





**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:  
 351-1176  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wrentham  
 City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Norfolk  
 a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_  
 11769 \_\_\_\_\_ 722 \_\_\_\_\_  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 04/27/22 01/26/23 02/21/23  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Site Plan for Sheldon West - See Special Orders for complete list of other documents  
 a. Plan Title \_\_\_\_\_  
 Howard Stein Hudson \_\_\_\_\_ Katie Enright, P.E.  
 b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
 11/11/22 & 12/8/22 \_\_\_\_\_ 1:20 \_\_\_\_\_  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_  
 Supplemental Data Report \_\_\_\_\_ 11/22 \_\_\_\_\_  
 f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



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**B. Findings (cont.)**

**Denied because:**

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input 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 type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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**B. Findings (cont.)**

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

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



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## B. Findings (cont.)

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

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

### The following conditions are only applicable to Approved projects.

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



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

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            351-1176 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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





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

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

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

**21-37**

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



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## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wrentham Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
 

1. Municipal Ordinance or Bylaw	2. Citation
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.	
  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 

<u>Wrentham Wetlands Protection By Law</u>	<u>Article 7.31</u>
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

21-37

**SPECIAL ORDERS OF CONDITIONS ISSUED UNDER THE AUTHORITY OF:**  
Chapter 375, Wetland Protection (the “Bylaw”) of the Code of Wrentham and the Massachusetts Wetlands Protection Act (the “Act”), M.G.L. Chapter 131, Section 40, to:

**1139 West Street, DEP# SE-351-1176**

**Project Description and Controlling Documents:** The Owner<sup>1</sup> proposes a Project that will alter approximately 14,218 square feet of the 100-foot buffer zone to wetland Resource Areas to construct a Senior Living Community. The approved Project will come no closer than 67-feet to any Resource Areas and no nearer than 200-feet of the mean annual high-water mark of a Perennial Stream. This Project is a portion of an overall effort by the Owner to construct a Senior Living Facility on two properties, the other half being 20 Hancock Street.

Another portion of this Project is the restoration of a perennial stream by the removal of a piped crossing. Currently, this piped crossing is on this property, 1139 West Street, Wrentham Assessor’s Map Block G3-Block 1-Lot 14. The submitted Plans show that the existing lot boundary is to be “extinguished” and the area of the stream restoration to become part of the 20 Hancock Street, Wrentham Assessor’s Map Block G3-Block 1-Lot 19 property which the Owner now controls.<sup>2</sup>

The stream had at some point in the past been altered by bridging with a covered, 24-inch, steel pipe to allow access for agriculture. With the abandonment of that use, the pipe must be removed and the stream restored to free-flowing conditions. The applicant has supplied a plan for that restoration, *Site Plan for Sheldon West, 1139 West Street*, Revised 12/8/22, Sheet 9 of 9. That Work will alter an estimated 4,000-square feet of the Buffer Zone and 120-square feet of the stream bottom. Limitations on the Work are described below in Condition #30.

The Wrentham Conservation Commission (the Commission) approves the Project as depicted on the following plans and documents (collectively described as the “Plans,” herein):

- *Notice of Intent, WPA Form 3*, signed by the applicant on 4/21/22.
- *Site Plan for Sheldon West, 1139 West Street, Wrentham, MA 02093*, Howard Stein Hudson, Chelmsford, MA. REVISED 11/11/2022, 35 sheets.
- *Site Plan for Sheldon West, 1139 West Street, Wrentham, MA 02093*, Howard Stein Hudson, Chelmsford, MA. REVISED 12/8/2022, 9 sheets.<sup>3</sup>
- *Supplemental Data Report, Sheldon West, 1139 West Street and 20 Hancock Street, Wrentham, Massachusetts*. Howard Stein Hudson, Chelmsford, MA. LAST REVISION November 2022, 617 pages.
- Stormwater Pollution Prevention Plan for Construction Activities at Sheldon West/Sheldon Meadow – 1139 West Street/20 Hancock Street, Wrentham, MA. Howard Stein Hudson, Chelmsford, MA. October 25, 2022, 219 pages.

