



November 16, 2022

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

Womble Bond Dickinson (US) LLP

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**Re: Support for Request for Extensions
Special Permits and Site Plan Approvals
Case No. 9-20 – 150 Tihonet Road
Case No. 7-20 – 27 Charge Pond Road**

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Dear Chairman King and Members of the Planning Board:

As you are aware, on September 21, 2022, New Leaf Energy (successor-in-interest to Borrego Solar Systems, Inc. and referred to herein as the “Proponent”) submitted two (2) requests for extensions to the Special Permit and Site Plan Approval for each of the following projects: (i) the ground mounted solar project to be constructed at 150 Tihonet Road in Wareham, Massachusetts (the “150 Tihonet Project”); and (ii) the ground mounted solar project to be constructed at 27 Charge Pond Road in Wareham, Massachusetts (the “27 Charge Pond Project”, and together with the 150 Tihonet Project, collectively, the “Projects”). On October 17, 2022, a representative of New Leaf Energy appeared before a meeting of the Planning Board to discuss the extension requests during which members of the Planning Board asked several questions relating to the Projects. This letter is being provided to respond to these questions.

Prior to responding to the questions, however, we would like to point out that the questions raised about the Projects are not related to the requests for extensions to the approvals. The Projects each went through a thorough review by the Planning Board that ultimately led to the decisions to approve the Projects subject to the conditions included in the respective Special Permit and Site Plan Approval decisions. The only relevant consideration to whether the extensions should be granted is whether there is good cause for construction not having commenced within two (2) years from issuance of the decisions. As noted in the original letters requesting the extensions, the extensions are necessary to allow the Proponent to complete the process with Eversource to obtain Interconnection Service Agreements, which have been delayed due to inclusion of the Projects in a group study that is pending approval by the Massachusetts Department of Public Utilities (“DPU”). The Proponent undertook considerable effort to design and permit the Projects before the Town of Wareham Planning Board and Conservation Commission, and both boards spent considerable time and effort reviewing the Projects and drafting approvals. The delay in construction is solely attributed to the group study and DPU review, the timing of which the Proponent is unable to influence or



control. This clearly constitutes “good cause”, and the Proponent respectfully requests that a 2-year extension be granted for each Project approval.

Notwithstanding the foregoing, but with a reservation of all of the Proponent’s rights including those afforded by MGL c. 40A, §3, following is a response to several of the questions raised during the October 17, 2022 meeting.

PFAS

Members of the Planning Board requested information about the use of per- and polyfluoroalkyl substances (“PFAS”) in the solar modules and equipment used in connection with the Projects. The Proponent has reviewed the specifications for the photovoltaic panels that will be used in the Projects and confirmed that the panels do not contain any PFAS.

Attached are Material Safety Data Sheets for JA Solar and HANWHA Q CELLS solar PV modules that have been specified for use by the Proponent in for ground-mounted project construction over the last several years. There are no PFAS materials included in the manufacture of either module.

Also attached is an informational bulletin prepared by the Michigan State University that discusses PFAS in solar modules. Their research shows that PFAS materials are not customarily used in solar panels and no studies have shown the presence or leaching of PFAS from solar PV panels.

Conservation Commission – Order of Conditions

Members of the Planning Board requested information about the Orders of Conditions issued for the Projects by the Wareham Conservation Commission. A copy of the Order of Conditions for each of the Projects is attached to this letter. The plans that were approved in connection with the Order of Conditions are the same as those approved under the respective Special Permit and Site Plan Approval. The Projects will each be constructed in compliance with all of the conditions contained in the respective Order of Conditions.

Eversource – Interconnection timing & cost allocation

Members of the Planning Board requested information about the Eversource group study and anticipated project cost allocations. Applications for both the 150 Tihonet Project and the 27 Charge Pond Project were submitted in the spring of 2019 (5/20/19 and 6/4/19, respectively). Under normal circumstances, projects proceed through an interconnection study and reach the final stage of Eversource approval for an interconnection agreement within approximately one year. In this case, the Projects were placed on a lengthy hold prior to being moved into a group impact study, which began in October of 2020. The group impact study



then experienced numerous delays and only recently released preliminary results. These results are now subject to DPU approval, which is ongoing. There is information regarding the distribution group studies (and specifically the “Plymouth” group) on Eversource’s “Massachusetts Distributed Generation, Interconnections & Net Metering” portion of its website.

While Eversource has completed preliminary study results, final interconnection upgrades and cost allocation methodology remain subject to DPU review. There are numerous proposals and comments in the DPU file room that detail the possible methods that could be used for determining cost allocation, and a final outcome has yet to be determined. The docket for the Plymouth group study is 22-54 and can be found in the DPU file room, by entering “22-54,” in the search function in the top left of the web page.

Decommissioning

Condition #6 of each of the Special Permit and Site Plan Approvals addresses the decommissioning bond requirement for the Project. A surety amount of \$450,321 was approved based on the cost estimate provided to the Planning Board in connection with the 150 Tihonet Project and a surety amount of \$321,492.14 was approved based on the cost estimate provided to the Planning Board in connection with the 27 Charge Pond Project. The conditions require that the estimates be adjusted every 5 years following final approval of the Projects.

The Proponent reviewed the decommissioning estimates and confirmed that the estimates reflect the full cost of decommissioning the project, including the removal of the materials used in the battery energy storage system associated with the respective Project. The estimates are also premised on the removal and proper dismantling of the photovoltaic panels (and not based on an assumption of disposal of the panels in a landfill). It is fully expected that some materials used for the Projects will have salvage value at the time of decommissioning, but the estimates are not reduced for those savings.

That being said, given the passage of time since the approval of the Projects, and the likely passage of time before building permits are issued, the Proponent respectfully suggests that, as a condition to the grant of a two (2) year extension to the Special Permit and Site Plan Approval for each of the Projects, the decommissioning estimates be updated on each of the following occurrences: at the time a building permit application is submitted to the Town of Wareham; at the time the Project achieves commercial operation; and then once every five (5) years after the Project achieves commercial operation. This timing would provide for updated estimates at the critical junctures of the Projects’ construction and at appropriate windows during operation.



If you have any questions or wish to discuss, please contact me.

Best regards,

Womble Bond Dickinson (US) LLP

A handwritten signature in blue ink, appearing to read 'Gregory Sampson', with a stylized flourish extending to the right.

