is complete, all debris removed, all surfaces stabilized as shown on the Plans, and the Contractor believes the Property to pose no potential for erosion, notify the Commission in writing for an inspection. If the Commission determines that the phase or Property is stable, it will issue a written determination that the erosion control devices and limit of work fence for that phase or the Project may be removed.
- 30. **Resource Area Improvement:** Within the disturbed area flanking the staircase landscaping shall consist of native plantings. The Owner may contact the Commission as to acceptable plantings and other features that are appropriate for the setting and to ensure that invasive, non-native plants and insects are not introduced.
- 31. **WORK DOCUMENTATION:** After the Conservation Commission has allowed the erosion control devices to be removed under Work Closeout, an As-Built Plan must be prepared that shows the Work Area, structures in and near the Work Area, the Limit-of-Work, and all the other features that were shown on the original, approved plan for the Work.

## OTHER PROVISIONS

- 32. **INSPECTIONS:** Members and Agents of the Commission shall have the right to enter and inspect the property to evaluate and ensure the compliance with these Orders and performance standards stated in this Order, the Act, the Bylaw, and 310 CMR 10.00. The Owner must notify the Commission of any Inspections as set forth in the Operations and Maintenance Plan and invite them to accompany the inspector until a Certificate of Compliance is issued. The Commission or its Agents may acquire any information, measurements, photographs, observation, and/or materials or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.
- 33. **OWNERSHIP TRANSFER:** This Order shall apply to any successor in interest or successor in control of the Owner. Upon the transfer of the Property, the new owner shall provide an affidavit to the Commission, signed and dated by the purchaser, that states "I (the purchaser) am aware of these Orders and any superseding Order of Conditions and

- iv. Show the limit of work that was performed within the buffer zone and note its condition. Photos of the work may also be submitted.
  - v. Show all impervious surfaces and point discharges for storm water or any other water flows that have changed from the original site conditions.
  - vi. Note any required elements set forth in the Orders of Conditions (i.e., bounds) or any items that were a part of the Plan within the Buffer Zone.
- e. Certificates of Compliance will be issued within 28 days of the request providing the above criteria have been met.

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## END OF ORDERS OF CONDITIONS

### FINDINGS

With respect to the Massachusetts Wetlands Protection Act and Wrentham Wetlands Protection Bylaw the jurisdictional areas protected include: bank and land under water. The work will be performed in the watershed of the Charles River.

#### Project constraints and considerations:

##### Terrain: steep slopes

- The Commission finds that the Project has steep slopes over a short area but that the proposed Work does not pose a high risk.

50-foot No-Build: The lot and area was altered prior to 1999 and the Wrentham Wetland Protection Bylaw.

The Commission finds that the performance of the work may alter the resource area unless the project is performed as outlined in the plans and these Orders of Conditions. The Interests protected by the Wetlands Protection Act and the Wrentham Wetlands Protection Bylaw were not rebutted by the applicant, who offered no evidence to rebut them.

#### Financial Assurance for Work

To ensure protection of the Interests in the Act and Bylaw a bond is established to ensure stabilization of the site and prevent damage to the Interests cited if the owner fails to act.

Calculation of Bond			
Activity	Rate	Amount	Cost
Erosion Control Barrier on steep slopes <sup>1</sup>	\$24/linear foot.	40 ft.	\$960
Grading on steep slopes	50¢/ft <sup>2</sup>	1000 ft <sup>2</sup>	\$500
Total Bond			\$1,460
<sup>1</sup> A steep slope is greater than or equal to 5% (a 5-foot vertical difference in 100-feet horizontal) over any slope distance greater than 10 feet. <sup>2</sup> Slopes less than steep are those that are less than 5% and have a continuous run of 100-feet or more.			

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END