

Community Land and Water Coalition
A Project of Save the Pine Barrens, Inc.
P.O. Box 1699
Plymouth MA 02362

May 6, 2024

Michael King
Chair, Planning Board
Town of Wareham
54 Marion Road
Wareham, MA 02571

By email May 6, 2024

Re: Planning Board Case 15-23, Sarajon Realty, LLC. – Special Permit for Cluster Development, Form C & Site Plan Review – Hidden Trails, Off County Rd

Dear Chair King and Members of the Planning Board,

Thank you for the opportunity to comment on Case 15-23 (the Project) on the Special Permit for Cluster Development & SPR under Section 1500 of the Wareham Zoning Bylaw (Application). Community Land & Water Coalition (CLWC) submits these comments on behalf of its organization and its members who live, work and recreate in Wareham.

The Planning Board should deny the Application for the reasons stated below. Alternatively, it should continue the hearing until the issues addressed below are resolved in a manner that demonstrates compliance with the Wareham Zoning Bylaw.

1. The Applicant is not in compliance with Section 1551 of the Bylaw. Section 1551 states:

1551 RELATION TO CONSERVATION COMMISSION APPROVALS

1551.1 The applicant shall submit to the Planning Board or other Permit Granting Authority in addition to other requirements for Site Plan Review, either:

1. A Determination of Non-Applicability of Massachusetts Wetlands Protection Act Massachusetts General Laws, Chapter 131, Section 40 and, Wareham Wetland protective By-Law issued by the Conservation Commission, as described in that Act, or
2. An Order of Conditions or Order of Resource Area Delineation, covering the proposed work, or approving the wetland Resource Area delineations issued by the Conservation Commission for the purpose of protecting those interests described in the Massachusetts Wetlands Protection Act and the Wareham Wetlands Protective By-Laws, Division VI. Section 1, (Purpose).

1551.2 The Planning Board may issue Site Plan Approval only after receipt of the original certified copy of either 1551.1 (a) or (b). (added October 25, 2004).

The Conservation Commission issued an Order of Conditions on April 17, 2024. On May 1, 2024, STPB and a group of Wareham residents filed a request for a Superseding Order of Conditions with MassDEP. A copy is attached as Exhibit 1. This request asks MassDEP to overturn the Order of Conditions. The Applicant cannot comply with Section 1551 until the wetlands appeal is resolved. Therefore the Planning Board cannot issue approval until the wetlands appeal is resolved.

2. On March 21, 2024, CLWC submitted a letter stating deficiencies in the Applicants Lightship Phase 1 and Phase 2 Site Assessment under Chapter 21E. On May 13, 2024, CLWC would like 10 minutes on the agenda during the public hearing for this project to have Jonathan Higgins, Principle Earth Scientist with Higgins Environmental Associates, Inc. to provide further comments to the Board on the Lightship report.
3. The project is being improperly segmented for permitting purposes, particularly the design and implementation of the Stormwater Management System. Such project phasing violates the Massachusetts Wetlands Regulations, 310 CMR 10.05 and the Stormwater Handbook.
4. The Applicant should be required to state whether or not it is required to file an Environmental Notification Form under MEPA for the preparation of an Environmental Impact Report.

Furthermore, in making a decision about this project, the Planning Board should consider the proposed development within the framework of the following important State and Town Policies:

1. The project does not comply with Massachusetts Executive Order No. 618: Biodiversity Conservation in Massachusetts, because it will destroy 37 acres of wildlife habitat. The Executive Order states:
 - a. *WHEREAS, biodiversity is threatened by factors including, but not limited to, habitat loss and fragmentation, invasive species, emerging diseases, and pollution of our air, soil, oceans, and freshwater resources;*
2. The project does not fit the vision of the Wareham Master Plan for housing, because it does not provide affordable or senior housing.

The Master Plan lists its Vision and Goals Strategy for Housing to be:

- a. *Improve the quality, choice, and condition of housing particularly for seniors and smaller households.*
- b. *Continue to maintain a housing rehabilitation through CDBG & CPA funding.*
- c. *Understand barriers to affordable housing such as limited water and sewer service, large lot sizes, and lack of incentives (2013 HPP).*
- d. *Develop a Rental Assistance Program that assists low-income residents.*

- e. *Support improvement and maintenance of Wareham Housing Authority and promote housing on town-owned land.*
- f. *Pursue tax-title property for development of affordable housing options.*

Furthermore, Wareham's Master Plan calls for housing development that utilizes a wide variety of strategies:

- g. *Many residents want a variety of new and different housing options to serve seniors and working families, while others oppose any further residential development at all. These differing needs and desires require creative approaches to the Housing element of the plan and to housing production in Wareham.*

This project relies on a traditional housing development strategy of razing the existing wildlife, leveling the topography, and building houses that will be unaffordable to the majority of Wareham residents. This project does not offer housing options to seniors, low-income residents, or provide for alternative transportation options. This project does not provide a creative approach to finding housing solutions in Wareham, but rather relies on traditional models of housing, which are not in-line with the goals of the Master Plan.

