

TOWN OF WAREHAM  
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees\*\* to the Zoning Board of Appeals secretary.

\*\*Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

\*\*A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$100.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 116 Weyral Avenue LOT: 116 MAP: 50F  
ZONING DISTRICT: R-30  
USE REQUESTED: Demolish and Rebuild  
OWNER OF LAND & BUILDING: James & Colleen Dube TEL.# 617 462 2439  
ADDRESS OF OWNER: 11 Parker Dr East Freetown Ma 02717  
PERSON(S) WHO WILL UTILIZE PERMIT: James Beandon 774-292-0390  
ADDRESS: \_\_\_\_\_  
DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

This application was received on the date stamped here:

WAREHAM TOWN CLERK  
2024 JAN 18 PM 2:29

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_  
Tax Collector: Danelli Cambas Date: 1-17-24  
Planning/Zoning Dept.: Sonia Raposo Date: 1-18-24  
Application fee paid: 300.00 Check #: 853 Receipt: \_\_\_\_\_  
Advertising fee paid: 150.00 Check #: 854 Receipt: \_\_\_\_\_  
Abutters fee paid: 16.34 Check #: 855 Receipt: \_\_\_\_\_

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One:  Variance <sup>or</sup>  Special Permit  Site Plan  Appeal

Date stamped in: \_\_\_\_\_ Date decision is due \_\_\_\_\_

Applicant's Name: James & Colleen Dube

Applicant's Address: 11 Parker Drive East Freetown Ma 02717

Telephone Number: /

Cell Phone Number: 617 462 2439

Email Address: CnewtRN@comcast.net

Address of Property/Project: 16 Warral Avenue Wareham, Ma

Landowner's Name: James & Colleen Dube

Owner's Address: 11 Parker Drive East Freetown Ma

Telephone Number: 617 462 2439

Contact Person: Colleen Dube Telephone Number: 617 462 2439

Map 50F Lot 116 Zone R-30

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

Paul Turner  
Director of Inspectional Services

---

June 27, 2023

Mr. Joseph Morin  
3 Austin Street  
Blackstone, Massachusetts 01504

**RE: 16 Worrall Avenue / Map 50-F, Lot 100 & 116**

Mr. Morin,

I have reviewed your Building Permit application B-23-327, submitted May 26, 2023 to demolish the existing structure and replace as per plan with a single family home located at 16 Worrall Avenue, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied under the following section of the Wareham Zoning By-Laws:

**Article 13: Zoning Protection,**

**1355;**

A lawfully pre-existing non-conforming single or two family residential structure may, by **Special Permit**, be demolished and replaced with a new structure on the same site provided that the Zoning Board of Appeals determines;

1. The replacement structure will not be substantially more detrimental to the neighborhood than the existing structure.
2. The replacement of the structure will not cause or contribute to any undue nuisance, hazard, or congestion in the neighborhood, zoning district, or town.
3. The replacement structure will not intensify any of the following existing non-conformities: building coverage, impervious coverage, or setback encroachment.
4. The replacement structure will not create any new non-conformities.


**1356;**

A proposal to demolish and replace a single or two family residential structure that is found to be substantially more detrimental to the neighborhood will require a **Variance** from the Zoning Board of Appeals pursuant to M.G.L. c 40A section 10.

Therefore, a **Variance** or a **Special Permit** must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in **R30** zoning district.