Gregory Sampson

Attachments

1. Material Safety Data Sheet for JA Solar PV modules
2. Material Safety Data Sheet for HANWHA Q CELLS solar PV modules
3. MSU Informational Bulletin re: PFAS in Solar Modules
4. Order of Conditions – 150 Tihonet Project
5. Order of Conditions – 27 Charge Pond Project

cc: Richard Bowen, Town Counsel

ATTACHMENT 1

Material Safety Data Sheet for JA Solar PV modules

MSDS REPORT

MATERIAL SAFETY DATA SHEET

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SECTION 1- PRODUCT AND COMPANY IDENTIFICATION

Solar Electric Crystal Silicon Module

Company Identification: JA SOLAR

Building No. 8, Nuode Center,

Automobile Museum East Road, Fengtai District

Beijing, China

T: +86 (10) 636 11888 F: +86 (10) 636 11999 E: sales@jasolar.com

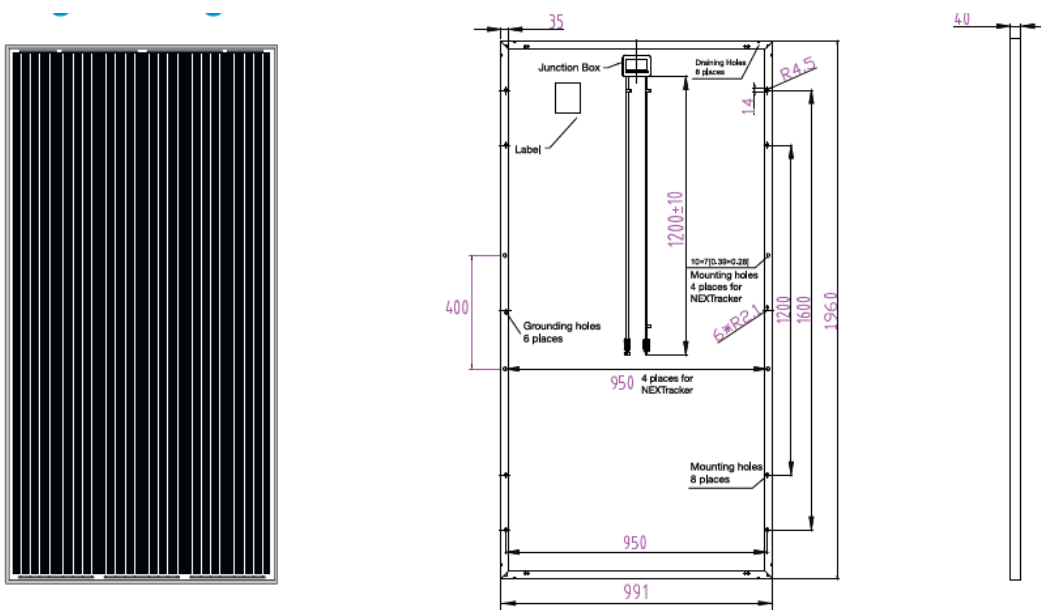


Figure 1 72 Cell Module

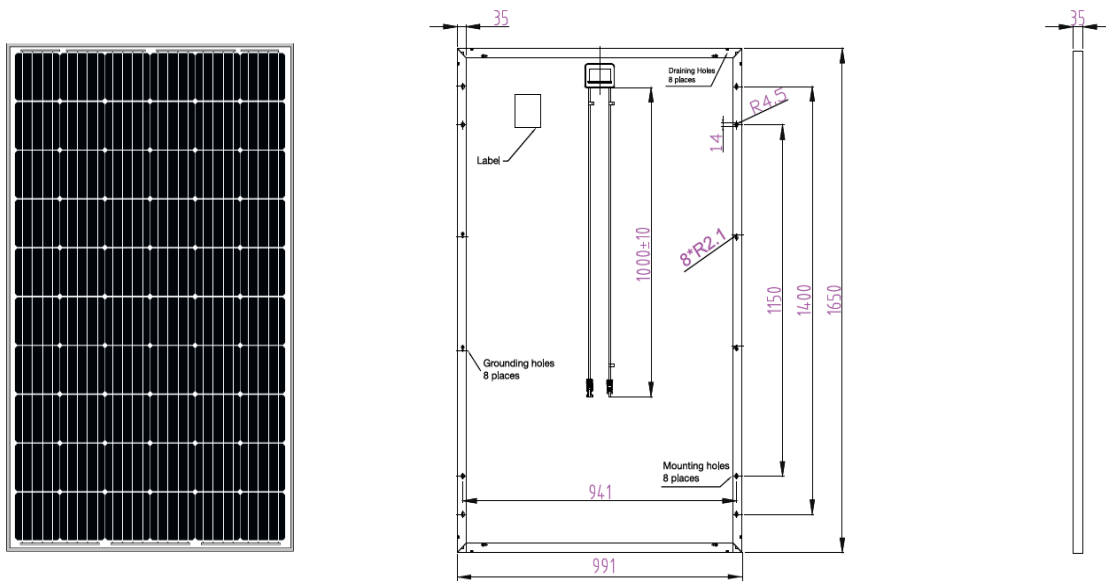
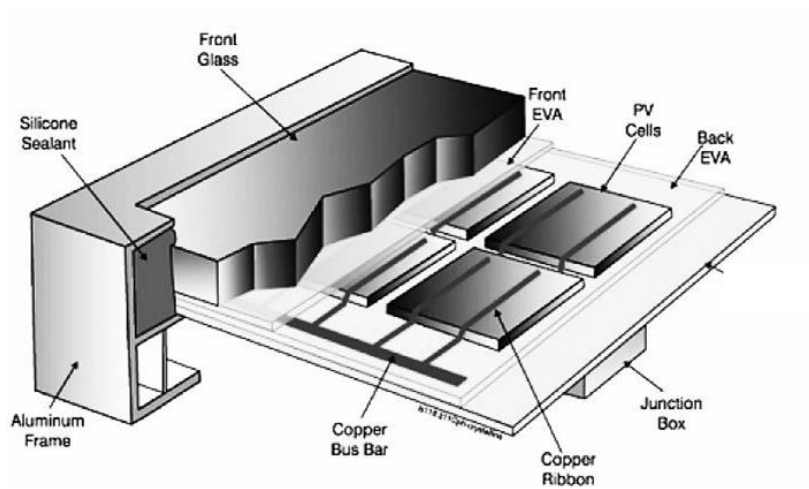
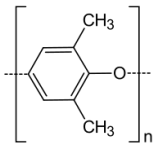
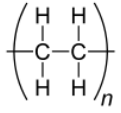
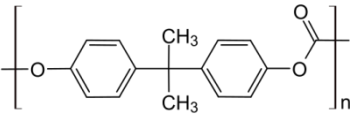
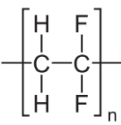
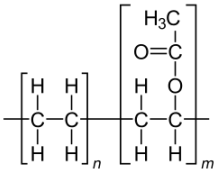