- 3. The project does not comply with the vision outlined in the Wareham Master Plan, because it directly threatens a watershed and a natural water resource and will destroy 37 acres of habitat for plants, wildlife, and habitat that supports fish and marine life.

The Master Plan lists its Vision and Goals Strategy for Open Space & Recreation to be:

- a. *Encourage the creation of permanently protected open spaces, preferably in contiguous parcels.*
 - b. *To protect watersheds, wetlands, salt marshes, rivers, bays, and ponds, to improve recreational access to natural water resources, and to provide habitat for plants, wildlife, fish, and marine life.*
 - c. *Enhance the public's opportunities to enjoy open space and recreational facilities.*
 - i. This project actually privatizes open space and makes any remaining open space only available to the select few.
 - d. *Improve recreational facilities.*
 - e. *Recognize the need to preserve, protect, and enhance the natural resources for current and future use for residents and visitors.*
- 4. The project does not comply with the Master Plan's vision for the future of transportation in Wareham.

The Master Plan encourages the following Vision and Goals Strategy for Transportation:

- i. Encourages the use of alternative modes of transit such as bicycles and walking*
- ii. Provide safe, affordable, and accessible transportation options for residents and non-residents to access employment and services*

Residents would be completely dependent on cars to go to and from their homes, therefore the project does not meet the Town's goals for transportation.

5. This project is not in concurrence with Wareham's Master Plan's vision for preservation of Water Resources and Habitat. The Master Plan states:

- a. Similar to "Permanently Protected Open Space" areas, these natural resources are essential to the future of Wareham and to the quality of life of its residents. They are, for the most part, undeveloped. Permanently Protected Open Space Water Resources and Habitats Agriculture.*

Thank you for the opportunity to comment.

Sincerely,

Margaret E. Sheehan, Esq.
Community Land & Water Coalition
environmentwatchesoutheasternma@gmail.com

May 1, 2024

VIA CERTIFIED MAIL # 70220410000161860318
RETURN RECEIPT REQUESTED

Via email to:

SERO NOI@mass.gov

maissoun.reda@mass.gov

MassDEP Southeast Regional Office
Wetlands and Waterways
20 Riverside Drive
Lakeville MA 02347

Request for Denial - Superseding Order of Conditions

Applicant: Sarajon Realty, LLC

Property Owner: Fearing Hill LLC & County Road 2004 Realty Trust

Project Location: Hidden Trails, Off County Road

DEP File No. # SE76-2815

Dear MassDEP:

This is a Request for Department Action (Request) regarding the Order of Conditions SE 76-2815 (Order) issued by the Town of Wareham Conservation Commission (Commission) on April 17, 2024 to Sarajon Realty, LLC (Sarajon). The Request asks the Department to issue a Superseding Order of Conditions denying the Work. The Notice of Intent was filed September 21, 2023 (NOI). A copy of the Order is attached as **Exhibit 1**.

The Order of Conditions is issued under both the Wetlands Protection Act, G.L. c. 131, s. 40 (“the Act”) and the Wareham Wetlands Protective Bylaw.

This Request is submitted by the undersigned Residents of Wareham. One or more of the residents is an abutter to the project and all are persons aggrieved by the Order. 310 CMR 10.05(7). One of the Residents, Annes Hayes, participated in the process by submitting a letter to the Wareham Conservation Commission on January 4, 2024. This Request is also submitted by Save the Pine Barrens, Inc. (STPB), a person aggrieved by the Order. STPB is a Massachusetts non-profit corporation whose mission is to protect, preserve and steward the land

and water of Southeastern Massachusetts, including, wetlands, forests, wildlife, history and endangered species. STPB members live, work and recreate in Wareham.

This request is filed in a timely manner, within ten business days after the issuance of the Order. It is filed in accordance with the provisions of 310 CMR 10.03(7)(a)(2) and 310 CMR 10.05(7)(a-d). Attached as **Exhibit 2** is a copy of the filing fee and filing fee transmittal form which have been sent to the DEP Lockbox.

The Order fails to protect the interests of the Act or meet the requirements of the Act's implementing Regulations. 310 CMR 10.000 (the "Regulations").

Project Site

The project Site (the "Site") consists of a land area of approximately 153 acres comprising at least 54 individual lot numbers located off of County Road in West Wareham. See Project Locus Map, **Exhibit 3**, provided by J.C. Engineering, Inc. The property owner of the largest parcel, Map 63 Lot 1013, and the owner listed in the Notice of Intent is Fearing Hill, LLC and County Road 2004 Realty Trust. Other lots are owned by Lorusso, Gerard C. & Grilli, Henry G. Trustees and Wolcott, Walter S. C/O Lorusso & Grilli, according to information supplied by the Applicant.

