



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

COPY

MAY 03 2021

Louis Petrozzi, President
Wall Street Development Corp.
P.O. Box 272
Westwood, Massachusetts 02090

RE: WALPOLE – Wetlands
File No. 315-1233
Superseding Order of
Conditions

Dear Mr. Petrozzi:

Following an in-depth review of the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection has issued the enclosed Superseding Order of Conditions (SOC). The enclosed SOC approves portions of the proposed project subject to certain conditions.

The proposed project consists of the construction of forty condominium units within seven buildings, a roadway, associated utilities and infrastructure, and drainage and stormwater management systems. The project includes the clean-up of solid waste, and oil and hazardous materials that historically had been dumped on the site. Portions of the project site are located within bordering land subject to flooding, riverfront area, and the buffer zone to inland bank and bordering vegetated wetlands. The site contains 50,713 square feet of riverfront area. The Department's review of the project confirms that the 13,614 square foot area depicted as degraded riverfront area on the Site Development Plan, Riverfront Area Disturbance, Sup-B, dated 1/20/20, prepared by GLM Engineering, Inc., meets the regulatory definition of Dumping Ground found at 310 CMR 19.006.

The enclosed SOC denies the proposed construction of Building #3, Units 11 & 12. Pursuant to 310 CMR 10.58(5)(e), the area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the Riverfront Area, except in accordance with 310 CMR 10.58(5)(f) or (g). The plan set included in the Notice of Intent submitted on July 10, 2020, states that there is 50,713 square feet of Riverfront Area on the site. The plan also indicates that 13,614 square feet of the Riverfront Area meets the regulatory definition of previously disturbed degraded Riverfront Area. The amount of degraded Riverfront Area exceeds 10% of the Riverfront Area found on the site. The revised plan sheet dated April 21, 2020, revised through 2/22/21, entitled SUP-B indicates that the proposed development will result in 12,781 square feet of degraded Riverfront Area being redeveloped and an additional 3,912 square feet of non-degraded Riverfront Area being developed. The total Riverfront Area proposed to be impacted by the development equals 16,693 square feet. An 833 square foot

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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area of degraded Riverfront Area is proposed to be restored. The proposed 16,693 square foot impact to the Riverfront Area exceeds the 13,614 square foot area of presently degraded Riverfront Area and is over 30% of the 50,713 square feet of Riverfront Area on the site.

The Wetlands Protection Act Regulations at 310 CMR 10.58(5)(g) state, “When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy & Environmental Affairs.”

In accordance with 310 CMR 10.58(5)(g), the project includes a proposal to plant between 500 and 700 assorted native shrubs within the approximately 32,102 square feet of sparsely vegetated areas of Riverfront Area and to replace invasive species of plants that are proposed to be removed. The Walpole Conservation Commission found that the proposed mitigation plantings did not provide any of the following:

- off-site restoration of riverfront area at a minimum ration of 2:1 mitigation area to area of alteration;
- implementation of conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00;
- the purchase of development rights within the riverfront area; and/or,
- the restoration of bordering vegetated wetland.

The Department concurs with these findings of the Walpole Conservation Commission. Additionally, the Department finds that the proposed mitigation plantings would not provide an equivalent level of environmental protection or an enhancement of the existing Riverfront Area. In the opinion of the Department the existing Riverfront Area is functioning in protecting the interests identified in M.G.L. c. 131, § 40. Further, the Department notes that the Oxbow Associates, Inc. Habitat Management Plan, dated June 29, 2020, in discussing the invasive plant species management on page 3 states, “It should be noted that because of the degree of infestation in the area and length of time since the invasion, eradication of these plant populations is highly unlikely.” Therefore, the Department finds that the invasive species management and native shrub planting proposed as mitigation will not, at a minimum result, in

an improvement over existing conditions of the capacity of the Riverfront Area to protect the interests identified in the Act.

As shown on the Riverfront Area Disturbance Plan, the total degraded riverfront area on the site is 13,614 square feet. The proposed redevelopment will impact 12,781 square feet of the previously degraded riverfront area. Of the remaining degraded riverfront area, 833 square feet will be restored as mitigation for project impacts to undisturbed riverfront area. As required by 310 CMR 10.58(5)(h), the SOC includes a continuing special condition prohibiting further alteration within the restored riverfront area. This continuing special will be included in any Certificate of Compliance issued for this project.

The Department would permit the construction of Unit 12 if the plans were revised to show Unit 12 attached to Unit 13, Building #4, and all associated construction activities located within the degraded Riverfront Area; provided the revised plan is submitted prior to the start of construction.

