

**CONSERVATION
COMMISSION**



Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7268
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts

January 19, 2023

Scott McBride
Jenstar of Walpole, LLC
PO Box 1400
Vorhees, NJ 08043

Michele Simoneaux, - Original
Stantec Consulting Services, Inc
300 Crown Colony Drive Suite 110
Quincy, MA 02169

Dear Mrs. Simoneaux,

Enclosed is the Walpole Conservation Commission's *Order of Resource Area Determination (ORAD)* for **the property located at 32 Industrial Road**. The ORAD is valid for three years any changes or additions require a request for Amendment.

The *Order of Resource Area Determination* is issued for the wetland resource areas as referred to in the ORAD and shown on the approved plan, *date* and revised date.

Activity within 100-feet of the boundary of the BVW requires filing a Notice of Intent.

The *Order of Resource Area Determination* shall be recorded at the Registry of Deeds and return recording information to the Conservation Commission Office.

Very Truly Yours,

CONSERVATION COMMISSION
Jack Wiley, Chair
Conservation Commission

Cc: DEP
Building Inspector
Town Engineer
Board of Health
Zoning Board of Appeals
Planning Board



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

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

Provided by MassDEP:

315-1279

MassDEP File Number

eDEP Transaction Number

Walpole

City/Town

A. General Information (cont.)

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

32 Industrial Road

a. Title

11/22/2022

b. Date

c. Title

d. Date

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

- a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☒ Other resource area(s), specifically:

a. Resource Area 2 and 3 (E-Series and F-Series) determined to be isolated wetlands jurisdictional under Walpole Wetlands Protection Bylaw Only. Both areas were determined not to meet the requirements of ILSF. Resource Area 4 and Drainage Way 1 were confirmed to be a part of the Stormwater management system for Industrial way designed, installed and maintained since 1996 are not areas subject to protection. (10.02)(c)

- b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a.

- c. ☒ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:



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B. Order of Delineation (cont.)

3. ☒ The boundaries were determined to be inaccurate because:

Resource Area 1 (A-series). Due to the time of year the boundary was delineated (NOV-DEC) the Commission was unable to accurately confirm the delineation of the A-series.

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

D. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. 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 of Resource Area Delineation 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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Bureau of Resource Protection - Wetlands

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E. Signatures

1/19/2023
Date of Issuance

7

1. Number of Signers

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

Walpole

Signatures

Jack Wiley
Signature of Conservation Commission Member

Al Goetz
Signature of Conservation Commission Member

Betsy Dyer
Signature of Conservation Commission Member

Emidio DiVirgilio
Signature of Conservation Commission Member

Doug Burchesky
Signature of Conservation Commission Member

Bailey Ziemba
Signature of Conservation Commission Member

Dean Bebis
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Jack Wiley, Chair

Printed Name

Al Goetz, Vice Chair

Printed Name

Betsy Dyer

Printed Name

Emidio DiVirgilio

Printed Name

Doug Burchesky

Printed Name

Bailey Ziemba

Printed Name

Dean Bebis

Printed Name

Printed Name

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☒ By hand delivery on

1/19/2023
a. Date

3. ☐ By certified mail, return receipt requested on

a. Date



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Provided by MassDEP:

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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

315-1279

Provided by DEP

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

A. Request Information

1. Location of Project

32 Industrial Road

a. Street Address

Walpole

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

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

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

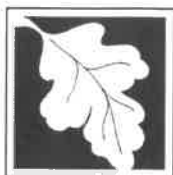
315-1279

Provided by DEP

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

B. Instructions (cont.)

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.



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Recording Information

Prior to commencement of work, this Order of Resource Area Delineation 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 Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Walpole

Conservation Commission

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

To:

Walpole

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

32 Industrial Road

Project Location

315-1279

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 Resource Area Delineation 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