The project site is located east of County Road in a residentially zoned area of West Wareham. The project site currently consists of undeveloped land. According to documents submitted by the Applicant to the Town of Wareham, portions of the Site were previously used for a sand and gravel mine.

The majority of the Site area is currently wooded, with the exception of a 30.5-acre man made pond in the center of the property, and two sand pits located to the north west and southeast of the pond from the former mining activity which comprise about 16.5 acres. According to the Notice of Intent, there are approximately 27 acres of bordering vegetated wetlands on the Site. The remainder of the 79 acres is wooded.

According to MassMapper, the Resource areas on the project Site consist of the following: open water, shrub swamp, wooded swamp deciduous, wooded swamp mixed trees, wooded swamp coniferous, and deep marsh. According to BioMap3, the entirety of the Site, with the exception of the access road off of County Road to the west, consists of Critical Natural Landscape and portions of the Site consist of Core Habitat and Local Rare Species Habitat.

According to public statements made to the Wareham Planning Board by a Wareham resident, who has extensive familiarity with the project Site, the Site contains rare, threatened, and species

of local significance on the Site including fisher cats, eastern box turtles, eastern rat snake, Red-Bellied Cooter, a federally endangered turtle species, the northern diamond-backed terrapin, otters, deer, wild turkeys, fox, osprey nests, owls, and a major blue heron rookery.

The wetlands on the Site form part of the headwaters of Cohackett Brook; an abutter to the Site has observed that herring from the Atlantic Ocean swim up Cohackett Brook into the man-made pond on Site.

Based on available information, the road way and subsequent residential development will destroy areas found to have evidence of Native American use and occupation of the Deer Pond area and Project Site.

The National Historic Preservation Act, Section 106, requires consultation with the Wampanoag Tribes before the Project can proceed.

Various federal court rulings confirm that Indian tribes have aboriginal rights that include hunting, fishing and trapping rights derived from aboriginal possession. The Site is in the ancestral lands of the Wampanoag people to which they have aboriginal rights. The Work will violate aboriginal rights. The Herring Pond Wampanoag people have maintained land tenure over the Project area for thousands of years.

Proposed Work

The Notice of Intent (NOI) states the project involves the construction of roadways, utilities, and stormwater management systems. This is the first phase of a development project for the construction of a residential 56-lot cluster subdivision.

The actual residential development is not part of the NOI. The NOI states the road and developable lots will disturb 37 acres with a roadway system of 6,729 feet, or about 1.2 miles, including trenching and subsurface excavation for utilities including water mains. The NOI contains insufficient or no information about the residential development.

Objections to the Order of Conditions:

Failure to Find that the area in which the work is proposed is significant to Flood Control

- The Order fails to find the project significant to Flood Control, even though a significant portion of the project Site lies within the FEMA National Flood Hazard Layer.
- Although no infrastructure or residential developments are planned within the Flood Hazard Area, the applicant has stated that trails and other recreational opportunities will

be made available to residents in this part of the Site, which would constitute an alteration of a Resource Area.

- Furthermore, the [Massachusetts Office of Coastal Zone Management](#) has created a model of predicted sea level rise and coastal flooding, which predicts that an even greater portion of the Site, to the east and south, will be subject to coastal flooding by 2050.
- The Order fails to address the risks of the project and project Site to current and predicted levels of flooding and fails to address how the removal of 37 acres of wooded upland and alteration of wetland areas will impact the areas subject to coastal flooding, now and in 2050.

Failure to Find that the area in which the work is proposed is significant to Fisheries

- The Order fails to find that the project is significant to fisheries, even though the wetlands are part of the headwaters of Cohackett Brook.
- The public has observed herring migrate from the Atlantic Ocean, up Cohackett Brook, and into the man-made pond on Site.
- Numerous aquatic-adapted species, which feed on fish, including mink, heron, and otter have been observed at the Site.
- The wetlands on the southern portion of the Site form a surface water connection between the man-made pond, and Cohackett Brook. The Order fails to address potential impacts herring, other fish species, and other species of animals who feed on the fish species, and the water quality of Cohackett Brook.
- Cohackett Brook has a hydraulic connection via surface water to the Atlantic Ocean.
- The Order fails to address how the project will impact Fisheries and fails to provide conditions that protect those Fisheries.

Failure to Impose Conditions to Protect Public Water Supply, Private Water Supply and Groundwater Supply

- The Order finds the area in which the work is proposed is significant to Public Water Supply, Private Water Supply and Groundwater Supply but fails to impose adequate conditions to protect those interests.
- The phased development includes the installation of 56 individual septic systems which will feed septic water into the ground.
- The NOI failed to identify the location and number of private and public drinking water supplies, zones of influence, and projected future water demands for Wareham residents. Private wells are located proximate to the Project Site.
- The OOC fails to address potential impacts to private water supply from the proposed residential development.