Figure 2 60 Cell Module

SECTION2- COMPOSITION, INFORMATION ON INGREDIENTS



Material Item	Chemical Name of Composition	Formula & Model
Frame	Aluminum	AL
	Alumina	AL ₂ O ₃
	Manganese	Mn
Cell	Silicon	Si
	Phosphorus	P
	Boron	B
	Silicon nitride	Si ₃ N _x
	Silver	Ag
	Aluminum	AL

Junction-Box	Polyphenylene oxide (PPO)	
	Tin	Sn
	Copper	Cu
	Polyethylene (PE)	
	Polycarbonate (PC)	
Glass	Tin	Sn
	Tempered glass	SiO ₂
Silica Gel	Silicon substrate	(SiO ₂) _m ·(H ₂ O) _n
	Silane coupling agent	KH550
Bus bar	Copper	Cu
	Tin	Sn
	Isopropyl alcohol	C ₃ H ₈ O
Back Sheet	Polyvinylidene Fluoride (PVDF)	
	Polyethylene terephthalate (PET)	-OCH ₂ -CH ₂ OCOC ₆ H ₄ CO-
	Polyethylene (PE)	nCH ₂ =CH ₂ →-[CH ₂ -CH ₂]-
Laminate material	EVA Ethylene Vinyl Acetate	

SECTION3- HAZARDS IDENTIFICATION

Emergency Overview: warning, non-demolition, not exposed to flame or fire. There is the risk of explosion and burn under fire conditions. Do not short-circuit, squeezing, burning, or removing the module.

Potential health hazards

Risk Categories: None

Invasive Ways: None

Environmental Hazards: None

Health Hazards: None

Explosion Hazard: Tempered glass has a 1/10000 explosion risk.

The inverter device does not meet the provision, the flaws on system design, the quality problem of the junction box, the hot spot effect will be the reason of spontaneous combustion of this product.

SECTION4- FIRST AID MEASURES

Eye contact: No damage found on eye contact, no special provisions.

Skin contact: No skin contact injury found. It is proposed to wash hands before and after touch back sheet. If molten polymer contacts skin, immediately cool it with cold water, and do not directly peel them from the skin, go to hospital for treatment by burns drugs.

- Ingestion: No damage found, no special provisions.
- Inhalation: No damage found, no special provisions. If you have overheating or fire hazard, be away from heat. Go to hospital if any discomfort.

SECTION5- FIRE FIGHTING MEASURES

In general: during normal operation, this product is not prone to burning.

Hazardous Combustion Products: CO, HF,

Extinguishing Media: The hydrogen produced under the using of water may be mixed with air to form an explosive mixture if the module is burning. For small fires, carbon dioxide, dry powder or foam extinguishing agent are preferred medium. But they may not work to the burning module until the combustion module will be completely burned out.

LITH-X (powdered graphite) or copper powder extinguisher, sand, dried, pulverized dolomite or soda ash can also be used, and these materials can be used as a smothering agent.

Extinguishing Note: transfer people to a safe area in the upwind air, wear respirators, protective gloves and fire fighting clothing. If large amounts are inhaled, give emergency medical treatment.

SECTION6- ACCIDENTAL RELEASE MEASURES

Emergency treatment: solid normally, NA.

SECTION7- HANDLING AND STORAGE

Handling Precautions Outline

- 1, In strict accordance with the requirements of the specification to install modules, and are not free to install, maintain.
- 2, Do not strongly illuminate module artificially(artificial sunlight is unavailable)
- 3, The system DC voltage exceeds 100V, operation must be done by specialized electrician.
- 4, It is potentially dangerous to contact a voltage of 30V or above.
- 5, Junction boxes, cables, brackets, etc. should be matched with modules during installation of electrical systems.
- 6, Installation of all accessories must follow safe working practices (other accessories must also comply with the security provisions of operation)
- 7, The installation should be in accordance with local, national and international standards.
- 8, Module installation should be operated by professionals.

Safe handling

- 1, Properly packed before installation of modules.
- 2, Do not directly holding the junction box to handle the modules
- 3, Not drop modules or obstacles fall on it.
- 4, Handle it gently, especially angular point.
- 5, Do not disassemble the modules and move any part of the modules or label after installation.
- 6, Do spray paint or stick other items on the back of the modules.
- 7, Do not drill on the glass and module border.
- 8, Do not place the module without bracket or not an unsafe place
- 9, The module cannot be used after glass is broken.
10. To operate with dry tool in the clean environment.

Install security

- 1, Do not allow the children to close during installation.
- 2, Module cannot be installed in high winds.
- 3, Appropriate Installation methods and safety equipment should be used in the installation site to prevent the falling of modules.
- 4, Do not touch the wire or connection port when the installation of the modules or the modules are exposed to the sunlight.
- 5, Do not wear metal jewelry during the installation.
- 6, Do not disconnect the line or unplug the connection plug when circuit is working.

Fire safety

- 1, Roof structures and installations that may affect the fire safety of the entire building, unreasonable installation will aggravate to the severity of the fire.
- 2, The modules should be installed on the fire isolation layer, in order to improve security
- 3, Module installation on the rooftop and ground should be the same, with insurance device and circuit fuse.
- 4, Do not install the modules near the storage equipment and place of flammable gas.

Electrical Installation

- 1, Avoid the risk of electric shock during installation, wiring, module operating.
- 2, The module of different specifications cannot used in the same array.
- 3, The open circuit voltage of module is less than the maximum voltage of standard system.
- 4, All of the modules no matter how much voltage should be grounding.
- 5, The cable is to be placed where the children and animals cannot touch.
- 6, Cables and junction boxes may overheat at high current.
- 7, Make sure junction box and wire can go through the short-circuit current.
- 8, Make sure the positive and negative polarity of the cable and terminal during connection.
- 9, Grounding line is provided.

Mechanical Installation

- 1, Fix the modules with the installation tools and special bracket to support modules
- 2, Make sure the module can still work carrying a certain load, which is not affected by the impact of the snow load or thermal expansion and contraction

- 3, Make sure that the modules can still work in the ambient temperature within the variable range of -40 to +80 F / -40 to 176 F
- 4, Off-grid power generation system installed in large areas of snow, require module position lower and bracket narrower
- 5, Providing install mounting holes for frame modules which can withstand a certain degree of mechanical strength.
- 6, All four position holes on the module are used for installation.
- 7, Be well-ventilated behind the module. (5 cm / 2 inch gap)
- 8, Be away from the other items behind the modules.

Storage:

Use wooden boxes (carton) packaging and store it in a cool, well-ventilated place, be away from heat and fire sources.

SECTION8-EXPOSURE CONTROLS/PERSONAL PROTECTION EQUIPMENT

Engineering Controls: NA

Eye protection: NA

Skin contact: NA under normal conditions, if the module is damaged, please wear appropriate protective gloves.

