

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

January 27, 2021

Town of Wareham
Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

Attn: Chairman Nazih Elkallassi

Re: Special Permit and / or Variance Application

Applicants/Owners: Robert W. & Maryellen L. Stone
Site Address: 12 Canedy Street
Lot #130 on Assessors Map #78

Dear Mr. Chairman and Members of the Board:

On behalf of Mr. & Mrs. Stone, Schneider, Davignon, & Leone, Inc. hereby submits a Special Permit and / or Variance Application and Accompanying Materials for the above-described project.

Specifically, please find the following information enclosed:

- Application Fee of \$300.00
- Legal Ad Fee of \$80.00
- Special Permit and / or Variance Application
- Project Narrative
- Photos of Existing Cottage
- Building Commissioner Letter
- Copy of Deed
- Order of Conditions
- Certified 300 ft. Abutters List
- Architectural Drawings
- Site Plan

We look forward to reviewing this project with the Board during the Public Hearing.

If you require additional information or have any questions, please call me at (508) 758-7866 (ext. 203).

Sincerely,
Schneider, Davignon, & Leone, Inc.

David M. Davignon, P.E.

cc: Robert & Maryellen Stone
Michael Silva Architects
File 3005

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:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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: 12 CANEDY STREET LOT: 130 MAP: 78
ZONING DISTRICT: R-30
USE REQUESTED: RESIDENTIAL
OWNER OF LAND & BUILDING: ROBERT W. & MARYELLEN TEL. (978) 664-5125
ADDRESS OF OWNER: 4 LANTERN LANE L. STONE NO. READING, MA 01864
PERSON(S) WHO WILL UTILIZE PERMIT: ROBERT & MARYELLEN STONE
ADDRESS: 4 LANTERN LANE, NO. READING, MA 01864
DATE: 1-25-21 SIGNATURE: [Signature] AGENT
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: _____ Date: _____
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check # _____ Receipt: _____
Abutters fee paid: _____ Check # _____ Receipt: _____

Dear Applicant,

It is the Town's policy that any permits and approvals shall not be granted unless the applicant and/or property owner(s) taxes are paid. As a result, you should ascertain the status of your property tax, auto excise, and all other fees prior to submitting any application to the Zoning Board of Appeals, Planning Board, and/or Conservation Commission. Unless all fees and taxes are paid or a payment agreement with the Tax Collector has been established (this should be exhibited by a signed statement from the Tax Collector), no approvals shall be issued. In addition, approval by the Zoning Board of Appeals, Planning Board or Conservation Commission does not constitute an approval for permitting or licensing as required from the Local Licensing Authority, that is, the Board of Selectmen. The applicant should ascertain the availability of any necessary permits from the Board of Selectmen, prior to appearing before any Board or Commission for their respective approval.

Thank you for your cooperation.

PLEASE NOTE

Effect January 26, 2014, the following postage changes will go into effect:

Certified Mail cost: \$6.73

Single stamp cost: \$.49

Any questions about these changes, please contact the Zoning Board Secretary

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

January 26, 2021

Re: Project Narrative – Special Permit and / or Variance Application
Applicant/Owner: Robert W. & Maryellen L. Stone
Site Address: 12 Canedy Street
Lot #130 on Assessors Map #78

Project Purpose:

The Applicants request that the Wareham Zoning Board of Appeals (ZBA) issue a Special Permit and / or Variance allowing the proposed removal and reconstruction of the circa 1945 cottage on its existing foundation (see attached photos).

Existing Conditions:

The property is 7,918 sq. ft. in size and is nearly completely developed with a cottage, shed, gravel driveway and pile supported timber pier which water access to the Sippican River. The house is serviced by municipal sewer and water and is located at/near or within various coastal wetland resource areas; Riverfront Boundary, Coastal Bank, Salt Marsh and Land Subject to Coastal Storm Flowage.

On February 11, 2020 the project as proposed was approved by the Conservation Commission (see attached Order of Conditions).