Failure to Impose Adequate Conditions to Prevent Pollution

- The OOC fails to include adequate conditions to prevent pollution.

Failure to Impose Conditions to Protect Wildlife Habitat including Species Listed under the Massachusetts Endangered Species Act

- Persons with extensive familiarity with the Site report that the contains rare, threatened, and species of local significance on the Site including fisher cats, eastern box turtles, eastern rat snake, Red-Bellied Cooter, a federally endangered turtle species, the northern diamond-backed terrapin, otters, deer, wild turkeys, fox, osprey nests, owls, and a major blue heron rookery.
- The phased project will destroy 37 acres of wildlife habitat and will have a major impact on the survival rate of these observed animals, and a detrimental effect on biodiversity in Wareham.
- The Order fails to provide adequate conditions to protect Core Habitat and Critical Natural Landscape from the “Grading” and tree clearing.
- The Order finds the project significant to Protection of Wildlife Habitat, but fails to impose any conditions to protect wildlife habitat within the proposed roadway development and phased 37 acres of development. The developer has stated on record at Commission meetings that they plan to clear-cut and raze this wildlife habitat.

Failure to Prevent Pollution by Failing to Address a Potential Release or Threat of Release of Hazardous Materials

- The Applicants Chapter 21E site assessment was inconclusive and failed to address concerns:
 - Among the unaddressed issues are the *Portions of the Subject Property were covered with thick vegetation at the time of the reconnaissance that limited accessibility and visibility of conditions at the Subject Property.*
 - During the Site reconnaissance for the Phase I portion of the 21E investigation, *Lightship Engineering observed multiple apparently man-made earthen mounds throughout the Subject Property during the reconnaissance. The source and purpose of the mounds was not evident.*
- Abutters have stated that witnesses have described to them the dumping of oil-filled barrels on the subject property, in the wooded portion of the property, while the site was being used for a sand and gravel mine.
- According to the Applicant, it was not possible to investigate and sample every one of the earthen man-made mounds during the investigation.

The NOI fails to properly delineate Resource Areas and Buffer Zones under the Act and Regulations

The OOC fails to require compliance with the Stormwater Standards 301 CMR 10.05(6)(k) and the Stormwater Handbook.

The project is improperly phased for purposes of the Stormwater Standards. The Wetland Protection Act Regulations, 310 CMR 10.05(n) requires all phases to be considered for purposes of the Stormwater Management Standards. The NOI improperly fails to include stormwater management systems for the entirety of the project, including the residential development. The Stormwater Plan does not consider environmentally sensitive site design that incorporates low impact development techniques in addition to stormwater best management practices. 310 CMR 10.05(n).

The alleged Stormwater Plan violates the Stormwater Regulations and the Stormwater Handbook, including Best Management Practices.

Compliance with MEPA

The entirety of the project will disturb more than 25 acres of land (about 2.5 acres for the roadway) and will create more than five acres of impervious surface. It therefore exceeds MEPA thresholds for an environmental notification form and environmental impact report and may require a MEPA filing. The Applicant cannot segment the project to evade MEPA review. 301 CMR 11.00. The Applicant must provide evidence that it is not subject to MEPA review.

CONCLUSION

For the foregoing reasons, the persons listed below request that MassDEP overturn the Order and issue a Superseding Order of Conditions denying the Project.

Please address correspondence and the reply to this Request to: Save the Pine Barrens, PO Box 1699, Plymouth MA 02362, and via email to ecolawdefenders@protonmail.com

Signed,

Save the Pine Barrens, Inc.
P.O. Box 1699
Plymouth MA 02362

Linda Scharf, Wareham
Kevin Mihalec, 163 Squirrel Island Road, Wareham
Wendy O'Brien, 3 Red Pine Lane, Wareham
Annie Hayes, 52 Farmers Lane, Wareham
Katy Bird, 815 Main Street, 7C, Wareham

By their Authorized Representative

Margaret Sheehan

Margaret E. Sheehan, Esq.
P.O. Box 1699
Plymouth MA 02362
ecolawdefenders@protonmail.com
Tel. 508-259-9154

Copies To:

DEP Lock Box: Certified Mail 70220410000161860301

Wareham Conservation Commission: Certified Mail 70220410000161860325

Sarajon Realty, 2854 Cranberry Highway, Wareham, MA 02538 Certified Mail
7020129000014655



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:
 SE76-2815
 MassDEP File # _____
 eDEP Transaction # _____
 Wareham
 City/Town