<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.

<sup>2</sup> *Site Plan for Sheldon Meadow, 20 Hancock Street*.... Revised 11/11/22, Sheet 4 of 39.

<sup>3</sup> The two plan sets: 39 pages, 11/11/2022 and 9 pages, 12/08/2022, should be complimentary to each other in completing the project. Although issued with identical titles and having different dates both are to be followed.

- *Fill Protocol Memorandum*, Howard Stein Hudson, 02/06/2023, 2 pages.

The following Special Orders of Conditions (the “Orders”) are issued under the Act and Bylaw and may dictate additional, or modification of, Plan methods:

### **PRIOR TO ANY WORK**

The following actions performed before any Work at the Site are necessary to ensure that the project follows the approved plans that have been reviewed and to ensure that the Interests in the Act and Bylaw are protected. Failure to comply with these Orders is a violation that may subject the Owner and Contractors to fines, criminal charges, and civil action.

21. **Read and Understand the Official Plans and any attachments:** The Owner and Contractors shall read and comply with these Orders and perform the Work as described on the Plans and any other approved documents. 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 \$52,811. 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 at the end of this document. 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 may use the funds to stabilize the Work. The bond, or bond amount remaining after any necessary action by the Commission to stabilize the Project, will be released to the Owner once the Certificate of Compliance has been issued.
23. **Record the Orders at the Registry of Dccds:** 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 of issuance unless an extension is requested by the Owner and granted by the Commission.
24. **Plan revisions or new Plans within the Commission’s Jurisdiction:** If Plans for the Project change or additional plans are developed after issuance of these Orders that are within the Commission’s Jurisdiction or may affect those areas, the Owner shall submit those Plans to the Commission for review and further action prior to any further unapproved work in the Buffer Zone. If Work has begun and the Buffer Zone has been Altered in any manner, all Work in the Buffer Zone shall cease and all Altered surfaces in the Buffer Zone stabilized until the Commission approves the new Plans. If the Commission determines that the review of the new plans is outside the scope of the Agent, it will direct the Owner to deposit sufficient funds with the Conservation Commission for the Commission to hire a Consultant, pursuant to Massachusetts General Law Chapter 44 Section 53G, for the review of the newly submitted Plans. The Agent or

Consultant shall be supplied, by the Owner, with those Plans, any other approved materials necessary to review those plans, and be provided access to the Project sufficient to determine compliance with these Orders. Work within the buffer zone, or in areas that may affect the buffer zone, may re-commence when the Commission approves the revised, submitted plans.

25. **Notice of Understanding:** Before Work begins, the Owner shall send a signed and dated letter to the Commission containing the following statement:

“I (Owner’s name) have read and understood the General and Special Orders of Conditions and agree to comply with them. I also agree to notify any Contractors, subcontractors, or future purchasers of property of these Orders and supply the Plans to those parties as needed. If I sell the property where the Project and Work is being done, prior to the issuance of a Certificate of Compliance, I will send a letter to the Commission informing them of the name of the new owner.”

26. **Construction Oversight:** The Commission, in its Findings, has determined that the Work requires Oversight by a Consultant that inspects the Work and reports to the Commission. The Owner shall deposit sufficient funds with the Commission to hire that Consultant, pursuant to Massachusetts General Law Chapter 44 Section 53G, for the purpose of monitoring Work that is within the Commission’s jurisdiction or may affect such areas. The Consultant shall be supplied, by the Owner, with copies of the Plans and be provided access to all portions of the Project sufficient to ensure compliance with these Orders.