Project Description:

The proposal is to utilize the existing foundation - but integrate structural and flood zone improvements. Specifically, galvanized helical structural supports will be installed inside of the crawlspace foundation as depicted on the architectural drawings. Then a concrete slab will be poured to match the existing grade on the water side of the dwelling and finally hydrostatic flood openings will be installed at the base of the new slab for compliance with FEMA for construction within an AE Flood Zone. The elevation of the existing first floor (El.=15.34) already complies with the minimum requirement for an AE (El. 14) Flood Zone.

The existing cottage first floor footprint will remain the same at 20.1' x 26.1' (area = 524 sq. ft.) with the exception of a 1' x 5.5' bump-out for a gas fire place. A second floor will be added with a slightly smaller footprint (at each corner for the roofline). A 2-story balcony will be constructed over the footprint of the existing bulkhead.

Zoning Issues:

The property falls within zoning district R-30 which requires front, rear and side setbacks of 20, 10' and 10', respectfully. The existing dwelling is currently non-conforming relative to the easterly side setback (7.4' vs. the minimum 10' requirement).

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

The Building Commissioner/Zoning Enforcement Officer has issued a letter of denial for the issuance of a building permit (see attached 1-05-21 letter). The project requires a Special Permit per Article 13, Section 1352 for the proposed 2nd floor expansion of the non-conforming structure.

In closing, the Applicants believe that their proposal will not be detrimental to the neighborhood nor will it result in any adverse effects to the Town and therefore respectfully requests that the Z.B.A. approve the Special Permit as presented.





TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Jeffrey Barrett
16 River Rd
Marion, MA 02738

January 5, 2021

RE: 12 Canedy St.

Map 78/2, Lot 130

I have reviewed your application to raze your existing dwelling and reconstruct a larger residential structure at 12 Canedy Street in Wareham, MA. The proposal does not comply with current zoning regulations and must be denied at this time.

You have put forward an application to raze your existing single story, non-conforming, single family dwelling with hopes of constructing a new two story single family dwelling in the same location. The current structure is non-conforming on the southern side and you are proposing to raise the height of the structure within the non-conforming footprint. This is an intensification of an existing non-conformity and will require a Special Permit from the Zoning Board of Appeals. A Variance may be required If the Zoning Board finds that the new dwelling is substantially more detrimental to the neighborhood.

The submitted permit application documents which include a site plan by Schneier, Davignon, & Leone, Inc. labeled "Job no 3005" comprised of one page dated April 30, 2019 are being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 621, Residential Districts**, The proposed residential dwelling does not conform to the setback requirements for the R-30 zoning district.
- **Article 13, Section 1352, Non-conforming structures**, alteration or expansion of a lawfully pre-existing non-conforming residential structure requires relief from the zoning Board of Appeals. A Special Permit is required for expansion of a lawfully non-conforming structure unless the Board of Appeals finds that the expansion will be substantially more detrimental to the neighborhood in which case a Variance will be required.

The subject dwelling is located in Zoning district R-30.

Respectfully,

David Riquinha
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. 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.



2010 00083787

Bk: 39092Pg: 25 Page: 1 of 2

Recorded: 10/08/2010 10:51 AM

ATTEN: *John R. Buckley Jr.*
REGISTER
PLYMOUTH COUNTY REGISTRY OF DEEDS

QUITCLAIM DEED

Ralph L. Stone and Lois T. Stone, husband and wife, of Venice, Florida, for consideration paid, and in full consideration of Ten and 00/100's (\$10.00) Dollars, grant to Robert W. Stone and Maryellen L. Stone, husband and wife, as tenants by the entirety, with QUITCLAIM COVENANTS,

The land together with all improvements thereon, in Wareham, Plymouth County, Massachusetts bounded and described as follows:

beginning at a point in the southerly line of Canedy Street; thence westerly in the southerly line of the said Canedy Street fifty feet to a corner of other land of a former grantor; thence southerly by said other land of a former grantor one hundred fifty-seven and seventy-eight hundredths feet to the reservation; thence by said reservation land fifty and one-one hundredth feet to a corner of other land of a former grantor; thence northerly by said other land of a former grantor one hundred fifty-eight and ninety-five hundredths feet to the point of beginning. Containing seven thousand nine hundred square feet, be it the same more or less and being lot number 130 on Plan of Subdivision, Section 2, Rose Point, Wareham, Massachusetts. Being the same premises conveyed to the grantors by deed of Virginia C. Morse dated March 29, 1985, recorded in Plymouth County Registry of Deeds Book 6054 Page 70.