A. General Information

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

1. From: Wareham
 Conservation Commission
2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:

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

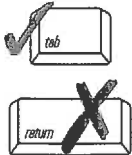
a. First Name _____ b. Last Name _____
Sarajon Realty, LLC
 c. Organization
2854 Cranberry Highway
 d. Mailing Address
E. Wareham MA 02538
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
Fearing Hill, LLC & County Road 2004 Realty Trust
 c. Organization
320 South Street
 d. Mailing Address
Plainville MA 02762
 e. City/Town f. State g. Zip Code

5. Project Location:

Hidden Trails - off County Road Wareham
 a. Street Address b. City/Town
See attached sheet See attached sheet
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: _____ d _____ m _____ s _____ d _____ m _____ s
 d. Latitude e. Longitude





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:
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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):
Plymouth
 a. County See attached sheet b. Certificate Number (if registered land) See attached sheet
 c. Book See attached sheet d. Page See attached sheet
7. Dates: September 20, 2024 March 20, 2024 April 17, 2024
 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):
Hidden Trails - Definitive Subdivision Plan and Special Permit for Cluster Development
 a. Plan Title
 b. Prepared By J.C. Engineering, Inc. c. Signed and Stamped by John L. Churchill, Jr., PE, PLS
 d. Final Revision Date 2/9/2024 e. Scale Varies
 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.



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:
 SE76-2815
 MassDEP File # _____
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 Wareham
 City/Town

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) _____ 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 checked="" type="checkbox"/> Bank	150 a. linear feet	150 b. linear feet	63 c. linear feet	63 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 _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet Cubic Feet Flood Storage _____ e. cubic feet	_____ b. square feet _____ f. cubic feet	_____ c. square feet _____ g. cubic feet	_____ d. square feet _____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet Cubic Feet Flood Storage _____ c. cubic feet	_____ b. square feet _____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet Sq ft within 100 ft _____ c. square feet Sq ft between 100-200 ft _____ a. square feet	_____ b. total sq. feet _____ d. square feet _____ h. square feet	_____ e. square feet	_____ f. square feet _____ j. square feet



Massachusetts Department of Environmental Protection
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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	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. <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



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

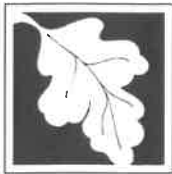
* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

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.



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:
 SE76-2815
 MassDEP File #
 eDEP Transaction #
 Wareham
 City/Town

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 SE76-2815 ”
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 Wareham 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:
Wareham Wetland Protective By-law _____ Div VI _____
 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.

STANDARD CONDITIONS

1. The Wareham Conservation Commission is to be notified in writing at least three (3) working days before the start of construction. At the time of notification, all pre-construction conditions shall have been complied with, including General Conditions 8 & 9.
2. Members, agents, and representatives of the Wareham Conservation Commission and the D.E.P. shall have the right to enter and inspect the property to ensure compliance with the Conditions contained in this Order. They may require the submittal of any data necessary for such evaluation.
3. It is the applicant's responsibility to see that construction personnel are aware of and adhere to all Conditions in this Order. Therefore, a copy of this Order of Conditions shall be available on-site during all project phases.
4. Construction may proceed according to the plans submitted to the Commission and D.E.P. However, for any proposed change to the plans submitted, the applicant shall file a new Notice of Intent or inquire, in writing from the Commission, whether the change is significant enough to warrant a new Notice. **Failure to construct the project according to the approved site plan may result in issuing an Enforcement Order and/or fines of up to \$300.00/day if the unauthorized deviations continue to exist. This shall be a continuing condition.**
5. Before any earth-moving activity commences, a straw bale barrier shall be placed between the limits of the work and the B.V.W. The straw bales shall be firmly anchored with stakes end-to-end. The straw bales shall be inspected daily, and those showing signs of deterioration shall be replaced immediately. The straw bale barrier shall remain properly functioning until all disturbed areas have been stabilized.
6. Any construction in the flood plain shall conform to 780 CMR Section 2102.0 requirements for flood-resistant construction.
7. All final earth grading shall be permanently stabilized by applying loam and seed or sod, except for the designated replication area and any designed paved area (driveway, sidewalk).
8. All debris, fill, and excavated material shall be stockpiled far enough away from designated resource areas and at a location to prevent sediment from surface runoff from entering wetlands. At no time shall any debris or other material be stockpiled, buried, or disposed of within wetland resource areas other than that fill allowed by this Order and shown on the above-referenced plans.