- a. **Scope of Oversight:** The Consultant will be responsible for monitoring and reporting to the Commission regarding the following aspects of the Work:
- i. *Erosion Control:* This will include conditions likely to cause damage to the wetlands, wetland buffer zones and neighboring properties that are also within the Commission’s jurisdiction.
  - ii. *Stabilization of bare soils* within the buffer zone to ensure that proper stabilization periods and methods are used.
  - iii. *Stormwater Infrastructure* to ensure that the Contractor’s work will not violate these Orders and that there is no discharge to buffer zones until all components of the infrastructure are complete and stable.
  - iv. *Quality of soil fill* both overseeing documentation of the source of material but also the screening and sampling of material. The Consultant will also be responsible for field oversight of screening and sampling to include collecting Sampling Splits and submitting Performance Evaluation Samples.
  - v. *Review of submitted plans:* the Consultant may be tasked by the Commission with review of submitted plans to either provide expertise in certain fields or to expedite plan reviews.
  - vi. *Review of progress:* The Consultant will meet with the Commission on an annual basis to review the progress of the Project.
  - vii. *Review of Stream Crossing removal:* although this portion of the Work may occur on the neighboring half of the Project, the Consultant will be

responsible for ensuring that the removal does not affect the hydrology of the area.

- b. **Conduct of Oversight:** The Commission will develop a Scope of Work (SOW) for its Consultant to follow in complying with the Scope of Oversight in Order 26.a.i.-vii. The Commission will provide a copy of that SOW to the Owner on request as well as any Work Plans that the Consultant develops with the exception of those elements the Consultant deem to be proprietary.
  - c. **Consultant Funding:** The Commission will pay its Consultant through funds provided by the Owner. When 75% of the funds have been expended, the Commission will notify the Owner of the need for additional funds and the Consultant that a revised SOW is needed. Once that SOW is submitted and approved by the Commission, the Commission will request those funds from the Owner. If the Consultant's billing reaches 90% of the approved budget, and the Owner has not supplied the requested funds, the Commission will issue a Stop Order to its Consultant and a Stop Order to the Owner for any work within Jurisdictional areas or may affect any such areas.
  - d. **Start/Stop Orders:** The Commission will issue a Start Order to the Consultant when the funds have been made available. No Alteration of Jurisdictional areas or that may affect such areas are allowed on the Property until the Start Order has been issued to the Consultant by the Commission. A Stop Order, if due to the Owner refusing or unable to provide funds to the Commission for the Consultant, shall also require the Contractor to stop Work and stabilize all areas within the Buffer Zone, or that may adversely impact the Buffer Zone, within 72 hours of issuing the Stop Work Order.
27. **Preparation for Work:** The Plans describe the measures the Owner shall perform prior to any Work. A summary of the efforts the Owner must perform include:
- a. Prepare and submit a final *Stormwater Pollution Prevention Plan* in fulfillment of Federal requirements, to the Commission for review and approval or modification. This plan may be reviewed by a Consultant as described in Condition #26.a.v.
  - b. Prepare and submit a *Detailed Construction Phasing and Logistics Plan* for each of the phases shown on the Plans, to the Commission for review and approval or modification. This plan may be reviewed by a Consultant as described in Condition #26.a.v.
  - c. Submit a schedule of actions over the next year and update quarterly. This schedule must list activities such as tree clearing and any Alterations within the Commission's Jurisdiction or any areas that may affect such areas. When any such reports are not received in a timely fashion, the Commission may issue a Stop Order.
  - d. Place all Limit-of-Work barriers (LOW), Erosion Prevention Devices (EPD), and Sedimentation Control Devices (SCD) as shown on the Plans and as described in any Plans developed for phasing of the Project.
  - e. Task a professional engineer, or land surveyor, to certify the correct installation, with respect to location, materials, and construction of LOW, EPD, and SCD as

- shown on the Plans. That professional shall send a letter or email to the Commission attesting to the correct placement.
- f. After the Commission or its Agent approves the professional engineer's or land surveyor's letter, the Contractor shall conduct a pre-construction meeting with Town officials and Consultants responsible for permitting and oversight to discuss next steps and the conduct of the Work.
  - g. Notify all earth-moving and tree clearing Contractors of the requirements of the Federal Migratory Bird Act and comply accordingly.
  - h. Provide a list with the contact person responsible for ensuring compliance with these Orders and Contractors who will be working at the Site. This list shall contain their street addresses and phone numbers.
  - i. Provide 53G funds for the Commission's Consultant, as per Massachusetts General Law Chapter 44 Section 53G, at least 30 days prior to start of Work.