By accepting this deed, grantees accept title subject to all liens and encumbrances of record.

Consideration for this deed is such that no deeds excise tax is due.

WITNESS our hands and seals this 28th day of September, 2010.

Ralph L. Stone
Ralph L. Stone

Lois T. Stone
Lois T. Stone

Return to:
Valerie Swett, Esq.
Deutsch Williams
1 Design Center Place
Suite 600
Boston, MA 02210


Mail 1

PROPERTY ADDRESS: 12 Canedy Street, Wareham, MA 02571
GRANTEE'S ADDRESS: 4 Lantern Lane, North Reading, MA 01864-1343

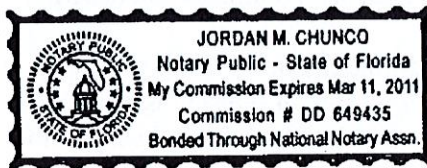
STATE OF FLORIDA

Sarasota County, ss.

On this 28th day of September, 2010, before me, the undersigned notary public, personally appeared Ralph L. Stone and Lois T. Stone, husband and wife, as aforesaid, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public
My commission expires: Mar. 11, 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:
SE76-2545
 MassDEP File #

eDEP Transaction #
Wareham
 City/Town

Wareham Wetland Protective Bylaw, 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:
Robert & Maryellen a. First Name
Stone b. Last Name

c. Organization

4 Lantern Lane
 d. Mailing Address

North Reading e. City/Town
MA f. State
01864-1343 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:
12 Canedy Street a. Street Address
West Wareham b. City/Town
78 c. Assessors Map/Plat Number
130 d. Parcel/Lot Number

Latitude and Longitude, if known: 41d44'm33.8"s d. Latitude
70d45'm14.5"s e. Longitude



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

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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 39092 b. Certificate Number (if registered land) 25
 c. Book _____ d. Page _____
7. Dates: January 16, 2020 February 5, 2020 February 11, 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 Plan - 12 Canedy Street - Robert & Maryellen Stone
 a. Plan Title _____
Schneider, Davignon & Leone, Inc. David M. Davignon
 b. Prepared By c. Signed and Stamped by
January 10, 2020 1"=10'
 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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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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 _____ 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 checked="" type="checkbox"/> Riverfront Area	455 _____ a. total sq. feet	455 _____ b. total sq. feet		
Sq ft within 100 ft	455 _____ c. square feet	455 _____ 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.)

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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	455	455		
	a. square feet	b. square feet		



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

* #22. 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.

22. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

23. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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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 SE76-2545 "
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;



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

Wareham Wetland Protective Bylaw, Division VI
 1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

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 future expansions of the dwelling such as decks, patios, additions, garages, etc., shall be allowed within the 30 foot No Activity Zone, or towards the river from the approved structures. This shall be a continuing condition.**



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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.

February 11, 2020
 1. 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.

6
 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.

Signatures:

by hand delivery on

by certified mail, return receipt requested, on

7018 1830 0000 9897 02523

Date

Date February 11, 2020

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 appelliant.