Respectfully,

  
Paul E Turner  
Building Commissioner  
Zoning Enforcement Officer

**It is the owners' responsibility to check with other departments to ensure full compliance.**

**In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.**

# 16 WORRALL AVE

**Location** 16 WORRALL AVE

**Mblu** 50/F / 116/ /

**Acct#**

**Owner** DUBE JAMES A

**Assessment** \$452,300

**Appraisal** \$452,300

**PID** 7352

**Building Count** 1

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$186,000	\$266,300	\$452,300
Assessment			
Valuation Year	Improvements	Land	Total
2024	\$186,000	\$266,300	\$452,300

## Owner of Record

**Owner** DUBE JAMES A  
**Co-Owner** DUBE COLLEEN M  
**Address** 16 WORRALL AVE  
 WAREHAM, MA 02571

**Sale Price** \$328,000  
**Certificate**  
**Book & Page** 39767/0220  
**Sale Date** 03/21/2011  
**Instrument** 1H

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DUBE JAMES A	\$328,000		39767/0220	1H	03/21/2011
GANSERT DAREN & DEBRA	\$10		37479/0347	1A	07/13/2009
FLYNN EDWARD J TRUSTEE ET ALS	\$75,000		33723/0064	1G	11/22/2006
FLYNN EDWARD J TRUSTEE ET ALS	\$1		27657/0247	1A	03/03/2004
FLYNN EDWARD J, FRANCIS X, JOHN J	\$0		14371/0126	1A	05/20/1996

## Building Information

### Building 1 : Section 1

**Year Built:** 1923

**Living Area:** 940  
**Replacement Cost:** \$248,056  
**Building Percent Good:** 75  
**Replacement Cost Less Depreciation:** \$186,000

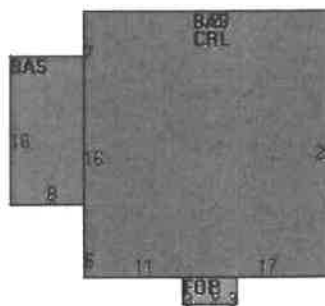
Building Attributes	
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Below Ave
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	K Pine/Bead Bd
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Flr Frn/Susp
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4 Rooms
Bath Style:	Average
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

### Building Photo



(<https://images.vgsi.com/photos2/WarehamMAPhotos/100103178141.jpg>)

### Building Layout



([https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/7352\\_735](https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/7352_735))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	940	940
CRL	Crawl Space	812	0
FOP	Open Porch	18	0
		1,770	940

### Extra Features

Extra Features	Legend

**Land**

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAMILY  
**Zone** R30  
**Neighborhood** 0071  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.18  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$266,300  
**Appraised Value** \$266,300