9. **Upon completion of the project, or at the expiration date of the Order of Conditions, the applicant shall either submit a Request for a Certificate of Compliance accompanied by an "As-Built" Plan prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts showing deviations from the originally submitted plans, if any, and showing the site has been developed according to the requirements of the Order of Conditions, or a request for an extension to the Order. Failure to comply with this condition may result in the issuance of fines and/or other legal actions.**
10. 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.
11. If the proposed project involves the construction of a replacement area, the replacement area shall meet or exceed those General performance standards outlined in sections 10.55 (4) (b) 1-7 of the Wetlands Protection Act Regulations. Should the replacement area fail to meet any of these standards, the Commission may require those measures necessary to achieve compliance.
12. **The applicant shall contact the Conservation Administrator to inspect the installed haybale/silt fence barrier. Both haybales and silt fences shall be used for this project. This is to be done before the commencement of the project, which includes tree cutting or the removal of vegetation.**
13. **The applicant shall arrange a preconstruction meeting to include the project contractor, the Conservation Administrator, and the project Engineer to discuss the schedule and details of the project. This shall be done before the commencement of the project, which includes tree cutting or the removal of vegetation.**
14. **The name and phone number of the contact person for the project contractor shall be submitted to the Conservation Office. This shall be done before the commencement of the project.**
15. **Only organic slow-release nitrogen fertilizer shall be used at the site by the manufacturer's specifications. This shall be a continuing condition.**

SPECIAL CONDITIONS

1. The surface of the replacement area to be created is at least equal to a 2:1 ratio of the area proposed to be altered replication area can be identified on plan titled "Proposed Wetland Replication at Hidden Trails" dated April 10, 2024.
2. The groundwater and surface elevation of the replacement area is about equal to the area lost.
3. The overall horizontal configuration and location of the replacement area with respect to the bank is similar to the area lost.

4. The replacement area has an unrestricted hydraulic connection to the same water body of the waterway as the area lost.
5. The replacement area is in the same general area of the water body or reach of the waterway as the area lost.
6. At least 75% of the replacement area is re-established with indigenous wetland plant species within two growing seasons, and prior to re-establishment, any exposed soil is stabilized to prevent erosion in accordance with standard Natural Resources Conservation Service (NRCS) methods.
7. The replacement area is designed in a manner consistent with all other performance standards for each resource area in Part III of 310 CMR 10.00.
8. A wetland scientist knowledgeable about wetland replication will oversee the construction of the wetland area and will monitor it for three years to ensure the survivability of wetland vegetation and replication of the replication.
9. The applicant must acknowledge that 1,432 square feet of wetland alteration has occurred. If the accumulation of anything exceeds 5,000 within the subdivision, additional permitting with the State of Massachusetts is required. This will be a continuing condition.
10. If after three growing seasons, an inspection by the Conservation Administrator or equivalent determines that the replication area needs additional seeding, seeding will occur.
11. Maintenance of the trail along the edge of the pond will be maintained in a manner consistent with the Rules and Regulations of the Wareham Wetland Protective By-law.



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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.

April 17, 2024
 1. Date of Issuance

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

5
 2. Number of Signers

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.

Signature <u>S.S. Slavin</u>	<u>Sandy Slavin</u> Printed Name
Signature <u>Kwame S. Bartie</u>	<u>Kwame Bartie</u> Printed Name
Signature <u>Carol Malonson</u>	<u>Carol Malonson</u> Printed Name
Signature _____	<u>Michael Mercier</u> Printed Name
Signature _____	<u>Jessica Parr</u> Printed Name
Signature <u>[Signature]</u>	<u>Autumn Wood</u> Printed Name
Signature <u>[Signature]</u>	<u>Paulajeane O'Neill</u> Printed Name
Signature _____	_____ Printed Name

by hand delivery on

by certified mail, return receipt requested, on

April 17, 2024
 Date

 Date



Massachusetts Department of Environmental Protection
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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.

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 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
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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



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Provided by DEP

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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.