Clothing: NA under normal conditions, if the module is on fire and burst, please wear appropriate protective clothing.

Respirator: NA under normal conditions

SECTION9- PHYSICAL AND CHEMICAL PROPERTIES

Physical State: Solid

Odor: None

Voltage: different specifications, different voltage

Weight: 19.5 kg

Solubility in water: insoluble in water

SECTION10- STABILITY AND REACTIVITY

Stability: Stable under normal storage and operating conditions.

Conditions to avoid: fire, high temperature, high humidity, salt spray

Substances to be avoided: strong oxidizing agents.

Hazardous decomposition products: fire conditions may produce hazardous decomposition products.

Hazardous Polymerization: No information available.

SECTION11- TOXICOLOGICAL INFORMATION

Acute poisoning: under normal conditions, the product will not cause any abnormal emergency injury

Irritation: None

SECTION12- ECOLOGICAL INFORMATION

Ecological toxicity: the proper use and disposal of the module will not cause harm to the environment. Disposal of waste modules, be away from the water, rain and snow.

SECTION13- DISPOSAL

Disposal: Should refer to national and local laws and regulations before disposal.

SECTION14- TRANSPORT INFORMATION

Dangerous Goods Code: No information

UN Number: information

Packing mark: no information

Packaging category: Z01

Packing method: No information available.

Transportation Note: Package should be complete before transportation, and loading should be safe. To ensure that the container does not leak, not fall, not damaged during transportation. Do not be together with oxidizing agents, alkalis, food chemicals. Goods should be anti-exposure, rain, anti-high temperature during transportation.

SECTION15- REGULATORY INFORMATION

Regulatory Information: Refer to local, domestic, EU / international regulations

SECTION16-OTHER INFORMATION

MSDS Preparation date: February 2017

JA SOLAR USA, TMG

ATTACHMENT 2

Material Safety Data Sheet for HANWHA Q CELLS solar PV modules

PRODUCT SAFETY DATA SHEET

HANWHA Q CELLS SOLAR PV MODULES ARE ARTICLES AS DEFINED BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION HAZARD COMMUNICATION STANDARD (HCS), 29 C.F.R. § 1910.1200 AND ARE EXEMPT FROM THE LABELING AND SAFETY DATA SHEETS (SDS) REQUIREMENTS OF THE STANDARD.

Hanwha Q CELLS provides this product safety data sheet only for convenience of interested parties in the United States of America who are used to the format of safety data sheets in order to assess the product safety. This product safety data sheet does not replace any other documents provided by Hanwha Q CELLS such as Safety Information, Installation and Operation Manual, Packaging and Transport Information, Product Data Sheet as well as Warranty Terms of the respective product.

SECTION 1: IDENTIFICATION

Solar PV modules convert light into electricity. Light-sensitive cells are electrically interconnected in series and sealed between glass and plastic foils for this purpose. This product safety data sheet is applicable to the following generation 4 ("G4") solar PV modules of the Q CELLS brand by Hanwha Q CELLS:

- Q.PRO-G4, Q.PRO BFR-G4, B.LINE PRO-G4, B.LINE PRO BFR-G4, C.LINE PRO-G4, C.LINE PRO BFR-G4,
- Q.PLUS-G4, Q.PLUS BFR-G4, B.LINE PLUS-G4, B.LINE PLUS BFR-G4, C.LINE PLUS-G4, C.LINE PLUS BFR-G4,
- Q.PRO L-G4, Q.PLUS L-G4, B.LINE PRO L-G4, B.LINE PLUS L-G4, C.LINE PRO L-G4, C.LINE PLUS L-G4

There are several versions of these module types which are distinguished by a versioning (i.e. G4.1, G4.2, etc.) within the G4 generation. All these modules are also covered by this product safety data sheet.

Responsible Party as Importer:

Name: Hanwha Q CELLS America

Address: 300 Spectrum Center Drive, Suite 1250, Irvine, CA 92618

Phone: 1-949-748-5996

SECTION 2: IDENTIFICATION OF SAFETY RISKS (HAZARDS IDENTIFICATION)

Hanwha Q CELLS solar PV modules do not pose any risk of hazardous chemicals. Hazard symbols and precautionary hazard statements for hazardous chemicals are not applicable. No symptoms or effects – neither acute nor delayed – have to be expected when Hanwha Q CELLS solar PV modules are handled as stipulated in the Installation and Operation Manual. Hanwha Q CELLS provides a Safety Information sheet with all modules shipments. This document contains detailed risk statements and recommendations for installation and operation. Before installing the module, read the Installation and Operation Manual for Q CELLS modules carefully. You can obtain the complete Installation and Operation Manual from your retailer.

Attention: Only qualified and authorized specialists may install modules and put them into operation. Keep children and unauthorized persons away from the modules.

Risks:

- Risk of death from electrocution! Solar modules generate electricity and are energized as soon as they are exposed to light.
- In rare cases, solar PV modules – as any other electrical device – can cause fire due to worn electrical contacts which result in electrical arcing.
- Solar PV modules can reach high temperatures which can cause skin burns.
- Sharp edges, corners and broken glass can cause injuries.
- Solar PV modules can cause Injuries due to their weight.
 - Falling solar PV modules can cause injuries.
 - Lifting solar PV modules can cause injuries.

For precautionary statements, please refer to the Installation and Operations Manual of the respective product.

MISUSE OR INCORRECT USE OF SOLAR MODULES VOIDS THE LIMITED WARRANTY AND MAY CREATE A SAFETY HAZARD AND RISK PROPERTY DAMAGE. THIS INCLUDES IMPROPER INSTALLATION OR CONFIGURATION, IMPROPER MAINTENANCE, UNINTENDED USE, AND UNAUTHORIZED MODIFICATION.

PRODUCT SAFETY DATA SHEET

SECTION 3: COMPOSITION/INFORMATION ON INGREDIENTS

Safety data sheets are only required for hazardous chemicals covered by the Hazard Communication Standard (HCS). Solar PV modules made by Hanwha Q CELLS are not covered by HCS. The following table provides an overview of materials solar PV modules by Hanwha Q CELLS are made of. The values given for the share of weight are targets and can vary for the products covered by this Product Safety Data Sheet.