**Outbuildings**

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

**Valuation History**

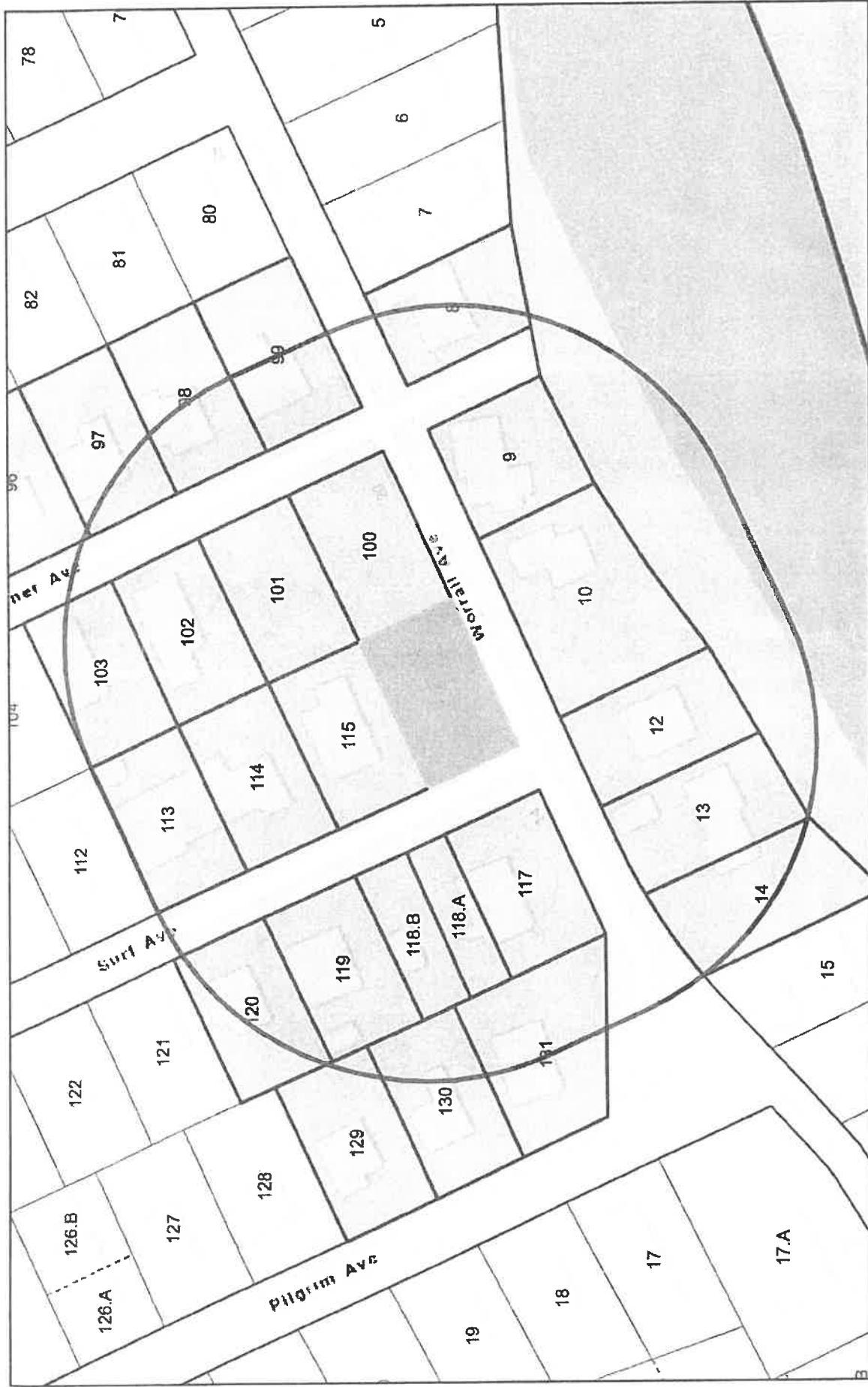
Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$186,000	\$266,300	\$452,300
2023	\$163,900	\$242,100	\$406,000
2022	\$125,300	\$242,100	\$367,400

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$186,000	\$266,300	\$452,300
2023	\$163,900	\$242,100	\$406,000
2022	\$125,300	\$242,100	\$367,400