Site Address	Parcel ID		Deed ID (Plymouth County Registry)	Owner	Size (ac)
0 County Rd Off	63	1013	Book 36343 Page 331	Fearing Hill LLC	18.08
0 Allie's Ln	63	21	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Marissa Way	63	22	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Marissa Way	63	23	Book 32966 Page 82	County Road 2004 Realty Trust	1.6
0 Marissa Way	63	24	Book 32966 Page 82	County Road 2004 Realty Trust	1.4
0 Marissa Way	63	25	Book 32966 Page 82	County Road 2004 Realty Trust	2.25
0 Marissa Way	63	26	Book 32966 Page 82	County Road 2004 Realty Trust	2.54
0 Marissa Way	63	27	Book 32966 Page 82	County Road 2004 Realty Trust	1.4
0 Marissa Way	63	28	Book 32966 Page 82	County Road 2004 Realty Trust	1.43
0 Allie's Ln	63	29	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	30	Book 32966 Page 82	County Road 2004 Realty Trust	1.4
0 Allie's Ln	63	31	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	32	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	33	Book 32966 Page 82	County Road 2004 Realty Trust	1.42
0 Allie's Ln	63	34	Book 32966 Page 82	County Road 2004 Realty Trust	1.7
0 Allie's Ln	63	35	Book 32966 Page 82	County Road 2004 Realty Trust	1.48
0 Allie's Ln	63	36	Book 32966 Page 82	County Road 2004 Realty Trust	1.42
0 Allie's Ln	63	37	Book 32966 Page 82	County Road 2004 Realty Trust	1.6
0 Allie's Ln	63	38	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	39	Book 32966 Page 82	County Road 2004 Realty Trust	1.43
0 Allie's Ln	63	40	Book 29516 Page 311	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	41	Book 29516 Page 311	County Road 2004 Realty Trust	1.38
0 Allie's Ln	63	42	Book 29516 Page 311	County Road 2004 Realty Trust	1.64
0 Allie's Ln	63	43	Book 32966 Page 82	County Road 2004 Realty Trust	2.09
0 Allie's Ln	63	44	Book 32966 Page 82	County Road 2004 Realty Trust	1.99
N/A (portion of Allie's Ln)	63	AA	Book 32966 Page 82	County Road 2004 Realty Trust	0.01
0 Allie's Ln	63	C	Book 39458 Page 131	County Road 2004 Realty Trust	0.74
0 Allie's Ln	63	F	Book 32966 Page 82	County Road 2004 Realty Trust	0.55
N/A	64	1007.K	Book 36482 Page 132	County Road 2004 Realty Trust	0.88
N/A	64	1007.J	Book 36482 Page 130	County Road 2004 Realty Trust	0.4
0 Sandy Pines Dr	64	1F	Book 32966 Page 82	County Road 2004 Realty Trust	1.82
0 Sandy Pines Dr	64	2F	Book 32966 Page 82	County Road 2004 Realty Trust	1.49
0 Sandy Pines Dr	64	3F	Book 32966 Page 82	County Road 2004 Realty Trust	1.71
0 Allie's Ln	64	4	Book 32966 Page 82	County Road 2004 Realty Trust	1.62
0 Allie's Ln	64	5	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	64	6	Book 32966 Page 82	County Road 2004 Realty Trust	1
0 Allie's Ln	64	7	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Casey Ln	64	8	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Allie's Ln	64	13	Book 32966 Page 82	County Road 2004 Realty Trust	1.55
0 Casey Ln	64	14	Book 32966 Page 82	County Road 2004 Realty Trust	2.27
0 Allie's Ln	64	I	Book 32966 Page 82	County Road 2004 Realty Trust	5.14
0 Allie's Ln	64	15	Book 32966 Page 82	County Road 2004 Realty Trust	1.53
0 Juliana Ln	64	16	Book 32966 Page 82	County Road 2004 Realty Trust	2.1
0 Juliana Ln	64	17	Book 32966 Page 82	County Road 2004 Realty Trust	3.4
0 Juliana Ln	64	18	Book 32966 Page 82	County Road 2004 Realty Trust	2.18
0 Allie's Ln	64	19	Book 32966 Page 82	County Road 2004 Realty Trust	2.26
0 Allie's Ln	64	H	Book 32966 Page 82	County Road 2004 Realty Trust	7.21
0 Allie's Ln	64	20	Book 32966 Page 82	County Road 2004 Realty Trust	2.02
0 County Rd Off	64	G	Book 32966 Page 82	County Road 2004 Realty Trust	35.64
N/A	64	R	Book 43600 Page 248	County Road 2004 Realty Trust	0.46
0 Casey Ln	65	9	Book 32966 Page 82	County Road 2004 Realty Trust	1.38
0 Casey Ln	65	10	Book 43600 Page 248	County Road 2004 Realty Trust	1.38
0 Casey Ln	65	11	Book 43600 Page 248	County Road 2004 Realty Trust	1.42
0 Casey Ln	65	12	Book 43600 Page 248	County Road 2004 Realty Trust	1.38

**includes Parcel D

**Includes Book 43600 Page 248

**Includes Book 43600 Page 248

**Includes Book 43600 Page 248

Also, all right of ways depicted on Plan Book 55, Page 1017 (Deed Book 32966 Page 82) that include Allie's Lane, Casey Lane, Marissa Way, and Juliana Lane



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Request for Departmental Action Fee
Transmittal Form

DEP File Number: **4**
 SE76-2815
 Provided by DEP

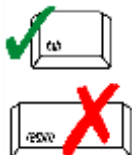
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

Hidden Trails/Off County Road	Wareham, MA, 02576
a. Street Address	b. City/Town, Zip
28833478121	\$245.00
c. Check number	d. Fee amount

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



2. Person or party making request (if appropriate, name the citizen group's representative):

Residents of Wareham; Margaret Sheehan, Save the Pine Barrens, Authorized Representative

Name	P.O. Box 1699	
Mailing Address	MA	02362
Plymouth	State	Zip Code
City/Town	(508) 259-9154	environmentwatchesoutheasternma@gmail.com
Phone Number	Fax Number	Email Address

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)):

Sarajon Realty, LLC

Name	2854 Cranberry Highway	
Mailing Address	MA	02538
Wareham	State	Zip Code
City/Town		
Phone Number	Fax Number	Email Address

4. DEP File Number:

SE76-2815

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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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.



