

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 25, 2023

John Walsh – Original  
High Oaks LLC  
82 North Avenue  
Attleboro, MA 02703

GLM Engineering  
19 Exchange Street  
Holliston, MA 01746

**Enclosed is the Walpole Conservation Commission's *Order of Conditions for the Definitive Subdivision at Northwoods Estates IV (Off Dover Drive and Delaney Drive), Walpole, Ma. - DEP #315-1261.***

Please note that no work shall commence until the following steps are completed:

1. **Record the Order of Conditions at the Registry of Deeds and return recording information to the Conservation Commission office;**
2. Install erosion controls;
3. Provide the name and number of the contractor to the Conservation Commission

Please return a copy of the new recording to the Conservation Commission for our records

Very Truly Yours,  
Conservation Commission

/lh

Enclosure

Cc:

Zoning Board of Appeals  
Planning Board  
Town Engineer  
Building Commissioner  
DEP-SERO



**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:  
 315-1261  
 MassDEP File #  
 eDEP Transaction #  
 Walpole  
 City/Town

## A. General Information

**Please note:**  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

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



1. From: Walpole  
 Conservation Commission

2. This issuance is for  
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

John Walsh  
 a. First Name b. Last Name  
High Oaks LLC  
 c. Organization  
82 North Avenue  
 d. Mailing Address  
Attleboro MA 02703  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name  
  
 c. Organization  
  
 d. Mailing Address  
    
 e. City/Town f. State g. Zip Code

5. Project Location:

Off Delaney Drive and Dover Drive Walpole  
 a. Street Address b. City/Town  
11 / 12 49 / 84  
 c. Assessors Map/Plat Number d. Parcel/Lot Number  
 Latitude and Longitude, if known: 42d17m40s 71d261m40s  
 d. Latitude e. Longitude



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## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Norfolk LC 197217  
 a. County b. Certificate Number (if registered land)
- c. Book d. Page
7. Dates: 5/12/2022 1/11/2023 1/25/2023  
 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):  
 Definitive Subdivision Plan, Northwoods Estats IV, Walpole, MA  
 a. Plan Title  
 GLM Engineering Cons. Inc. Joyce E. Hastings, P.L.S.  
 b. Prepared By c. Signed and Stamped by  
 12/29/2022 1"=40'  
 d. Final Revision Date e. Scale
- 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) 25  
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	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet <u>                    </u> e. c/y dredged	<u>                    </u> b. square feet <u>                    </u> f. c/y dredged	<u>                    </u> c. square feet	<u>                    </u> d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> 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 \_\_\_\_\_"
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):

**See Attached**

- 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 Walpole hereby finds (check one that applies):  
 Conservation Commission

- 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:

Walpole Wetlands Bylaw & Regulations

Div2 Ch 561

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):

See Attached



**Massachusetts Department of Environmental Protection**  
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## 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.

1/25/2023

1. Date of Issuance

7

2. Number of Signers

Walpole

Signature Jack Wiley  
 Signature Albet P. Goetz  
 Signature Betsy Dyer  
 Signature Emidio DiVirgilio  
 Signature Doug Burchesky  
 Signature Bailey Ziemba  
 Signature Dean Bebis  
 Signature \_\_\_\_\_  
 Signature \_\_\_\_\_

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

☒ by hand delivery on

1/25/2023  
 Date

☐ by certified mail, return receipt requested, on

\_\_\_\_\_  
 Date



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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### **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.



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## 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.

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 Conditions for the Project at:

Northwoods Estates IV (Off Delaney Dr.  
 and Dover Dr.)

315-1261

MassDEP File Number

Has been recorded at the Registry of Deeds of:

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

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) \_\_\_\_\_

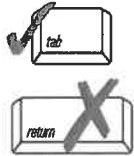
4. DEP File Number: \_\_\_\_\_

**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

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







**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
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DEP File Number:

Provided by DEP

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

**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.

**DEP # 315-1261**  
**Location: Delaney and High Streets**  
**Plan: Northwoods Estates IV Definitive Subdivision**  
**GLM Engineering Consultants, Inc. 4/20/2022, revised 12/29/2022**

**Finding:** Construction of roadway, and associated utilities, grading and stormwater management system associated with the Northwoods Estates IV subdivision as shown on sheet 12 of 19 Erosion Control Plan. No wetland resource areas are altered and a 25-foot no alteration area is applied around the boundary of the wetlands. The wetlands were delineated and approved under an ORAD DEP #315-1213 issued 01/24/2020. Individual lots within the jurisdiction of the Conservation Commission will require a separate filing.