TOWN OF WAREHAM ABUTTERS		OWNERS		STREET ADDRESS	TOWN & STATE	ZIP CODE
MAP 50F LOT 116	OWNERS JAMES A & COLLEEN M DUBE	50F-0-10	CLOUD DAVID F, CLOUD PAULA	11 AUGUST RD,	SIMBURY, CT	06070
		50F-0-102	APPUGLIESE DAVID A, APPUGLIESE DANIELLE P	5 PIERCE WAY,	N EASTON, MA	02356
		50F-0-103	ROMANOWSKI JOHN B, ROMANOWSKI LOIS A TRUSTEES	20 MARIANNE RD,	WALTHAM, MA	02454
		50F-0-1049	HAMILTON BEACH ASSOC INC,	PO BOX 365,	WAREHAM, MA	02571
		50F-0-113	BARRETT EDWARD J SR, BARRETT CAROLE F TRUSTORS	2351 TRADITION CT,	NAPLES, FL	34105
		50F-0-115	ROMANOWSKI MARK B, ROMANOWSKI KAREN M	152 NORTH MAIN ST,	MIDDLETON, MA	01949
		50F-0-116	DUBE JAMES A, DUBE COLLEEN M	16 WORRALL AVE	WAREHAM, MA	02571
		50F-0-117	RAPPOLI LAUREN M, RAPPOLI RYAN R TRUSTEE	12 WORRALL AVE,	WAREHAM, MA	02571
		50F-0-119	DEAGLE EARLS JR, DEAGLE SHEILA M CO-TRS	6 SURF AVE,	WAREHAM, MA	02571
		50F-0-12	DONELAN THOMAS F, DONELAN BARBARA J TRUSTEES	15 WORRALL AVE,	WAREHAM, MA	02571
		50F-0-120	MCNAMARA JOSEPH T JR+DENNIS J, CLEVELAND JOELITA+MCNAMARA ROSANNE M	265 RIVERLIN ST,	MILLBURY, MA	01527
		50F-0-129	REARDON WILLIAM F JR, REARDON DIANE H	28 OAKLAND ST,	MEDWAY, MA	02053
		50F-0-13	BRADY KEVIN,	13 WORRALL AVE	WAREHAM, MA	02571
		50F-0-130	MCCARTHY DONALD J TRUSTEE, MCCARTHY MARY J TRUSTEE	22 STERLING RD,	NEEDHAM, MA	02492
		50F-0-131	AMATO JOSEPH N TRUSTEE OF THE, JOSEPH N AMATO REV TRUST	32 TANGLEWOOD DR,	MILFORD, MA	01757
		50F-0-7	FOSTER HEIDEMARIE TRUSTEE OF, HMIF REALTY TRUST	50 SHADY REST RD,	N EASTON, MA	02356
		50F-0-8	DONOVAN JAMES B JR TRUSTEE OF, THE 23 WORRALL AVENUE REALTY TR	144 BOARDMAN ST,	NORFOLK, MA	02056
		50F-0-80	WASHBURN JEANNE P LIFE ESTATE	24 WORRALL AVE,	WAREHAM, MA	02571
		50F-0-81	DILIBERTO PAUL F & PATRICIA A TRS, DILIBERTO PANTELIN TRUST	11 PANTELIN TERR,	WATERTOWN, MA	02172
		50F-0-82	FORTE ROBERT J JR,	109 THAYER DR,	HANSON, MA	02341
		50F-0-9	REARDON WILLIAM F, REARDON BETTYE C TRUSTEES	PO BOX 98,	MEDWAY, MA	02053
		50F-0-96	AMBROSE PETER J, AMBROSE DEBORAH M TRUSTEES	7 TURNER AVE,	WAREHAM, MA	02571
		50F-0-97	REARDON ROSE C	5 TURNER AVE	WAREHAM, MA	02571
		50F-0-98	CANNIFF EDWARD J,	165 ROCKLAND ST,	CANTON, MA	02021
		50F-0-99	CORCORAN THOMAS A, CORCORAN MARJORIE F	70 CENTRAL AVE,	BRAINTREE, MA	02184
CERTIFIED ABUTTERS AS THEY APPEAR						
ON OUR TAX ROLLS AS OF: 1/8/2023						
<i>99. Renee Atkins</i>						
ASSESSORS OFFICE						
REQUESTED BY						
COLLEEN DUBE						
CNEWTRN@COMCAST.NET						



# ArcGIS Web Map



11/21/2023, 11:46:32 AM

- Parcels with CAMA Data
- Town Line
- Common Line
- Property Line
- Public Road

1:1,128



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

\*\*\* Electronic Recording \*\*\*  
Doc#: 00023084  
Bk: 39767 Pg: 220 Page: 1 of 2  
Recorded: 03/21/2011 04:00 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 03/21/2011 04:00 PM  
Ctri# 048400 00283 Doc# Plymouth County Registry  
Fee: \$1,495.68 Cons: \$328,000.00  
\*\*\*\*\*