In the Department's opinion, the project as proposed and conditioned herein adequately protects the interests of the Wetlands Protection Act. Please be advised that the Department reserves the right, should there be further proceedings in the matter to raise additional issues and present further evidence as may be appropriate.

If you have any questions regarding this matter, please contact me at 508-946-2808 or by e-mail at daniel.gilmore@mass.gov.

Very truly yours,



Daniel F. Gilmore, Chief
Wetlands & Waterways Program
Bureau of Water Resources

DFG/dfg

Enclosure

Certified Mail # 7019 2280 0002 2137 1434

cc: Walpole Conservation Commission



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

Provided by MassDEP:
 315-1233
 MassDEP File #
 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

1. From: Massachusetts Department of Environmental Protection – Southeast Region
 Issuing Authority

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

3. To: Applicant:
 a. First Name: Louis
 b. Last Name: Petrozzi
 c. Organization: Wall Street Development Corp.
 d. Mailing Address: P.O. Box 272
 e. City/Town: Westwood
 f. State: MA
 g. Zip Code: 02090

4. Property Owner (if different from applicant):
 a. First Name: _____
 b. Last Name: _____
 c. Organization: See Attached List on page 13
 d. Mailing Address: _____
 e. City/Town: _____
 f. State: _____
 g. Zip Code: _____

5. Project Location:
 a. Street Address: Burns Avenue & Brook Lane
 b. City/Town: Walpole
 c. Assessors Map/Plat Number: 20
 d. Parcel/Lot Number: 115, 119, 136 & 137
 Latitude and Longitude, if known: 42d09m34s 71d12m28s
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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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
 a. County
 34158; 35653; 36797; 25238
 b. Certificate Number (if registered land)
 536; 276; 373; 585
 c. Book
 d. Page

7. Dates: 7/10/2020 2/5/2021 12/10/2020
 a. Date Notice of Intent Filed b. Date of DEP Site Visit c. Date of Issuance of Local Order

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Amended Site Development Plan – A Comprehensive Permit M.G.L. c. 40B – "The Residences at Burns Avenue"
 Walpole, Massachusetts, Sheets 1 to 12

a. Plan Title
 GLM Engineering Consultants, Inc. Joyce E. Hastings, PLS & Paul E. Truax, PE
 b. Prepared By c. Signed and Stamped by
 February 22, 2021 1" = 30'
 d. Final Revision Date e. Scale

Stormwater Management Report prepared by GLM Engineering Consultants, Inc. May 21, 2020
 f. Additional Plan or Document Title g. Date

Degraded Riverfront Area Evaluation & Delineation prepared by EcoTec, Inc. Revised 4/18/2017
 h. Additional Plan or Document Title i. Date

Habitat Management Plan prepared by Oxbow Associates, Inc. June 29, 2020
 j. Additional Plan or Document Title k. 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, the Department 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 Department 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 Department 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.



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

Denied in part 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. (See pages 13 & 14).**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	16693	13206		
	_____ 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	16693	13206	833	833
	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
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.)

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

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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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 Department listed below.

Massachusetts Department of Environmental Protection – Southeast Region
 Issuing Authority

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

To:

Massachusetts Department of Environmental Protection – Southeast Region
 Issuing Authority

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

Burns Avenue & Brook Lane, Walpole
 Project Location, Town

315-1233
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk
 County

Book

Page

for: _____
 Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

DFG/dfg

Signature of Applicant



Massachusetts Department of Environmental Protection
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LIST of PROPERTY OWNERS:

Assessors' Map 20 / Parcel 119
Owner: Wall Street Development Corp.
Book: 34158, Page: 536

Assessors' Map 20 / Parcel 137
Owner: Burns Avenue Development, LLC
Book: 35653, Page: 276

Assessors' Map 20 / Parcel 136
Owner: Wall Street Development Corp.
Book: 36797, Page: 373

Assessors' Map 20 / Parcel 115
Owner: Brian Martin
Book: 25237, Page: 585

DENIAL in Part:

This Order denies the proposed construction of Building #3, Units 11 & 12. Pursuant to 310 CMR 10.58(5)(e), the area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the Riverfront Area, except in accordance with 310 CMR 10.58(5)(f) or (g). The plan set included in the Notice of Intent submitted on July 10, 2020, states that there is 50,713 square feet of Riverfront Area on the site. The plan also indicates that 13,614 square feet of the Riverfront Area meets the regulatory definition of previously disturbed degraded Riverfront Area. The amount of degraded Riverfront Area exceeds 10% of the Riverfront Area found on the site. The revised plan sheet dated April 21, 2020, revised through 2/22/21, entitled SUP-B indicates that the proposed development will result in 12,781 square feet of degraded Riverfront Area being redeveloped and an additional 3,912 square feet of non-degraded Riverfront Area being developed. An 833 square foot area of degraded Riverfront Area is proposed to be restored. The impact to the Riverfront Area exceeds the amount of presently degraded Riverfront Area and is proposed to be over 30% of the Riverfront Area on the site.