COMPONENT	MATERIAL	TOTAL SHARE	REMARK
FRAME	Aluminum	10% – 20%	not hazardous
	Silicone	< 1%	not hazardous, see section 8
LAMINATE	Glass	60% – 75%	not hazardous
	Plastics (EVA, PET, PE, PPE, PC)	10% – 15%	no hazards known
	Silicon	2% – 4%	not hazardous
	Metals (Aluminum, Copper, Tin)	1% – 3%	not hazardous
	Lead	< 0,1%	hazardous
	Silver	< 0,05%	not hazardous

SECTION 4: FIRST-AID MEASURES

In case of electrocution:

- Always protect yourself by taking all necessary safety precautions before rescuing persons injured.
- Attention: Stay away from sources of high voltage and leave the rescue to qualified personnel with appropriate personal protection equipment!
- Call emergency rescue services.
- Do not touch live parts. Qualified personnel should shut down the PV system as far as possible – e.g. disconnect the modules at the inverter before uncovering any live electrical parts. Be sure to observe the specified time intervals after switching off the inverter. Highvoltage components need time to discharge. Follow OSHA requirements for control of hazardous energy at 29 C.F.R. § 1910.147.
- In the event a person is electrocuted or affected by electrical energy of the solar PV module, CALL 911. Before attempting rescue, SHUTDOWN THE POWER SOURCE.
- Remove the victim from the power source using only insulated tools ONLY IF CONTACT WITH LIVE ELECTRICAL COMPONENTS CAN BE PREVENTED.
- Carefully move the injured from the zone of danger.
- After moving to a safe location, check heartbeat, respiration and consciousness of the injured person.
- Apply appropriate life-saving measures (CPR) accordingly before taking care of minor injuries.
- Consult a medical professional even if there are no visible injuries.
 - Flush thermal skin burns caused by touching hot surfaces of solar PV modules with cool water. Consult a medical professional.
 - Injuries due to sharp edges, corners and broken glass need to be appropriately treated. Consult a medical professional.
 - Other types of injuries need to be treated appropriately as well. Consult a medical professional.

SECTION 5: FIRE-FIGHTING MEASURES

- Hanwha Q CELLS solar PV modules are fire rated as Class C according to IEC and UL 1703 as well as Type 1 according to UL 1703.
- Hanwha Q CELLS solar PV modules are extensively tested at the factory to ensure electrical safety of the product before shipment.
- In rare cases, solar PV modules – as any other electrical device – can cause fire due to worn electrical contacts which result in electrical arcing.
- In case solar PV modules which are not part of an array are on fire, USE FIRE EXTINGUISHERS RATED FOR ELECTRICAL EQUIPMENT, Class C.
- IN CASE A SOLAR PV MODULE ARRAY IS PRESENT, ANY FIRE SHOULD ONLY BE FOUGHT BY PROFESSIONAL FIREFIGHTERS. FIREFIGHTERS NEED TO TAKE PRECAUTIONS FOR ELECTRICAL VOLTAGES UP TO 1,500 VOLTS (DC).
- Some components of the modules can burn. Potential combustion products include oxides of carbon, nitrogen and silicon.
- In case of prolonged fire, solar PV modules may lose their structural integrity.

PRODUCT SAFETY DATA SHEET

General recommendations from the below-mentioned reports:

- Fire service personnel should follow their normal tactics and strategies at structure fires involving solar power systems, but do so with awareness and understanding of exposure to energized electrical equipment. Emergency response personnel should operate normally, and approach this subject area with awareness, caution, and understanding to assure that conditions are maintained as safely as possible.
- Care must be exercised during all operations, both interior and exterior.
- Responding personnel must stay back from the roofline in the event modules or sections of an array may slide off the roof.
- Contacting a local professional PV installation company should be considered to mitigate potential hazards.
- Turning off an array is not as simple as opening a disconnect switch. As long as the array is illuminated, parts of the system will remain energized.
- When illuminated by artificial light sources such as fire department light trucks or an exposure fire, PV systems are capable of producing electrical power sufficient to cause inability to let go from electricity as a result of stimulation of muscle tissue, also known as lock-on hazard.
- Firefighting foam should not be relied upon to block light.
- The electric shock hazard due to application of water is dependent on voltage, water conductivity, distance and spray pattern.
- It is recommendable to fight fire with water instead of foam if a PV system is present. Salt water should not be used.
- Firefighter's gloves and boots afford limited protection against electrical shock provided the insulating surface is intact and dry. They should not be considered equivalent to electrical personal protection equipment.

Readers interested in more details may refer to the following reports:

- National Fire Protection Association, Fire Protection Research Foundation report "Fire Fighter Safety and Emergency Response for Solar Power Systems" issued May 2010, revised October 2013
- Important recommendations from a report called "Firefighter Safety and Photovoltaic Installations Research Project" issued by Underwriters Laboratories on November 29, 2011

SECTION 6: FIRE-FIGHTING MEASURES

This section is not applicable.

SECTION 7: HANDLING AND STORAGE

Before installing the module, read the Installation and Operation Manual for Q CELLS modules carefully. Noncompliance with the instructions may result in damage and physical injury or death. Only qualified and authorized specialists may install modules and put them into operation. You can obtain the complete installation manual from your retailer.

Details about transport and storage of palletized Hanwha Q CELLS solar PV modules can be found in the Packaging and Transport Information of the respective module type.

Storage, transport and unpacking:

- Store the module dry, well-ventilated and properly secured. The original packaging is not weatherproof.
- Always transport the module in its original packaging.
- Do not stack the modules. This prevents damage of the junction box.
- The module is made of glass. Take great care when unpacking, storing and transporting it.
- Do not subject the module glass to any mechanical stress (e.g. through torsion or deflection). Do not step on the module or place any objects onto the module.
- Protect both sides of the module against scratching and other damage.
- Carry the module by holding the edges with both hands, or use a glass suction lifter.
- Never lift or carry the module using the module junction box or wiring. Avoid pulling on the wiring at all costs.

PRODUCT SAFETY DATA SHEET

SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION

Before installing the module, read the Installation and Operation Manual carefully. Noncompliance with the instructions may result in damage and physical injury. Only qualified and authorized specialists may install modules and put them into operation. You can obtain the complete installation manual from your retailer.

- Please follow the valid national regulations and safety guidelines for the installation of electrical devices and systems.
- Please make sure to take all necessary safety precautions.
- Ensure that all personnel are aware of and adhere to accident-prevention and safety regulations.
- For handling of modules wear suitable protective gloves.
- Do not install damaged modules. Ensure that all electrical components are in a proper, dry, and safe condition.
- Do not modify the module (e.g. do not drill any additional holes). Never open the junction box.
- Ensure that modules and tools are not subject to moisture or rain at any time during installation. Only use dry, insulated tools for electrical work.
- Only connect cables with plugs. Ensure for a tight connection between the plugs. Plugs click together audibly.
- Cover the modules with an opaque material during installation. Cover the modules to be disconnected.