Once the Owner has complied with the actions described above and has provided funds for the Consultant Oversight, Work may begin on the Project.

### **WORK**

Once Work begins, any changes to ownership or new or revised plans shall require the Owner and Contractor to revisit the preceding Conditions. The Conditions that follow describe actions that must be taken to stay in compliance with the Act and Bylaw:

28. **Plan Review and Reconciliation:** The Plans contain several junctures at which new or revised plans may be necessary to continue with the Project. If those Plans propose changes to, or may affect, areas within the Commission's jurisdiction all work inside the buffer zone must cease and any altered areas be stabilized.
29. **Continuing Practices:** The Owner shall perform proper Resource Area protection practices as described in the Plans to include:
  - a. All LOW, EPD, and SCD shall be inspected on a daily basis to ensure that they meet Performance Standards. Any damaged components shall be repaired within 48 hours. The standard for compost socks, other than the specifications on the Conservation Commission's website, is that the sock must be at least 8-inches higher than the Work side of the compost sock. To meet this requirement, the Owner may either remove sediment as it accumulates or add additional compost socks to the top of the existing sock to maintain that elevation distance. The Owner must maintain a daily log at the Site that records these actions. The individual that performs these actions should be identified in this record.
  - b. Allow no stormwater flows from any Altered area in a concentrated, channel that is not depicted on the Plans. Ensure that no construction concentrates the flow of storm water to direct it off-site or to any Resource Area. During construction, storm water must be contained on-site and not allowed to flow to any Resource Area or off-site property.
  - c. Any disturbed ground within the buffer zone Stabilized with EPD within 48 hours of the disturbance.

- 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 Site that extend onto other properties, to the extent practicable, shall be eliminated with permission of the abutting property owners.
  - e. During the months from February to May, inclusive, LOW, EPD, and SCD shall be modified at least every 100-feet, by means approved by the Commission, to allow amphibians and reptiles to pass.
  - f. Keep all piles of soil, within 100 feet of any Resource Area, ringed with a compost sock or straw bales and covered with a secured tarp or jute netting.
  - g. Stabilize any Altered ground surface within the Buffer Zone, and areas that may erode into any Resource Area, if no Work will be done for 48 hours or more.
  - h. If any portion of the Work within the Buffer Zone is to be conducted between October 1 and April 15, approved EPD must be applied and maintained over the entire disturbed area except for during active Work that requires access to the ground surface.
30. **Stream Crossing Removal and Stream Restoration:** The removal of an existing crossing over the perennial stream in the southern portion of the Property shall be done during a low-water period but no later than September 1 of the first project year where Work at the property at 1139 West Street begins. Once Work begins at 1139 West Street, the Contractor must meet with the Conservation Commission and submit a Work Plan and schedule for removal of the pipe. The access to the stream restoration area shall only be from 1139 West Street, Wrentham Assessor's Map G3-Block 1-Lot 14.
31. **Inspections:** The Owner shall employ properly trained and equipped Inspectors to conduct inspections for a) Work progress, b) Invasive plants and insects, c) Fill inspections and sampling, and d) Stormwater infrastructure. The Owner must submit the resumes of prospective Inspectors to include the training and education of the Inspectors to the Commission for approval or disapproval as well as a list of equipment and standards for the inspections. Inspections shall occur as described in the Plans with the exception that there must be inspections performed within 1 month of March 21 and within 1 month of July 31. During these inspections the Owner shall notify and invite the Commission or its Agent or Consultants to attend these inspections. The goals, criteria, responses, and reporting for these inspections:
- a. **Work Progress:** Goals & Criteria – ensure that LOW, EPD, and SCD are present and functional. The LOW fence must be visible and functional. The EPD and SCD can protect the ground surface and retain any stormwater flow, respectively. Responses & Reporting: must describe the conditions and any repairs performed to meet the standard that no stormwater leaves the Site.
  - b. **Invasive species:** Goal & Criteria: ensure that the Property is, and remains, free of invasive species. Responses and Reports – The Inspector shall submit a letter report that notes the type, location and prevalence of any invasive plants identified on the state Invasive and Noxious Weeds list or its equivalent and any invasive insects similarly listed by the State Department of Agricultural Resources or as designated by the Conservation Commission. The response to