COMMISSIONER'S DEED

PROPERTY ADDRESS: 16 Worrall Avenue, Wareham, MA

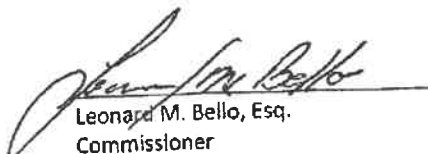
I, Leonard M. Bello, Commissioner, by power conferred by the Plymouth County Probate and Family Court, Docket No. PL09E0058PP, and every other power, in consideration of THREE HUNDRED TWENTY EIGHT THOUSAND (\$328,000.00) DOLLARS paid, grants to JAMES A. DUBE and COLLEEN M. DUBE, Husband and Wife, as Tenants by the Entirety, of 11 Parker Drive, East Freetown, Massachusetts 02717, with QUITCLAIM COVENANTS the following parcels of land bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and are hereby conveyed subject to any building and zoning law requirements which may be in force and applicable.

For Grantor's title, see Plymouth Probate Court Docket Docket Nos. PL09E0058PP, 04P0859EP1, 04P0859-WF1; 05E0078-GC1, 05E0078-GC2 and Deed of Edward J. Flynn to Daren Gansert, et ux, dated June 19, 2009, and recorded at Plymouth County Registry of Deeds at Book 37479 Page 347.

Witness my hand and seal this 21 day of March, 2011.

  
Leonard M. Bello, Esq.  
Commissioner

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

March 21, 2011

On this 21 day of March, 2011, before me, the undersigned notary public, personally appeared LEONARD M. BELLO, and proved to me through satisfactory evidence of a Massachusetts Driver's License and/or other photo identification, to be the person whose name is signed on this document and acknowledged the foregoing instrument to be his free act and deed, before me.


  
Notary Public: Deborah E. Riggs  
My Commission Expires: August 2, 2013



Exhibit A

PARCEL ONE:

The land together with the buildings thereon, situated in that part of Wareham, Plymouth County, Massachusetts, formally called Quasuet Island and now called Hamilton Beach, situated on the Northerly side of Worrall Avenue at said Beach, shown as lot number One hundred Sixteen (116) on a plan of said island drawn by Hayward & Hayward, C.E. in 1915 and recorded in Plymouth County Registry of Deeds, and bounded and described as follows: Beginning at the Southwesterly corner of said lot at the intersection of Worrall Avenue and Mason Avenue; thence running Northerly by Mason Avenue, fifty (50) feet to lot #115 as shown on said plan; thence turning and running Easterly by lot #115 eighty (80) feet to lot #100 as shown of said plan; thence turning and running Southerly by lot #100 fifty (50) feet to Worrall Avenue; thence Westerly by Worrall Avenue eighty (80) feet to the bound first mentioned and point of beginning.

Being the same property conveyed to James S. Melanson on August 6, 1956 and recorded in the Plymouth County Registry of Deeds in Book 2515 Page 271.

PARCEL TWO:

The land located in Wareham, MA. together with any buildings thereon bounded and particularly described as follows:

Formerly called Quasuet Island and now called Hamilton Beach, situated on the corner of Worrall Avenue and Pearl Avenue at said Beach, shown as Lot number 100 on a Plan of said Island drawn by Hayward & Hayward, C.E. in 1915 and recorded on Plymouth County Registry of Deeds, and bounded and described as follows: Beginning at a bound standing at the corner of Pearl Avenue and Worrall Avenue thence running Westerly by Worrall Avenue Eighty (80) feet to Lot #116 as shown on the above mentioned plan; thence turning and running Northerly by Lot #116 Fifty (50) feet to Lot 101; thence turning and running Easterly by Lot #101 Eighty (80) feet to Pearl Avenue; thence turning and running Southerly by Pearl Avenue Fifty (50) feet to bound first mentioned and point of beginning.

Being the same property conveyed to James Melanson and Ida Melanson dated May 3, 1966 and recorded in the Plymouth County Registry of Deeds in Book 3292 Page 471.



PROPERTY MAPS  
**WAREHAM**  
MASSACHUSETTS



LEGEND

RECORD DIMENSION	..... 10'	CORNER OWNERSHIP	.....
SCALD DIMENSION	..... 100'	WETLANDS	.....
WATER	.....		