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



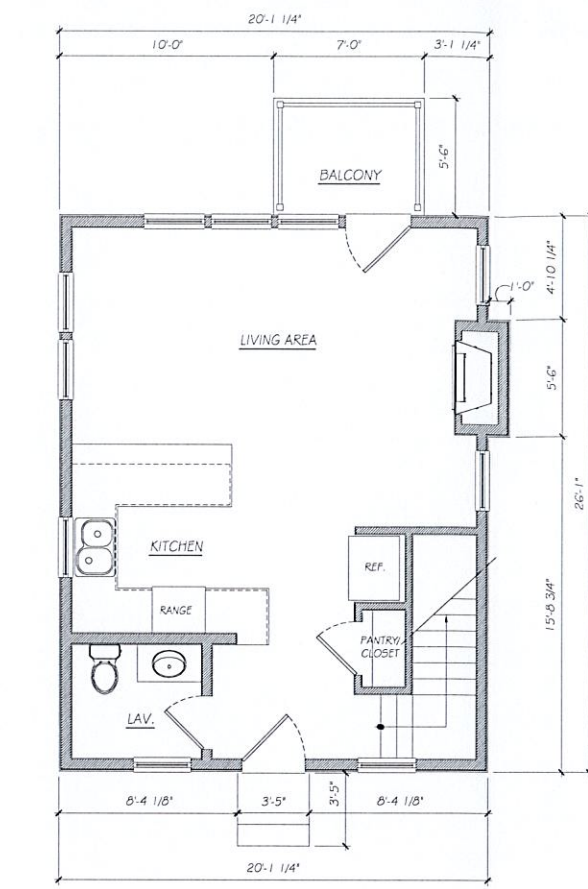
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

800
1600 ft

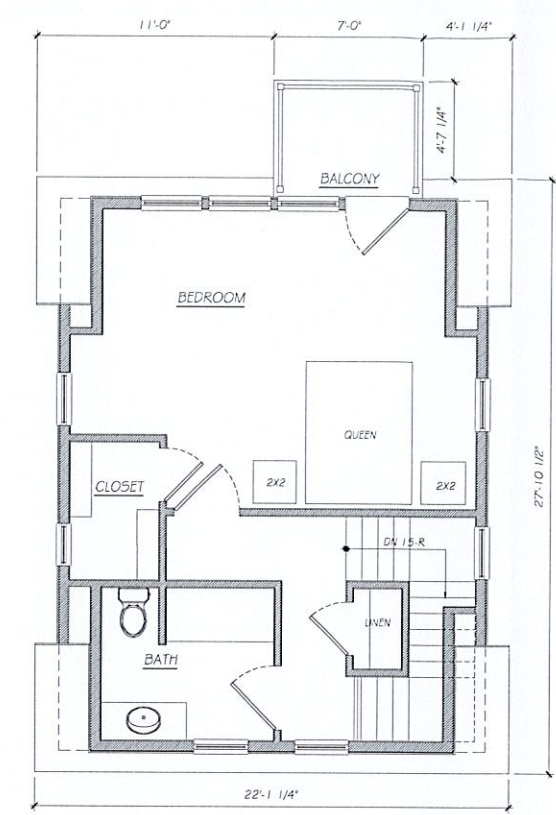
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MapOnline by PeopleGIS

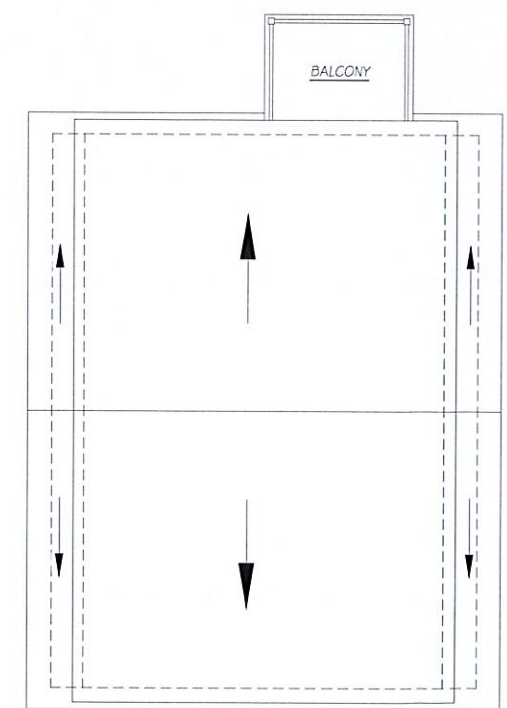
- MA Places:
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Points of Interest
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Route
- Streets
- Bathymetry
 - 0-5 ft
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-25 ft
 - 25-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft
- Abutting Town Labels
- Abutting Towns



FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"



ROOF PLAN
 SCALE: 1/4" = 1'-0"

LEGEND

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 MICHAEL J. SILVA ARCHITECTURE

No.	Revision/Issue	Date

Drawing Status
NOT FOR CONSTRUCTION

Project Name and Address
 NEW CONSTRUCTION FOR:
STONE RESIDENCE
 12 CANEY STREET
 WAREHAM, MASSACHUSETTS

Drawing Title
 PLANS

Drawn By MJS	Checked By MJS	Sheet AE100
Date 09-17-19	Project No. #1808	Scale AS NOTED

MICHAEL J. SILVA ARCHITECTURE
 19 MULBERRY STREET
 FAIRHAVEN, MASSACHUSETTS 02719
 P: 774-425-4384 C: 401-595-0305
 E: MJSARCH@COMCAST.NET

LEGEND

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 MICHAEL J. SILVA ARCHITECTURE

No.	Revision/Issue	Date

Drawing Status
NOT FOR CONSTRUCTION

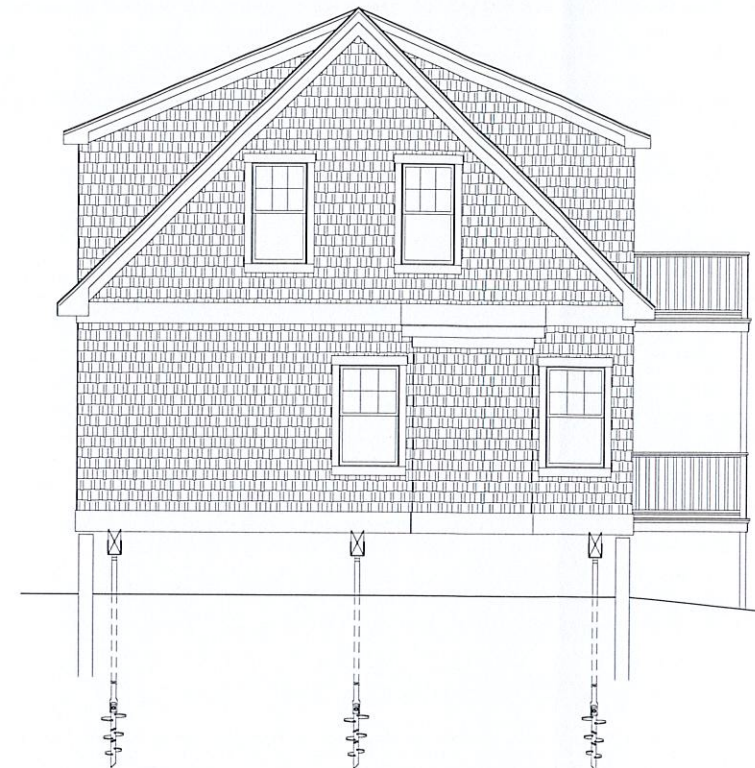
Project Name and Address
 NEW CONSTRUCTION FOR
STONE RESIDENCE
 12 CANEY STREET
 WAREHAM, MASSACHUSETTS

