



Town of Walpole
Commonwealth of Massachusetts

May 17, 2023

Patrick Higgins – Original
County of Norfolk Engineering Department
649 High Street, PO Box 431
Dedham, MA 02026

Mark Manganello
LEC Environmental
12 Resnik Road, Suite 1
Plymouth, MA 02360

Dear Mr. Higgins

Enclosed is the Walpole Conservation Commission's *Order of Resource Area Determination (ORAD)* for the property located at **400 Main Street, Norfolk County Agricultural High School, Walpole, MA**. 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 dated 01/26/2023, final revised 5/10/2023 by Norfolk County Engineering Department.

Additional comment noted as findings as noted in the BETA peer review letter dated May 9, 2023:

- 1) The scope of the ANRAD was limited to the “ANRAD Site” identified by the Applicant on the 005/10/2023 plans;
- 2) The ORAD provides confirmation of all the flagging depicted on the plans. The portion of the “ANRAD Site” south of the perennial stream is entirely within the Riverfront Area. In addition, this area consists of entirely BVW with the exception of the following: the UPL-series upland island; the upland ridge between Bank flags BF# 1-10 and #1-11; and the up-gradient boundary of this BVW was not flagged in the field due to its distance from the “ANRAD site” and is therefore not approved under this filing;
- 3) Due to flooded conditions present at the time of the Site visits, the presence of Bank is neither confirmed nor denied between flags BF#2-8 & BGF# 2-21 and BF#3-5 & BF#3-12;

- 4) Based on data presented by the Applicant from USGS topographic maps and the USGS StreamStats tool, the BF#2- and BF#3 Series streams are intermittent, and the BF# 1 Series stream is perennial.
- 5) Additional Banks not identified on the ANRAD plans were observed within the B-Series BVW and their location is not confirmed and under this ORAD. These Banks do not project additional jurisdiction onto the “ANRAD site”;
- 6) The boundary of the Bordering Land to Subject (BLSF) at the site is accurately depicted in accordance with FEMA currently available data. Should FEMA supersede the current effective FEMA FIRM data, the more recent data must be used on future fillings associated with the “ANRAD Site”;
- 7) No Vernal pool studies were conducted as a part of this ANRD filing; therefore, the ORAD does not confirm nor deny whether the MASSGIS mapped Potential Vernal Pool #26447 within the A-Series BVW meets the criteria for a certified vernal pool per the National Heritage and Endangered Species Program (NHESP) requirements.

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
Planning Board
Zoning Board of Appeals

For Registry of Deeds Use Only



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:

315-1282

MassDEP File Number

eDEP Transaction Number

Walpole

City/Town

A. General Information

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



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Walpole
 1. Conservation Commission

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Patrick Higgins
 a. First Name b. Last Name

County of Norfolk Engineering Department
 c. Organization

649 High Street, PO Box 431
 d. Mailing Address

Dedham MA 02026
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

County of Norfolk
 a. First Name b. Last Name

Norfolk County Agricultural High School (Care & Maintenance)
 c. Organization

614 High Street
 d. Mailing Address

Dedham MA 02026
 e. City/Town f. State g. Zip Code

5. Project Location:

400 Main Street Walpole 02081
 a. Street Address b. City/Town c. Zip Code

13 & 18 Map 13: Lots 166, 167, 168, 169
 d. Assessors Map/Plat Number e. Map

Map 18: Lots 1 & 2

Latitude and Longitude (in degrees, minutes, seconds):

1/26/2023 5/10/2023 5/17/2023
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

6. Dates:



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A. General Information (cont.)

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

Topographic Plan of Land - Norfolk County Agricultural High School, Rear
Field Off Fisher Street, Walpole, MA

5/10/2023

b. Date

BETA Peer Review Report letter by Johnathan Niro

05/09/2023

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. Bank BF#2-1 to 2-8 and BF#2-21 to 2-63; BF#3-1 to 3-5 and BF# 3-12 to 3-43; BF#1 to 18 Bank/MAHW - BF# 1-1 to 1-45, 1-42-1 to 1-42-5 and 1-43-1 to 1-43-5

BVW: WF# A1 to A22; WF#B25 to B97 and WF# B91A to B91C; WF#E5 to E51;WF#ULP 1 to 6;
All wetland resource areas or buffer zones within or projected onto the "ANRAD Site Boundary" were delineated as listed and/or noted on the referenced plan.

- 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:

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).



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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

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



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Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

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:

Project Location

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