any non-native, invasive species shall be a proposal, submitted to the Commission within 7 days following the inspection, for approval by the Commission, to eradicate the invasive species in a proper and timely manner. Once the landscaping within the buffer zone is finished the Owner shall notify the Commission by submitting a letter from the Inspector. Inspections will continue with the last letter issued at the conclusion of the second full growing season in which no invasive plant has been identified.

- c. Fill: Shall be performed as described in the Plans; however, this shall be a visual inspection of some of the material arriving at the Site. No written response or additional report is required unless a problem load is identified.
- d. Stormwater Infrastructure: Goal & Criteria: ensure that all structures and conveyances that store or transmit stormwater perform their designed function of attenuating runoff and reducing or eliminating sediment and the transport of suspended particles. Responses & Reporting: shall be in concordance with Planning Board and Board of Health requirements but at least provide a list of deficiencies identified during the inspection and the action items to address them accompanied by a schedule of implementation. The Stormwater Infrastructure should allow no direct discharges to Resource Areas nor have any portion of their capacity reduced over the design sizes by silt or other materials.

32. **Progress Updates**: Each year, on or no sooner than 1 month before July 31, the Owner shall submit to the Conservation Commission a progress plan as-built, stamped by a professional engineer, that shows the work done inside the Buffer Zone with respect to paving, structures, other constructed items, grades at 1-foot contour intervals, and the type of Stabilization. The as-built shall be accompanied by a letter from the professional engineer that stamped the as-built plan, that discusses any differences from the approved Plans and what portions will be completed in the pending year. This as-built shall be submitted every year until a Certificate of Compliance is issued.

33. **Work Completion**: When Work is complete in any area of phased construction or for the entire Project, all debris removed, all surfaces stabilized as shown on the Plans, and the Contractor believes the phased area or 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 LOW, EPD, and SCD may be removed. The Owner may then have his Engineer apply for a Certificate of Compliance.

## **OTHER PROVISIONS**

34. **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, 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.