Silicones used in manufacturing release 2-butanone oxime during curing. Small amounts of this chemical may be present in shipping cartons. Upon receipt, open container in well a ventilated location and allow to stand for 15 minutes before removing units from cartons. Exposures above recommended limits of 10 ppm eight-hour time-weighted-average (TWA) will not occur. 2-butanone-oxime has a characteristic odor.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

- Physical state: solid
- Voltage: refer to data sheet (below 50 volts for a single module)

Attention: Voltage of single modules add up when modules are electrically connected in series. Hanwha Q CELLS solar PV modules are designed and certified for voltages up to 1,000 volts or even up to 1,500 volts. Connection of modules in series is only permitted up to the maximum system voltage as listed in the applicable data sheet.

- Weight: refer to data sheet
- Solubility in water: insoluble in water

SECTION 10: STABILITY AND REACTIVITY

Under normal operating conditions as specified in the Product Data Sheet, Hanwha Q CELLS solar PV modules are chemically stable.

- Hanwha Q CELLS solar PV modules are tested for salt spray and ammonia resistance according to IEC 61701 and IEC 62716, respectively.
- Hanwha Q CELLS solar PV modules support ambient operating temperatures from -40°C to $+85^{\circ}\text{C}$ (-40°F to $+185^{\circ}\text{F}$).
- Do not install modules above 13.120 ft (4000m) altitude above sea level.
- Some components of the modules can burn. Potential combustion products include oxides of carbon, nitrogen and silicon.
- Do not scratch off dirt. Use a soft cellulose cloth or sponge to carefully wipe off stubborn dirt. Do not use micro fleece wool or cotton cloths.
- Rinse dirt off with lukewarm water (dust, leaves, etc.)
- Use an alcohol based glass cleaner. Do not use abrasive detergents or tensides.
- Isopropyl alcohol (IPA) can be used selectively to remove stubborn dirt and stains within one hour after it appeared.
- Follow the safety guidelines provided by the IPA manufacturer.
- Do not let IPA run down between the module and the frame or into the module edges.

PRODUCT SAFETY DATA SHEET

SECTION 11: TOXICOLOGICAL INFORMATION

Small amounts of 2-butanone oxime may be present inside shipping cartons. Open cartons and allow to vent before removing units. No exposure to hazardous chemicals will occur when the units are in use.

SECTION 12: ECOLOGICAL INFORMATION

Hanwha Q CELLS solar PV modules are designed to withstand outdoor operating conditions for 25 years. Biodegradation is not expected due to high chemical stability of the components.

SECTION 13: DISPOSAL CONSIDERATIONS

Hanwha Q CELLS solar PV modules should be recycled rather than dumped in a landfill. Raw materials of the product can be recovered by recycling companies. Disposal must be in accordance with national and local laws and regulations for electric/electronic waste.

SECTION 14: TRANSPORT INFORMATION

Hanwha Q CELLS solar PV modules can be shipped via standardized container freight. Regulations for hazardous goods do not apply. For further details, please refer to the Packaging and Transport Information which can be provided as a separate document by Hanwha Q CELLS.

SECTION 15: REGULATORY INFORMATION

- Hanwha Q CELLS solar PV modules are tested according to international standards IEC 61215, IEC 61730 as well as US standards UL 1703.
- Please refer to the Installation and Operation Manual and Product Data Sheet of the respective Hanwha Q CELLS solar PV module.

SECTION 16: OTHER INFORMATION

- Date of initial creation of this product safety data sheet: July 1, 2016
- Date of last revision: January 20, 2017

ATTACHMENT 3

MSU Informational Bulletin re: PFAS in Solar Modules



“Clean Energy in Michigan” Series, Number 12

Facts about solar panels: PFAS contamination

By Dr. Annick Anctil, Michigan State University

Q: Do solar panels contribute to PFAS contamination?

Multiple states have raised concerns about PFAS contamination from solar farms, largely citing academic research on how PFAS could *potentially* be used in photovoltaic (PV) solar panels.¹ The fact is that PFAS is *not* customarily used in solar panels because safer, effective alternatives have already been developed and commercialized. Moreover, no studies have shown the presence or leaching of PFAS from PV panels—either while they are in active use or at the end of their life (e.g., in a landfill).

Anatomy of a solar panel

These three parts of a solar panel cause confusion about the presence of PFAS.

Self-Cleaning Coat

A self-cleaning coating on the top of a solar panel helps reduce dust, pollen, and snow adhesion, extending both the power output and the lifetime of the panel.² Multiple self-cleaning coating options are available on the market, many of which make use of non-hazardous silicon-based chemistry.³ Confusion comes from the fact that some other commercialized self-cleaning coating options do make use of PFAS-based chemicals, although even those do not degrade under normal use.

Adhesives

PV panels are sealed from the elements to maximize power output and lifetime. While PFAS chemicals are found in certain adhesives, such as carpentry glues, they are not typically used in sealant adhesives for solar panels.⁴ Instead, solar adhesives are based on silicone polymers, which are well known for their lack of negative health impacts and remarkable stability.⁵

Substrate

PV modules are housed in a weather-resistant substrate that offers additional protection from the elements. Thin-film PV units use glass as the substrate, while crystalline silicon PV units use a polymer substrate, which has led to the rumors of

Solar Panels. Photo by Mariana Proenca on Unsplash



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



GRAHAM
SUSTAINABILITY INSTITUTE
UNIVERSITY OF MICHIGAN

Acknowledgement

This material is based upon work supported by the Department of Energy and the Michigan Energy Office (MEO) under Award Number EE00007478.

The Clean Energy in Michigan series provides case studies and fact sheets answering common questions about clean energy projects in Michigan.

Find this document and more about the project online at graham.umich.edu/climate-energy/energy-futures.

potential PFAS use in solar panels. The most common polymer used in silicon PV units is Tedlar, a weather resistant polymer that is not a PFAS compound itself and makes no use of PFAS during its manufacturing process.⁶ Far more common materials, like those used in construction projects and weather resistant fabrics, present a higher risk of PFAS exposure than PV. In fact, a recent study found that these more common materials release PFAS under conditions where solar panels do not, indicating that PFAS exposure risk may be higher sitting on outdoor furniture, for example, than living next to a solar farm.⁷

What is PFAS anyway?

Per/Poly Fluoro-Alkyl Substances, PFAS for short, are a class of chemical compounds. PFAS are used in several industries for their unique properties, notably their ability to create coatings that are highly water repellent.

PFAS are extremely persistent within the environment, not breaking down over time. Certain PFAS compounds have been linked to human health issues—notably low infant birth weights, increased risk of certain cancers, and thyroid issues. As a result of their persistence and toxicity, those PFAS compounds that pose a significant risk have been banned from use and production, and subsequently replaced with safer alternatives.