Drawing Title
 ELEVATIONS

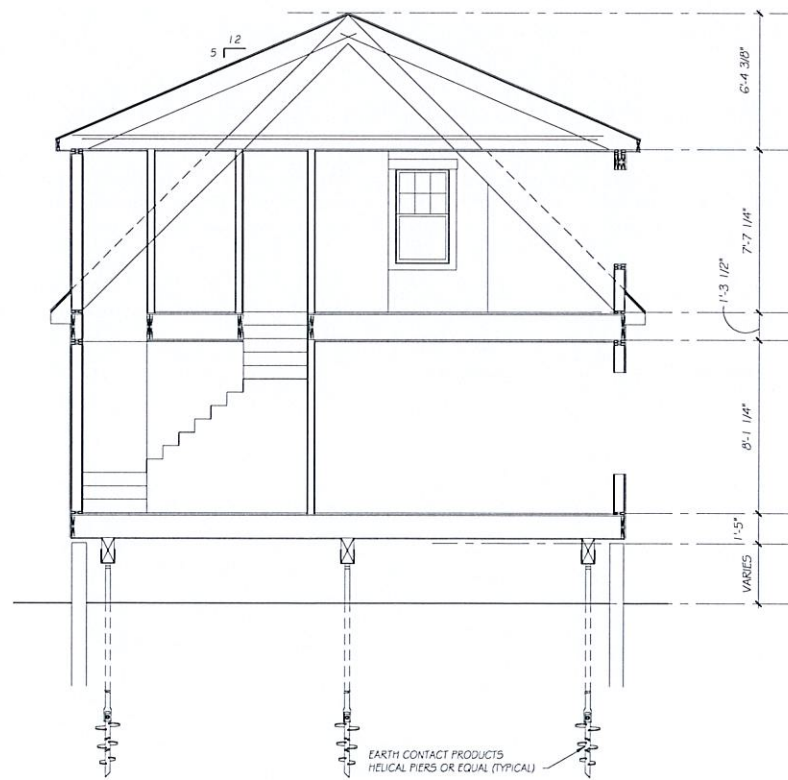
Drawn By MJS	Checked By MJS	Sheet
Date 03-17-19	Project No. #1808	AE200
Scale AS NOTED		



NORTHEAST ELEVATION
 SCALE: 1/4" = 1'-0"



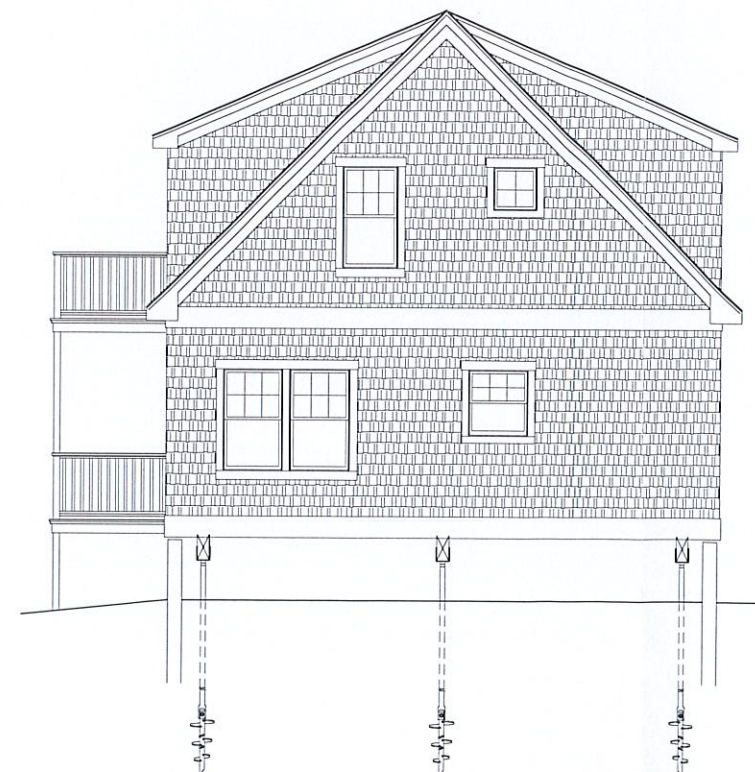
NORTHWEST ELEVATION
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BUILDING SECTION
 SCALE: 1/4" = 1'-0"



SOUTHWEST ELEVATION
 SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION
 SCALE: 1/4" = 1'-0"