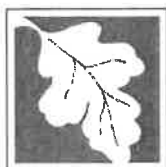


THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.  
THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM, NAD 83.  
ORIGINAL MAPS PREPARED BY WALTER E. ROWLEY, TOWN ENGINEER, MODIFIED BY FULL CIRCLE TECHNOLOGIES IN 2011.









**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:  
 SE76-2791  
 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:  
 James A. & Colleen M. Dube  
 a. First Name      b. Last Name

c. Organization  
16 Worrall Avenue

d. Mailing Address  
Wareham MA 02571  
 e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
 a. First Name      b. Last Name

c. Organization  
 d. Mailing Address  
 e. City/Town      f. State      g. Zip Code

5. Project Location:  
16 Worrall Avenue Wareham  
 a. Street Address      b. City/Town

50F 100 & 116  
 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**  
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Provided by MassDEP:  
 SE76-2791  
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eDEP Transaction #  
 Wareham  
 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 Plymouth b. Certificate Number (if registered land) 220  
 c. Book 39767 d. Page 220
7. Dates: 04/06/2023 04/19/2023 04/27/2023  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Plan to Accompany Notice of Intent for James A. & Colleen M. Dube  
 a. Plan Title Plan to Accompany Notice of Intent for James A. & Colleen M. Dube  
 b. Prepared By G.A.F. Engineering, Inc. c. Signed and Stamped by William F. Madden P.E.  
 d. Final Revision Date 03/23/2023 e. Scale 1" = 10'  
 f. Additional Plan or Document Title Fig. 1 - USGS, Fig. 2 - NHESP, Fig. 3 - FEMA g. Date 2022 GIS, 2-5-2014

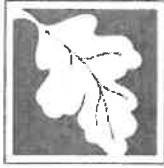
### B. Findings

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

#### Approved subject to:

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





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

Provided by MassDEP:  
SE76-2791  
MassDEP File # \_\_\_\_\_

eDEP Transaction # \_\_\_\_\_  
Wareham \_\_\_\_\_  
City/Town

## B. Findings (cont.)

### Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input 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 _____ 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 _____



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:

SE76-2791

MassDEP File #

eDEP Transaction #

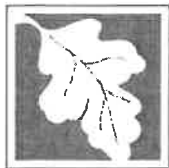
Wareham

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. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	2500	2500		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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## B. Findings (cont.)

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

23.  Restoration/Enhancement \*:

a. square feet of BVW \_\_\_\_\_

b. square feet of salt marsh \_\_\_\_\_

24.  Stream Crossing(s):

a. number of new stream crossings \_\_\_\_\_

b. number of replacement stream crossings \_\_\_\_\_

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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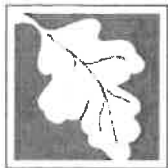
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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            SE76-2791 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Attached**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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### D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wareham \_\_\_\_\_ hereby finds (check one that applies):  
Conservation Commission  
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:  

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:  

<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):

See Attached



## STANDARD CONDITIONS

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

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

#### **SPECIAL CONDITIONS**



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 eDEP Transaction # \_\_\_\_\_  
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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.

04/27/2023  
1. Date of Issuance

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

5

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.

<u>S.S. Slavin</u> Signature	Sandy Slavin Printed Name
<u>Carol Malonson</u> Signature	Carol Malonson Printed Name
<u>Kwame S Bartie</u> Signature	Kwame Bartie Printed Name
<u>Michael P. Mercier</u> Signature	Michael Mercier Printed Name
<u>Denise Schulz</u> Signature	Denise Schulz Printed Name
<u>Nichole Locurto</u> Signature	Nichole Locurto Printed Name
<u>Jessica Farr</u> Signature	Jessica Farr Printed Name
_____ Signature	_____ Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

4/27/2023