



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

General Bylaw for Wetland Protection

DEP# SE-351-1176

Location: 1139 West St. (Sheldon West)

Map: G-03 Block: 1 Lot 14

Recorded at Registry of Deeds: Book:10634 Page:701

Applicant: Christopher Cahill, Sheldon West, LLC

Address: 480 Turnpike St. South Easton, MA 02375

Property owner if different: John Hasenjaeger

ISSUED BY THE WRENTHAM CONSERVATION COMMISSION on *02/21/23*

Signatures:

Leo E. Immonen

Julie Garland

Maria Jomides

Dianne Demarais

Delana Reardon

Janet Sozio

Seth M. Jensen

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 351-1176

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:
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 Owner¹ 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.²

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.³
- *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.

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

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

³ 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

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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.”⁴ 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 ft².

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.

⁴ 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 ²	18,338 ft ² *	\$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			

DEFINITIONS⁵

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.

⁵ 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.

END