35. **OWNERSHIP TRANSFER:** This Order shall apply to any successor in interest or successor in control of the Property. 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 agree to abide by said Order of Conditions including the right of the Commission to inspect said property for compliance with these Orders."
36. **CONTINUING CONDITIONS:**
- a. The Owner will consult with the Commission, prior to the application of any herbicides, pesticides or fertilizers (containing greater than 5% phosphorus) at the Property.
  - b. Do not import soil to the Site or introduce plants that are on the state Invasive and Noxious Weeds list: <https://www.mass.gov/doc/invasive-plant-list/download>.
37. **CERTIFICATES OF COMPLIANCE:** The following are the requirements for a Certificate of Compliance:
- a. All Work set out in these Orders, or subsequent amendments approved by the Commission, must be complete. All LOW, EPD, and SCD must be removed once all surfaces are Stable.
  - b. The Certificate of Compliance shall be requested using the appropriate State form and be accompanied the items in c. and d., below, prepared by a licensed professional engineer or registered land surveyor.
  - c. The Certificate of Compliance Request Letter must state the following:
    - i. That all work is complete at the site, specifically noting any changes or exceptions and why that work was modified or not completed. Alterations beyond the permitted work shall be quantified as to impact.
    - ii. That all areas within the Buffer Zone and any work within the Resource Areas are stable.
    - iii. That the Work performed satisfies all Orders of Conditions, and if not, why.
    - iv. Provide the contact information (phone, address and email) for the person requesting the Certificate of Compliance and the owner of the property.
  - d. The Certificate of Compliance Request must also contain an As-Built Plan that meets the following standards and contains the Conservation Components:
    - i. Be at the *exact* same scale as the Approved Plan.
    - ii. Show and label all Resource Areas on the original plan and any replication or compensation areas.
    - iii. Show the Limit of Work that was performed within the buffer zone and note its condition. Photos of the Work may also be submitted.
    - iv. Show all impervious surfaces and point discharges for storm water or any other water flows that have changed from the original site conditions.

- v. Note any required elements set forth in the Orders, e.g., 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.

END OF ORDERS OF CONDITIONS

**APPENDICES**

FINDINGS ..... 9

ALTERATIONS: ..... 10

FINANCIAL ASSURANCE FOR WORK ..... 11

DEFINITIONS ..... 11

**FINDINGS**

With respect to the Massachusetts Wetlands Protection Act and Wrentham Wetlands Protection Bylaw the jurisdictional areas protected include: bordering vegetated wetlands and a perennial stream. The Work will be performed in the watershed of the Blackstone River.

**Project constraints and considerations:**

Project Construction: The proposed project will alter 14,218 square feet in the 100 to 50-foot buffer zone but nothing within 50-feet of the wetlands except for a stream restoration as noted further.

- The Commission finds that the Project, if constructed as shown on the Plans and following these Orders of Conditions, will not alter the Interests of the Act or Bylaw within the areas of the Commission’s jurisdiction. If the project should be abandoned or the applicant fail to adequately respond, a bond has been established to stabilize the work site sufficient to protect the Interests in the Act and Bylaw.

Rivers Act: A perennial stream flows on the west side the Project. One of the components of the Project is the removal of a 24-inch steel pipe that presently lies within the bounds of this property. Access to this pipe shall be only through this project area, 1139 West Street. This pipe was installed for access to the field for active agriculture that is now abandoned.

- The Commission finds that the proposed project complies with the requirements of 310 CMR 10.58. Further, the Commission finds that the restoration of the natural stream bed will be beneficial to the environment.

50-foot No-Build: With the exception of the restoration of the perennial stream, no work will occur within the 50-foot No-Build zone.

- The Commission finds that the pipe in the perennial stream must be removed to restore the stream hydrology and minimize flooding. Further, the Commission finds that the applicant’s proposed project meets the requirements of the 50-foot No-Build requirements.

**Project Monitoring:** The project will require frequent inspections of erosion control devices, monitoring of Stormwater permitting requirements, monitoring and sampling of placed fill, construction of stormwater infrastructure, and landscaping within the buffer zone.