POSTAL MONEY ORDER

Serial Number

28833478121

Year, Month, Day

Post Office

U.S. Dollars and Cents

Amount

Two Hundred Forty Five Dollars and 00/100 *****

\$245.00

Pay to

Commonwealth of Massachusetts

Clerk

Address

Box 4062
Boston, MA 02211

From

Save the Pine Barrens

Address

P.O. Box 1699

Memo

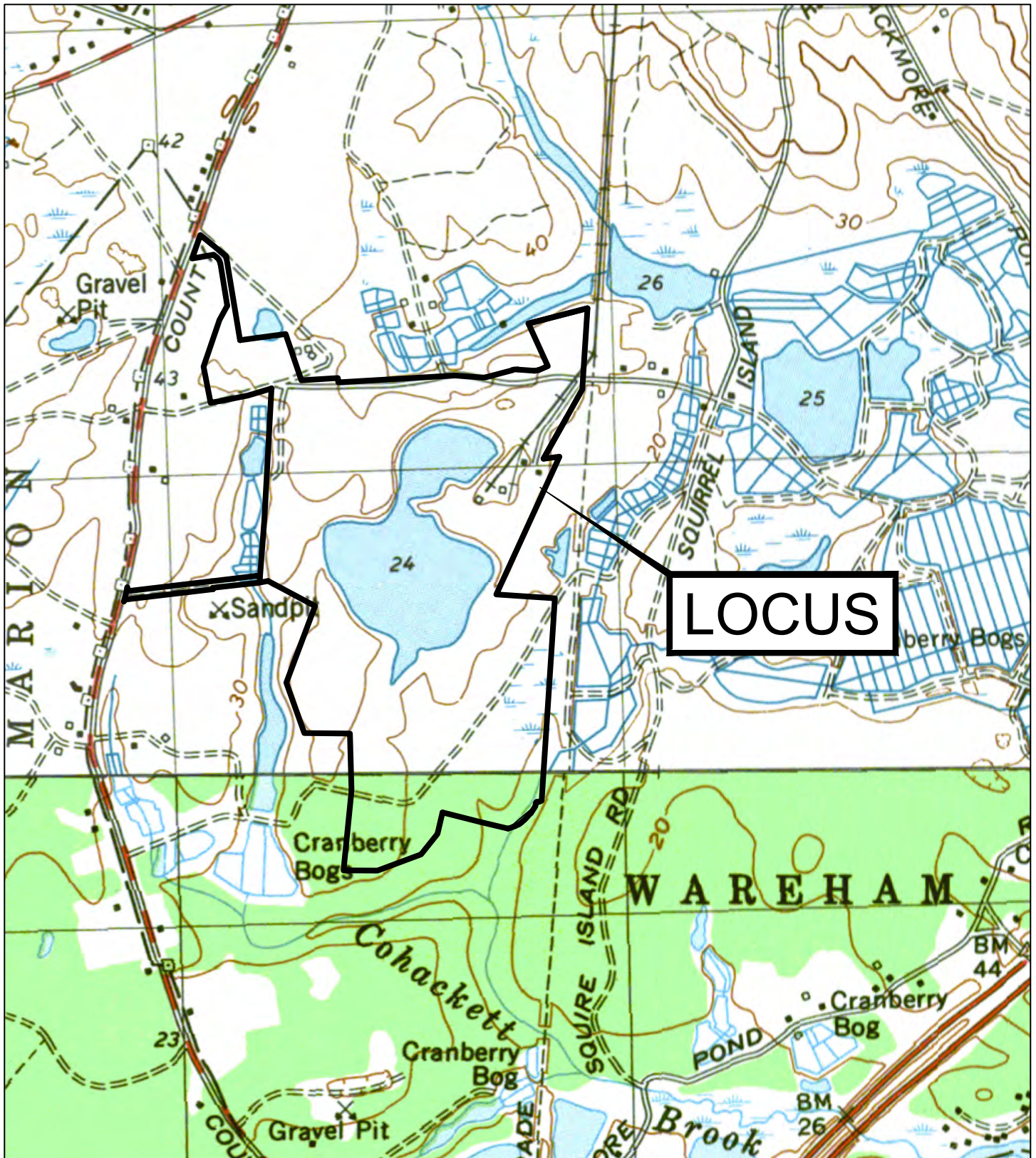
SE76-2815

Plymouth, MA 02362

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆000008002⑆

28833478121⑆



LOCUS MAP

HIDDEN TRAILS - off COUNTY RD.
W. WAREHAM, MA 02576

PREPARED BY:
JC ENGINEERING, INC.
2854 CRANBERRY HIGHWAY
EAST WAREHAM, MA 02538
(508) 273-0377

SCALE: 1" = 1000'