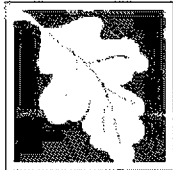
It's important to note that not all PFAS compounds are dangerous. Some PFAS compounds, such as Teflon, are much more stable and present no risk to human health under normal conditions of use.⁸

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- 1 S. Maharjan *et al.*, "Self-cleaning hydrophobic nanocoating on glass: A scalable manufacturing process," *Mater. Chem. Phys.*, vol. 239, Jan. 2020.; . Son *et al.*, "A practical superhydrophilic self cleaning and antireflective surface for outdoor photovoltaic applications," *Sol. Energy Mater. Sol. Cells*, 2012.; H. C. Han *et al.*, "Enhancing efficiency with fluorinated interlayers in small molecule organic solar cells," *J. Mater. Chem.*, vol. 22, no. 43, 2012.
 - 2 "How a solar cell works – American Chemical Society." [Online]; H. C. Han *et al.*, "Enhancing efficiency with fluorinated interlayers in small molecule organic solar cells," *J. Mater. Chem.*, vol. 22, no. 43, 2012.; M. Simon and E. L. Meyer, "Detection and analysis of hot-spot formation in solar cells," *Solar Energy Materials and Solar Cells*. pp. 106–113, 2010.
 - 3 "Say Goodbye To Solar Panel Cleaning | Ultimate Efficiency | Solar Sharc®." [Online].
 - 4 "Electronics Product Catalog | Dow Inc." [Online]; B. J. Henry *et al.*, "A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers," *Integrated Environmental Assessment and Management*, vol. 14, no. 3. pp. 316–334, May-2018.
 - 5 "Electronics Product Catalog | Dow Inc."; "Properties of Silicones." [Online]; A. M. Bueche, "The curing of silicone rubber with benzoyl peroxide," *J. Polym. Sci.*, vol. 15, no. 79, pp. 105–120, Jan. 1955.
 - 6 M. H. Alaaeddin, S. M. Sapuan, M. Y. . Zuhri, E. . Zainudin, and F. M. AL-Oqla, "Polyvinyl fluoride (PVF); Its Properties, Applications, and Manufacturing Prospects," *IOP Conf. Ser. Mater. Sci. Eng.*, vol. 538, p. 012010, Jun. 2019.
 - 7 R. M. Janousek, S. Lebertz, and T. P. Knepper, "Previously unidentified sources of perfluoroalkyl and polyfluoroalkyl substances from building materials and industrial fabrics," *Environ. Sci. Process. Impacts*, vol. 21, no. 11, pp. 1936–1945, Nov. 2019.
 - 8 "Per- and Polyfluoroalkyl Substances (PFAS) | US EPA." [Online].; B. J. Henry *et al.*, "A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers"

ATTACHMENT 4

Order of Conditions – 150 Tihonet Project

*** Electronic Recording ***
Doc#: 00013395
Bk: 54332 Pg: 121 Page: 1 of 18
Recorded: 02/03/2021 10:19 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds



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
Wareham Wetland Protective By-law, Div VI

Provided by MassDEP:
SE76-2613
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

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



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

a. First Name Borrego Solar Systems, Inc. b. Last Name _____
 c. Organization _____
55 Technoogy Drive, #102
 d. Mailing Address _____
Lowell MA 01851
 e. City/Town _____ f. State _____ g. Zip Code _____

- 4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
A.D. Makepeace Co.
 c. Organization _____
158 Tihonet Road
 d. Mailing Address _____
Wareham MA 02571
 e. City/Town _____ f. State _____ g. Zip Code _____

- 5. Project Location:

150 Tihonet Road Wareham
 a. Street Address _____ b. City/Town _____
111 1000-C, 1000-F, R-1
 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
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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 1408; 1733 b. Certificate Number (if registered land) 69; 261
 c. Book December 17, 2020 d. Page January 28, 2021
7. Dates: a. Date Notice of Intent Filed December 17, 2020 b. Date Public Hearing Closed January 6, 2021 c. Date of Issuance January 28, 2021
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Use Plans, 150 Tihonet Road, Wareham, MA, Solar Photovoltaic & Energy Storage Electric System
Borrego Solar Jeffrey R. Murphy
 b. Prepared By c. Signed and Stamped by
December 15, 2020 1"= 30"
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ 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 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
	_____ n. square feet			



**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

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eDEP Transaction #

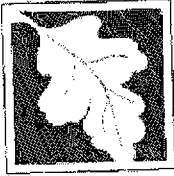
Wareham

City/Town

B. Findings (cont.)

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

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



**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):

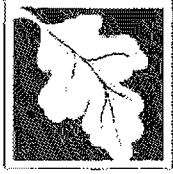
a. number of new stream crossings

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.



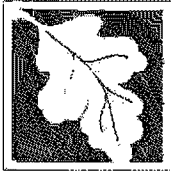
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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE76-2613 "
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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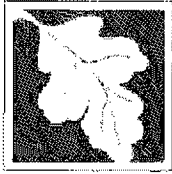
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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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Provided by MassDEP:
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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):

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 Conservation Commission hereby finds (check one that applies):
- 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:
- | | |
|--|---------------|
| <u>Wareham Wetland Protective By-law</u> | <u>Div VI</u> |
| 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):



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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.

January 28, 2021

1. Date of Issuance

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

4

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

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.

Sandy Slavin
Signature

Sandy Slavin
Printed Name

Signature

William Smith
Printed Name

Elissa Heard
Signature

Elissa Heard
Printed Name

Mary Taggart
Signature

Mary Taggart
Printed Name

Signature

Carol Malonson
Printed Name

Signature

Ron Besse
Printed Name

Signature

Printed Name

Signature

Printed Name

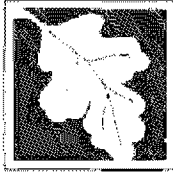
by hand delivery on

by certified mail, return receipt requested, on
January 28, 2021

Date

Date

7020 1810 0001 6474 2661



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

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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

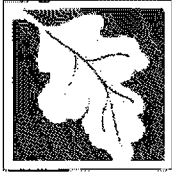
If recorded land, the instrument number identifying this transaction is:

 Instrument Number

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

 Document Number

 Signature of Applicant



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form**

DEP File Number: _____

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 _____

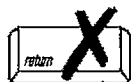
Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

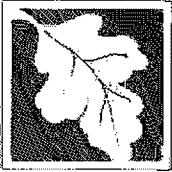
Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



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



Massachusetts Department of Environmental Protection
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Request for Departmental Action Fee
Transmittal Form

DEP File Number:

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.