- The Commission finds that the complexity and duration of the project requires sustained and frequent monitoring beyond that the staff can provide and that therefore a consultant is required to oversee the project and report to the Commission. This Consultant will be funded by the applicant and perform the typical tasks of ensuring that no discharges from the Project will affect either Resource Areas, their buffers, abutting properties, that the Project stormwater management and infrastructure complies with the approved Plans, and that the Project landscaping does not introduce invasive plants or insects and complies with the approved Plans.
- The Owner had stated in both correspondence and during the meeting of December 1, 2022 that material brought on-site for fill will be monitored by the Commission for “integrity and quality.”<sup>4</sup> Based on that communication, the Commission required that the applicant provide the *Fill Quality Control Procedure, technical memorandum*, Howard Stein Hudson, 02/06/2023, 2 pages. The Commission finds although such monitoring will occur in areas outside of areas within the Commission’s jurisdiction such monitoring is needed. The need is that that deposited fill material may be moved into jurisdiction areas at a later time or that any contaminants present in fill outside of jurisdictional areas will migrate into the Buffer Zone and Resource Areas degrading groundwater and surface water. This would damage not only Interests in the Act but also the Interests in the Bylaw including Protection of surrounding land and other homes and buildings, Recreation, and the Historic and Natural Scenic character of wetland resource areas, watercourses, lakes and ponds.
- The Commission finds that due to the quantity of fill and duration of the filling operation, such an effort is beyond the scope of a Condition in these Orders and that a separate document is required to protect not only Interests in the Act but also the Interests in the Bylaw including Protection of surrounding land and other homes and buildings, Recreation, and the Historic and Natural Scenic character of wetland resource areas, watercourses, lakes and ponds.
- On the basis of quantity and duration of filling, the Commission finds that it is necessary to hire a Consultant using 53G funds to oversee and participate, as needed, in the monitoring of fill operations and the collection of samples to verify the integrity and quality of fill.

### **ALTERATIONS:**

Distance of nearest Alteration to a Resource Area: 51-feet as shown on the Official Plans.

0 to 50-foot: no alteration proposed, none allowed.

50 to 100-foot: 34,620 ft<sup>2</sup>.

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.

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<sup>4</sup> Technical Memorandum, from Howard Stein Hudson responding to Pawtucket Water Supply Board. December 5, 2022, 3 pages.

**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	\$12/linear foot.	2262 ft.	\$27,144
Grading inside the buffer zone	20¢/ft <sup>2</sup>	18,338 ft <sup>2</sup> *	\$3,667
New Construction (for As-Built Plan)	\$4,000 to \$10,000		\$10,000
Subdivisions (for Storm water infrastructure)	\$4,000 per 4 houses (rounded up)	9 houses	\$12,000
Total Bond			\$52,811
* Amount is 14,218 buffer zone + 4,120 for stream restoration = 18,338			

**DEFINITIONS<sup>5</sup>**

Alter: Change the ground surface in any manner, either directly by removing surface materials and exposing bare soil or, inadvertently, by creating conditions that cause the soil to become bare and exposed to erosion. This includes tree removal and any changes on the ground surface that concentrates or re-directs the existing, natural flow of water.

Buffer Zone: The buffer zones established in the Act and Bylaw. These are the 50-Foot No-Build Buffer and the 100-Foot State Jurisdiction Buffer. For those properties that lie near a perennial stream the 100-foot Inner Riparian Buffer, and the 200-Foot Outer Riparian Buffer zone.

Consultant: A person or company hired by the Commission to include those hired using funds provided by the Owner.

Contractor: someone hired by the Owner to Work in the Site.

Erosion Prevention Devices or EPD: Prevent the mobilization of soil and concentrated flows from the ground surface by the use of natural or synthetic devices. These devices include jute netting, erosion control blankets, and practices such as applying mulch, stump grindings, or gravel at an appropriate application to prevent the loss of soil and infiltrate water where it hits the ground.

Fill: Materials either brought to, or taken from the Site, by the Contractor to change the grades of the project.

Inspector: A person, employed by the Owner, qualified to inspect some portion of the Work as to its meeting the requirements of these Orders and preparing reports to the Commission regarding compliance, or actions needed or required to comply, with these Orders.

Jurisdiction: Areas that the Commission is responsible for regulation including their buffer zones as described in the Act and Bylaw.

Limit-of-Work fence or LOW: A high visibility, 4-feet tall fence installed to prevent easy or accidental access to areas by machines or people to protect areas that are to remain unaltered.

Orders: These Orders of Conditions issued under the State Act and local Bylaw.

<sup>5</sup> Any definitions not contained below are defined terms in the Act or Bylaw or otherwise described within the text.