**SPECIAL CONDITIONS**

1. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.

2. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. This form should be returned to the Commission in accordance with General Condition #9, and prior to the commencement of work.

Any Order not recorded by the Applicant before work commences may be recorded by the Commission at the Applicant's expense.

3. Prior to any work commencing, a sign shall be displayed showing **DEP File No.315-1261** preferably not placed on a living tree.

4. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.

5. The Conservation Commission designates the Conservation Agent with full powers to act on its behalf in administering and enforcing this Order.

6. A Conservation Commissioner, Agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, Town By-Law, and 310 CMR 10.00 regulations, and may require any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commissioner, Agent or DEP determines that any of the work is not in compliance with this Order of

**DEP # 315-1261**  
**Location: Delaney and High Streets**  
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Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the Applicant in writing.

7. Failure to comply with this Order of Conditions may result in revocation of this Order of Conditions and may require a refile by the Applicant.

8. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.

9. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. The project engineer and contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction.

10. Prior to construction, the Applicant shall furnish the Conservation Commission with the name, address and telephone number of the contractor and sub-contractors who will be doing the work on the site.

11. To assure an immediate response to the Commission/Agent, the Applicant shall provide the Walpole Conservation Commission/Agent with the name and a 24-hour phone number of the on-site construction supervisor who will be responsible to coordinate the construction and ensure compliance with this Order.

12. Any substantial changes made in the above-described plan(s), unless specified otherwise in this Order, which may or will alter an area subject to protection under the Wetlands Protection Act and the Town of Walpole Wetlands By-Law, or any change(s) in activity subject to regulations under M.G.L. Chapter 131, section 40, shall require the Applicant to inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the Applicant shall be considered changes and the above procedures shall be followed.

13. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act or the Town of Walpole Wetlands By-Law, upon discovery by either the Conservation Commission, its Agent, or the Applicant, such problem shall require immediate notification to the Commission and an immediate meeting shall be held between the Commission or its Agent, the Applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

DEP # 315-1261  
Location: Delaney and High Streets  
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14. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Commission's jurisdiction under the Order, agree that the Town shall have no responsibility to maintain the proposed detention basin and that the Town shall not be liable for any damage in the event of failure. By acceptance of this Order, the owners indemnify and hold harmless the Town and its residents for any damages attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.
15. Upon completion of this project, the Applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance.
- a. A letter from the Applicant requesting a Certificate of Compliance.
  - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and **that all conditions have been complied with.**
  - c. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
16. Perpetual Conditions shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.
17. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
18. It is the responsibility of the Applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
19. Should issuance of additional permits result in a change in the project, the provisions of Condition #12 applies, regarding the process for plan changes.
20. Any future work within wetland resource areas or buffer zones will require that a new Notice of Intent or Request for Determination of Applicability be filed with the Commission.

## FLAGGING

21. Prior to commencement of construction on site, the limits of wetland resource areas shown on the Notice of Intent shall be flagged with surveyor's tape and **shall remain in place during construction**. The limits of areas to be impacted shall be clearly flagged.
22. All flags used for the above purposes shall be of a color different from other flagging used on the site.
23. Prior to the commencement of construction of the site, erosion and sedimentation control measures as shown on the plan shall be implemented and maintained in effect throughout the entire construction phase, and until the site has been stabilized. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission.
24. All erosion control measures shall be maintained until the engineer and a member or Agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures.
25. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line.
26. All debris, fill and excavated material shall be stockpiled outside the 100-foot wetland buffer zone, and at a location to prevent sediment from entering the wetland resource area. Siltation controls shall be provided as necessary around the stockpiles.
27. Placement of erosion controls shall be directed at the site by the engineer in order to ensure that no sedimentation will reach wetland resource areas and that the erosion and sedimentation controls meet the specifications on the plans and these Order of Conditions.
28. Siltation controls shall be placed upgradient of all resource areas along the limit of activity as shown on the plan, between all disturbed areas and the wetlands. The filter fabric shall be installed as recommended by the manufacturer except as otherwise directed by the Conservation Commission or its Agent. The bottom six (6) inches of the material shall be buried by excavating a six (6) inch deep trench along the toe of the fabric line and placing the bottom six (6) inches of filter fabric into the trench. The trench shall then be backfilled with the spoil material and compacted. In no instance shall the bottom of the filter fabric be laid on the ground surface and simply covered with backfill or stone. .
29. Siltsacks™ shall be placed in the newly constructed catch basins and maintained after each storm event.

30. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and may include materials required to repair or replace silt fences, and compost sock, Siltsacks™, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

31. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

32. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.

33. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **GRADING/LANDSCAPING/SLOPE**

34. In proximity to resource areas, site grading and construction shall be scheduled during the dry season whenever possible, to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation into the wetland.

35. All disturbed areas and slopes shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.

36. Loaming and seeding will occur as soon as possible after final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days, unless the 90 days are in the winter. If this condition should occur, the Applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.

## CONSTRUCTION MANAGEMENT

37. The Applicant shall notify the Conservation Commission in writing of at least 48 hours prior to commencement of activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order.
38. The erosion controls shall be **inspected weekly and as necessary prior to and after a storm event** to assure that the erosion controls are functioning as designed and to replace any erosion controls as needed. The Applicant shall provide to the Conservation Agent the **contact information** for the **person responsible for the inspection of the erosion controls**.
39. A copy of this Order of Conditions, Notice of Intent plans last revised dated **12/29/2022**, and construction plans, shall be on the site upon commencement and during any site work for contractors to view and adhere to.
40. All equipment shall be operated, so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging. Construction equipment shall be parked overnight, maintained and fueled outside the wetland buffer zone. Any exceptions shall require approval by the Commission/Agent.
41. All waste products, grubbed stumps, slash, construction materials, etc. shall be removed from the site in accordance with all local, state and federal law and regulation. All equipment, i.e., cement trucks, plasters, masons, painters, without limitation shall be accomplished outside the buffer and riparian zone and properly disposed of off site. Disposal shall be done weekly or as needed.
42. Only clean fill shall be used on the site i.e., clean soil, free of masonry, stumps, asphalt, or waste material.
43. No oils, fuel, grease cartridges or other pollutants shall be stored in the buffer zone, unless as specified in this Order of Conditions. Containers from these materials shall be disposed of properly.
44. A fuel or hydraulic oil spill kit shall be maintained at all times on site, per Walpole Fire Department specifications. In the event of a spill, the Applicant shall take immediate measures to contain such spill and shall notify the Walpole Fire Department.
45. The street shall be maintained in a clean condition free from dirt and debris in order to keep siltation from entering the storm water system. Continued condition\*\*\*

46. Each dwelling shall have **roof drains connected to infiltration systems** sized to recharge **the first 1-inch**. The As-built plan shall show the location of the infiltration systems on each lot.

## POST CONSTRUCTION

47. All construction debris shall be removed from the site and disposed of in accordance with all applicable laws and regulations.
48. Upon completion of the project and as a requirement for the issuance of a Certificate of Compliance, the Applicant shall submit a letter certifying compliance with all conditions in this Order. An As-Built Plan of the construction of all areas within the jurisdiction of the Walpole Conservation Commission shall be submitted.
49. The Order of Conditions shall be valid for three (3) years. Extensions may be requested in a yearly basis thereafter, and requested 30 days prior to expiration.

## DETENTION/RETENTION BASIN

50. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed as currently depicted in the Notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
51. To control peak rates of runoff and to treat the storm runoff, the Applicant is to construct the infiltration Basins as shown on the Plans. Construction of the infiltration Basins shall proceed at commencement of construction and proceed simultaneously with all other work, with the exception that work which is necessary to gain access to the basin sites and to place erosion control barriers shall be performed first to assure that no siltation reaches the wetlands prior to and during basin construction. The Basin must be functional before any structures are constructed.
53. The infiltration basins shall not be used as temporary sediment basins unless approved by the Commission or Agent.
54. The infiltration Basins and associated outlet structure shall be maintained during and after construction in good hydraulic condition such that the basin will function as intended without causing flooding. The basin shall be periodically maintained, as necessary, by removal of any accumulated sediment or debris that would reduce the design storage capacity of the basin by 10 percent.



55. All slopes and disturbed soils within and adjacent to the basins shall be stabilized within two weeks after the basins are completed. The siltation control barrier shall remain in place around the basin until the area adjacent to the basin has been stabilized with vegetation.

56. The infiltration basins are to be inspected on a monthly basis and after storms that exceed one (1) inch of rainfall, to make sure that the outlet is not clogged, that sediment levels have not exceeded six (6) inches in depth and that all banks are stable and free of erosion. If necessary, more frequent inspections shall be conducted.