SPECIAL CONDITIONS

1. The Wareham Conservation Commission is to be notified in writing not less than three (3) working days prior to 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/or the D.E.P. shall have the right to enter and inspect the property to insure compliance with the Conditions contained in this Order, and may require the submittal of any data necessary for such evaluation.
3. It is the responsibility of the applicant to see that construction personnel are aware of and adhere to all Conditions contained in this Order. A copy of this Order of Conditions shall be kept available on-site during all phases of the project.
4. Construction may proceed according to the plans submitted to the Commission and D.E.P. For any proposed change to the plans submitted, the applicant shall file a new Notice of Intent, or shall inquire, in writing from the Commission, as to 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 the issuance of an Enforcement Order and/or fines of up to \$300.00/day that the unauthorized deviations continue to exist. This shall be a continuing condition.**
5. Prior to the commencement of any earth moving activity, a haybale barrier shall be placed between the limits of the work and the B.V.W. The haybales shall be firmly anchored with stakes end-to-end. The haybales shall be inspected daily and those showing signs of deterioration shall be replaced immediately. The haybale barrier shall remain in proper functioning condition 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 the application of 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 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 which is allowed by this Order and is 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 original 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 construction of a replacement area, the replacement area shall meet or exceed those General performance standards outlines 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 fence shall be used for this project. This is to be done prior to 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 prior to 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 prior to the commencement of the project.**
15. **Only organic slow release nitrogen fertilizer shall be used at the site, in accordance with the manufacturer's specifications. This shall be a continuing condition.**
16. **No work, including the removal of vegetation, shall be allowed beyond the approved limit of work/haybale barrier. This shall be a continuing condition.**
17. **The stormwater structures approved as part of this project shall be maintained in accordance with the requirements found in Section 4.0 "Long Term Operation & Maintenance Plan" of Attachment 5 "Site Owners Manual" in the Stormwater Management Report submitted as part of the Notice of Intent application. This shall be a continuing condition.**

18. **Perimeter fencing shall be kept off the ground at least 6 inches to allow for small animals to pass underneath it. This shall be a continuing condition.**

ATTACHMENT 5

Order of Conditions – 27 Charge Pond Project



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

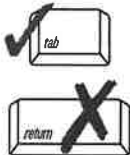
Provided by MassDEP:
 SE76-2612
 MassDEP File #
 eDEP Transaction #
 Wareham
 City/Town

Wareham Wetland Protective By-law, Div VI

A. General Information

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

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



1. From: Wareham
 Conservation Commission

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

3. To: Applicant:

a. First Name Borrego Solar Systems, Inc. b. Last Name _____
 c. Organization
55 Technology Drive, #102
 d. Mailing Address
Lowell MA 01851
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
A.D. Makepeace Co.
 c. Organization
158 Tihonet Road
 d. Mailing Address
Wareham MA 02571
 e. City/Town f. State g. Zip Code

5. Project Location:

27 Charge Pond Road Wareham
 a. Street Address b. City/Town
110 1015
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: 41d46'm24.96"Ns 70d43'm2.52"Ws
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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eDEP Transaction #
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City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Plymouth
a. County 1408 b. Certificate Number (if registered land) 69
c. Book d. Page
7. Dates: June 18, 2020 October 21, 2020 November 17, 2020
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):
Site Use Plan Submission, 27 Charge Pond Road, Solar Photovoltaic and Energy Storage Electric System
Beals & Thomas Jeffrey R. Murphy
b. Prepared By c. Signed and Stamped by
October 16, 2020 1"=50', 1"=80'
d. Final Revision Date e. Scale
- f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ 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 checked="" type="checkbox"/> Bordering Vegetated Wetland	6500 _____ a. square feet	6500 _____ b. square feet	6500 _____ c. square feet	6500 _____ 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	_____ 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 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.)

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



Massachusetts Department of Environmental Protection
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Provided by MassDEP:
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Wareham
City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE76-2612 "
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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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):

-
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:

<u>Wareham Wetland Protective By-law</u>	<u>Div VI</u>
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):

SPECIAL CONDITIONS

1. The Wareham Conservation Commission is to be notified in writing not less than three (3) working days prior to 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/or the D.E.P. shall have the right to enter and inspect the property to insure compliance with the Conditions contained in this Order, and may require the submittal of any data necessary for such evaluation.
3. It is the responsibility of the applicant to see that construction personnel are aware of and adhere to all Conditions contained in this Order. A copy of this Order of Conditions shall be kept available on-site during all phases of the project.
4. Construction may proceed according to the plans submitted to the Commission and D.E.P. For any proposed change to the plans submitted, the applicant shall file a new Notice of Intent, or shall inquire, in writing from the Commission, as to 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 the issuance of an Enforcement Order and/or fines of up to \$300.00/day that the unauthorized deviations continue to exist. This shall be a continuing condition.**
5. Prior to the commencement of any earth moving activity, a haybale barrier shall be placed between the limits of the work and the B.V.W. The haybales shall be firmly anchored with stakes end-to-end. The haybales shall be inspected daily and those showing signs of deterioration shall be replaced immediately. The haybale barrier shall remain in proper functioning condition 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 the application of 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 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 which is allowed by this Order and is 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 original 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 construction of a replacement area, the replacement area shall meet or exceed those General performance standards outlines 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 fence shall be used for this project. This is to be done prior to 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 prior to 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 prior to the commencement of the project.**
15. **Only organic slow release nitrogen fertilizer shall be used at the site, in accordance with the manufacturer's specifications. This shall be a continuing condition.**
16. **Fill and debris shall be removed from the wetland in that portion of the site where historic dumping had occurred, as described in the remediation protocol submitted as an attachment to the Notice of Intent, dated October 19, 2020.**
17. **All fill and debris shall be removed from the site and disposed of in accordance with all local, state, and federal laws.**
18. **The Conservation Administrator shall be notified in writing at least three days in advance of the proposed start of the debris removal part of the project.**

19. Any fill material that is needed to be brought into the wetland restoration area shall be clean fill.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.
 Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

November 17, 2020
 1. Date of Issuance
 4
 2. Number of Signers

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>	Sandy Slavin
Signature <u>[Signature]</u>	Printed Name
Signature <u>[Signature]</u>	William Smith
Signature <u>[Signature]</u>	Printed Name
Signature <u>[Signature]</u>	Elissa Heard
Signature <u>[Signature]</u>	Printed Name
Signature <u>[Signature]</u>	Mary Taggart
Signature <u>[Signature]</u>	Printed Name
Signature _____	Printed Name
Signature _____	Printed Name
Signature _____	Printed Name
Signature _____	Printed Name

by hand delivery on _____
 by certified mail, return receipt requested, on November 17, 2020
 Date Date

Cert Mail 7020 0640 0000 6877 7116



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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
Bureau of Resource Protection - Wetlands**

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address	b. City/Town, Zip
c. Check number	d. Fee amount

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

Name

Mailing Address

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

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



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

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

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.