Owner: The applicant and those that control the Project property.

Performance Evaluation Samples: are samples provided by the Commission or its representative that contain substances to determine the laboratories ability to analyze samples properly.

Performance Standards: The Commission's standard is that alteration caused by Work in a Project area does not change the quality, quantity, or rate of flow of water under any conditions from that prior to any alteration. Unless the applicant provides evidence to the contrary, quality shall be assumed to be no visible turbidity – that is completely clear water. Quantity shall be assessed through hydrologic evidence of flow as well as assessments of soil and vegetation present.

Plan: The official Plans listed in the Project Description and Controlling Documents section at the beginning of these Orders and include any supporting documentation also cited at the beginning of these Orders including any documents that are referenced in those documents or Plans.

Project: Includes all work areas as shown on the Plan including those areas outside the Buffer Zone.

Resource Area: Wetland areas as described in the Act and Bylaw.

Sample Splits or Split Samples: Are samples that are composited and then divided for analysis by the Owner and the Commission or its representative.

Sedimentation Control Device or SCD: that capture stormwater runoff and allow water to infiltrate into the ground or be conveyed in a controlled manner to another device that allows infiltration.

Site: The Project property and any other properties under the control of the Owner that are Altered during the Work.

Stable and Stabilize: A ground cover, either natural or synthetic, that prevents the loss of soil. Temporary ground covers include jute netting, leaf litter, stump grindings, woodchips, or gravel as described in Plan Standards or on the Plans. Permanent ground covers include grass that is dense such that there is no visible soil to a standing person, or leaf litter, stump grindings, woodchips, or gravel as described in Plan Standards or the Plans.

Start Order: An electronic or hard communication issued to the Commission's Consultant to start Oversight and begin charging the Owner for such efforts.

Stop Order: An electronic or hard communication issued to the Commission's Consultant to prevent charges that are not the responsibility of the Owner.

Work: Includes any activity at the Property that alters the ground surface or existing vegetation to include mobilization activities and any preparation with the exception of test pitting required by the Board of Health or Planning Board and performed in such a manner as to not excessively alter the area beyond that needed for those requirements.

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END



**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:  
 351-1176  
 MassDEP File #  
 eDEP Transaction #  
**Wrentham**  
 City/Town

### E. Signatures

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

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

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

02/21/23  
 1. Date of Issuance  
4  
 2. Number of Signers

Sheldon West

<p><u><i>Leo E. Immonen</i></u>          Signature</p> <p><u><i>Julie Garland</i></u>          Signature</p> <p><u><i>Dianne Demarais</i></u>          Signature</p> <p><u><i>Maria Jomides</i></u>          Signature</p> <p><u><i>Delana Reardon</i></u>          Signature</p> <p>_____          Signature</p> <p>_____          Signature</p> <p>_____          Signature</p>	<p>Leo E. Immonen          Printed Name</p> <p>Julie Garland          Printed Name</p> <p>Dianne Demarais          Printed Name</p> <p>Maria Jomides          Printed Name</p> <p>Delana Reardon          Printed Name</p> <p>Seth M. Jensen          Printed Name</p> <p>Janet Sozio          Printed Name</p> <p>_____          Printed Name</p>
---	--

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

02/21/23



**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:  
 351-1176  
 MassDEP File #

eDEP Transaction #  
 Wrentham  
 City/Town

## F. Appeals

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

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

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





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

Provided by MassDEP:  
 351-1176  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wrentham  
 City/Town

### G. Recording Information

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

Wrentham

Conservation Commission

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

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To:

Wrentham

Conservation Commission

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

1139 West St.

Project Location

351-1176

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk

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



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

351-1176

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_ Wrentham, 02093  
 b. City/Town, Zip  
 c. Check number \_\_\_\_\_ d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number:

\_\_\_\_\_

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



**B. Instructions**

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

351-1176

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. 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.