The Wetlands Protection Act Regulations at 310 CMR 10.58(5)(g) state, "When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse



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impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy & Environmental Affairs.”

In accordance with 310 CMR 10.58(5)(g), the project includes a proposal to plant between 500 and 700 assorted native shrubs within the approximately 32,102 square feet of sparsely vegetated areas of Riverfront Area and to replace invasive species of plants that are proposed to be removed. The Walpole Conservation Commission found that the proposed mitigation plantings did not provide any of the following:

- off-site restoration of riverfront area at a minimum ration of 2:1 mitigation area to area of alteration;
- implementation of conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00;
- the purchase of development rights within the riverfront area; and/or,
- the restoration of bordering vegetated wetland.

The Department concurs with these findings of the Walpole Conservation Commission. Additionally, the Department finds that the proposed mitigation plantings would not provide an equivalent level of environmental protection or an enhancement of the existing Riverfront Area.

In the opinion of the Department the existing Riverfront Area is functioning in protecting the interests identified in M.G.L. c. 131, § 40. Further, the Department notes that the Oxbow Associates, Inc. Habitat Management Plan, dated June 29, 2020, in discussing the invasive plant species management on page 3 states, “It should be noted that because of the degree of infestation in the area and length of time since the invasion, eradication of these plant populations is highly unlikely.” Therefore, the Department finds that the invasive species management and native shrub planting proposed as mitigation will not, at a minimum result, in an improvement over existing conditions of the capacity of the Riverfront Area to protect the interests identified in the Act.

The Department would permit the construction of Unit 12 if the plans were revised to show Unit 12, attached to Unit 13, Building #4, and all associated construction activities located within the degraded Riverfront Area; provided the revised plan is submitted prior to the start of construction.

Given that the revised plan set does not provide any details on the proposed invasive plant species management (i.e., no limit of work, no erosion control, no estimated or approximate planting scheme diagram, and no details on post-construction stabilization), invasive plant species management beyond the limit of construction work is prohibited.



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ADDITIONAL SPECIAL CONDITIONS:

1. Prior to the commencement of construction activities, an erosion control barrier shall be installed. The erosion control barrier shall be installed along the boundary of the non-degraded/degraded Riverfront Area except in the area of Building #2, Unit 10; Building #5, Unit 20; the area of Degraded Riverfront Area to be restored near Building #4, Unit 18; and the area of Brook Lane between approximately Stations 2+75 & 2+95. Additionally, the erosion control barrier shall be installed between the boundary of the Bordering Vegetated Wetlands and any areas where construction is proposed, and as shown on the plan of record.
2. The erosion control barrier shall serve as the limit of work and limit of clearing and grading as shown on the plan of record.
3. The erosion control barrier shall be maintained until all disturbed soils have been permanently stabilized.
4. Any supplies, debris, fill or other materials shall be stockpiled away from the Inland Bank, BVW and the brook, and at a location to prevent such materials from entering those resource areas.
5. Any solid waste, oil and/or hazardous materials encountered during construction activities shall be removed from all wetland resource areas and reused, recycled or disposed of in accordance with all applicable federal, state and local laws, regulations and ordinances.
6. Upon completion of the project, the erosion control barrier shall be removed from the site and disposed of in accordance with all applicable federal, state and local laws, regulations and ordinances.
7. Prior to requesting the issuance of a Certificate of Compliance, the applicant shall demonstrate the 833 square foot riverfront area restoration has been successfully completed for at least two growing seasons.
8. Upon completion of the project, a Certificate of Compliance shall be requested in accordance with General Condition No. 12, and under the provisions of 310 CMR 10.05 (9)(d). An "AS-BUILT" plan and a statement from a Registered Professional Engineer certifying compliance with the conditions of this Order shall accompany the request for a Certificate of Compliance.
9. Future alteration or development of the 833 square foot restored riverfront area shall be prohibited, except as may be required to maintain the area in its restored condition. This condition is on-going and shall be included in any Certificate of Compliance issued for this project.



Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

A. Person/Party Making Request

1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

2. Project Information:

Street Address

City

State

Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

Email Address

C. Instructions

1. Send this form and check or money order of \$100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

2. Send a **copy** of this form and a **copy** of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

Case Administrator
Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

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