57. Basins will be constructed as approved in the reference plans any variation to the approved plan shall be submitted in writing to the Conservation Commission and the town engineer for approval

#### **Infiltration BASINS AND CATCH BASIN MAINTENANCE**

59. The Basins are to be maintained in accordance with this Order and the Operation and Maintenance Plan, by the Applicant until the Applicant provides the Conservation Commission with the documentation as specified in DEP condition 18 and 19 of the next responsible party.

60. Catch basins and gasoline traps shall be maintained in accordance with this Order by the Applicant until the roadway is accepted by another party.

61. Upon completion of construction of the basins, stakes shall be placed in the forebay and main body of the basin areas with markings to indicate when sediment has accumulated to a depth of six inches at which time it shall be removed and deposited in an area outside of the 100 foot or the 200 foot buffer zone as applicable.

62. In all operation and maintenance conditions in this Order, will be the responsibility of the landowner and shall include the following **CONTINUED CONDITION** :

##### Basin

- a. Removal of debris and sediment within the basin and adjacent to the inlet and outlet structures keeping said structures clear of any blockage and/or obstruction at all times; \*\*\*
- b. Removal of any new growth of trees and shrubs from the

sediment bay and along the access route to the outlet structure; \*\*\*

- c. Prevention of erosion on the side slope or on the bottom of the basin; \*\*\*
- d. Prohibition of dumping of landscaping waste or filling of the basin; \*\*\*
- e. The maintenance of the contours of the basin, so as to conform to the lines and grades established on the Plans; \*\*\*

#### Catch Basins

- f. The maintenance of the catch basins and gasoline traps shall be conducted as follows: initial cleaning after the final coat of black top, then inspection two times per year and cleaning as required. Until the final Certificate of Compliance is issued.

### **PERPETUAL CONDITIONS**

63. The Conservation Commission shall be notified of each consecutive land owner (name and contact information) who purchases the property where an infiltration basin is located. \*\*\***Continued condition.**

64. The operation and maintenance plan shall be provided to each property owner at purchase of a lot with an infiltration basin. \*\*\***Continued condition**

65. The maintenance of the Basins and catch basins shall occur without further Commission approval. \*\*\* **Continued Conditions**

66. Maintenance of Basin #1 on lot 11; Basin #2 on lot 1 and Basin #3 on lot 6 shall be the responsibility of the owner of the lot. \*\*\***Continuing condition**

67. If determined by the Agent and the Town Engineer an underdrain may be installed in any and/or all three basins/. This option would only be available if the basins fail to drain in the required 72 hours and after all other remedies for proper function have been exhausted. \*\*\***Continued Conditions**

67. No more than two (2) applications a year of dosages of fertilizers and herbicides, per manufacturers recommendations, shall be used. \*\*\* **Continued Conditions**

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68. Cut and grub shall occur only for road construction, associated grading, utilities and stormwater basin under this Order of Conditions.
69. The existing sewer easement shall not be cleared within the 25-foot no alteration area.  
**\*\*\*Continuing condition**
70. The culvert between the B-series and C-series wetlands shall be maintained free and clear.  
**\*\*\*Continuing condition**
71. The existing sewer easement shall not be cleared within the 25-foot no alteration area.  
**\*\*\*Continuing condition**
72. The culvert between the B-series and C-series wetlands shall be maintained free and clear.  
**\*\*\*Continuing condition**
73. A clean water flow shall be maintained between the B-series wetlands and the C-series wetland during the construction of the roadway. **\*\*\*Continuing condition**

**BYLAW NO ALTERATION AREA**

74. The No Alteration boundary shall be surveyed and staked in the field prior to cutting trees.
75. The No Alteration Plaques shall 3 X 5 inch environmental plastic or brass be placed on concrete or granite bounds in the field at locations shown on the plan and shall be maintained in perpetuity. The Owner agreed to install and maintain the bounds and plaques as a condition of this Order for the purpose of demarcating the permanent "no alteration area" as defined in the Walpole Wetlands Protection Bylaw.

The plaques shall read:

**No Dumping or Alteration**  
of Lands Beyond this Point is Allowed.  
Per Order of the Conservation Commission

**\*\*\*Continued Condition**

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76. The on- site manager or contractor responsible for completing the work is required to read and sign the Order of conditions below and return to the Conservation Commission with name and 24-hour phone number.

I \_\_\_\_\_, representing \_\_\_\_\_

have read and will conform to these conditions. Phone number \_\_\_\_\_

\_\_\_\_\_  
Contractor's Signature

\*\*\* Continuing Conditions