Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

CERTIFIED MAIL: 7099 3400 0016 6082 0106

August 10, 2023

Scott Colwell
Colwell Homes
224 Dedham St. PO Box 998
Norfolk, MA 02056

Re: Wetlands - Medfield
0 Elm St. (Map 33, Parcel 87)
MassDEP File # 214-0691
Superseding Order of Conditions - Approval

Dear Mr. Colwell:

The Massachusetts Department of Environmental Protection (MassDEP) has completed its review of the Request for Departmental Action ("the Appeal") filed on December 29, 2022, on your behalf by Watsky Law. The appeal was in response to the Order of Conditions issued by the Medfield Conservation Commission (the "Commission") on December 21, 2022, denying the project as proposed in the Notice of Intent (NOI). The appeal was filed in accordance with the Massachusetts Wetlands Protection Act, M.G.L. c 131 § 40 (the "Act") and its Regulations promulgated under 310 CMR 10.00. MassDEP held an informational meeting at the site of the proposed project on April 27, 2023.

The NOI proposes the construction of a single-family home and appurtenances including a paved access drive, landscaping, and an on-site septic system within the Buffer Zone of a Bordering Vegetated Wetland (BVW).

After reviewing information submitted as part of the appeal, generated during the public hearing process, and gathered during the site visit, MassDEP concludes that the Project, as currently proposed, can be conditioned to protect the interests of the Act.

For the above reasons, MassDEP hereby issues the enclosed Superseding Order of Conditions which **approves** the Project.

Should you have any questions regarding this matter, you may contact Thomas Rebula at (857) 248-5027 or me at (508) 767-2846.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Very truly yours,

Judith Schmitz
Wetlands Section Chief
Bureau of Water Resources

Enclosures: Superseding Order of Conditions-Approval
Adjudicatory Hearing Fee Transmittal Form
Communication for Non-English Speaking Parties

Cc: Medfield Conservation Commission by email at ConservationCommission@medfield.net
Rachel Watsky, Esq., by email at rachel@watskylaw.com
Mark Cerel, Esq., by email at cerellaw@outlook.com
Scott Colwell, by email at scott.colwellhomes@comcast.net
Dan Wells, by email at dwells@lecenvironmental.com
Robert Hartzel, by email at rhartzel@ceiengineers.com

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

Provided by MassDEP:
214-0691
MassDEP File #

eDEP Transaction #

Medfield
City/Town

A. General Information

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

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

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

3. To: Applicant:

Scott
a. First Name

Colwell
b. Last Name

Colwell Homes
c. Organization

224 Dedham St. (PO Box 998)
d. Mailing Address

Norfolk
e. City/Town

MA
f. State

02056
g. Zip Code

Important: When filling out forms on the computer, use only the tab key to

4. Property Owner (if different from applicant):

Same as Applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

0 Elm St
a. Street Address

Medfield
b. City/Town

Map 33
c. Assessors Map/Plat Number

Lot 87
d. Parcel/Lot Number

Latitude and Longitude, if known:

42.17591
d. Latitude

-71.28883
e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Norfolk
a. County

b. Certificate Number (if registered land)

6823
c. Book

335
d. Page

7. Dates: 05/31/21 (a. Date Notice of Intent Filed) 12/1/2022 (b. Date Public Hearing Closed) 12/21/2022 (c. Date of Issuance)

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

Proposed Site Plan, Parcel 33-087 Elm Street, Medfield, Massachusetts
a. Plan Title

GLM Engineering Consultants, Inc.
b. Prepared By

Robert S. Truax, P.E.
c. Signed and Stamped by

9/29/2022
d. Final Revision Date

1:20
e. Scale

Proposed Sewage Disposal System Parcel 33-087 Elm St
f. Additional Plan or Document Title

09/06/2022
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, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply
b. ☐ Land Containing Shellfish
c. ☒ Prevention of Pollution
d. ☐ Private Water Supply
e. ☐ Fisheries
f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply
h. ☐ Storm Damage Prevention
i. ☐ Flood Control

2. This Department hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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

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) — 50 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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ 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. ☐ 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. ☐ 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

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ 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-ft 200	g. square feet	h. square feet	i. square feet	j. square feet

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

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 8/10/2026 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.

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 Department 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 214-0691 "

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 Department.

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 Department 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 Department 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.

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 Department.
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 Department, 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;

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

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.

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.

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

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 (See Attachment 1 - page(s) 1-3 for additional special conditions numbers 20 to 40):

~~26.~~ 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.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.

E. Signature

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4 or #6, from the date of issuance.

8/10/2023
1. Date of Issuance

Signature:

Judith Schmitz, Chief, Wetlands & Waterways Program, Bureau of Water Resources

Issued:

☐ by hand delivery on

Date

☒ by certified mail on

8/10/2023
Date

Certified Mail #7099 3400 0016 6082 0106

Attachment 1
Superseding Order of Conditions – Special Conditions Mass DEP File # 214-0691
0 Elm St., Medfield

20. Work shall be conducted in accordance with the plans and documents identified below which accompanied the Permit Application. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent Application, these conditions shall control.

    Title: Proposed Site Plan, Parcel 33-087 Elm Street, Medfield, Massachusetts
    Date: 05/04/2021
    Revised: 09/29/2022

    Plan prepared by: GLM Engineering Consultants, Inc.
    Stamped By: Robert S. Truax, P.E. 56567
    Scale: 1:20

    Additional Plan:

    Title: Proposed Sewage Disposal System Parcel 33-087 Elm St
    Date: 09/06/2022
    Plan prepared by: GLM Engineering Consultants, Inc.
    Stamped By: Robert S. Truax, P.E. 56567
    Scale: 1:20

21. MassDEP shall be notified in writing of any plan changes for this project which might affect wetland resource areas. MassDEP will determine whether the changes require an amendment to this Superseding Order of Conditions or the filing of a new application.

22. A copy of this Superseding Order shall be available at the property at all times during the course of the activities described in the Notice of Intent.

23. The project supervisor/manager or contractor shall be provided a copy of this Superseding Order, and may be held jointly responsible for any violation of this Superseding Order.

24. A qualified professional shall be designated as an Erosion Control Monitor to oversee the installation, inspection, maintenance, and replacement of erosion and sedimentation controls. The Erosion Control Monitor must be available to be contacted in an emergency during any 24-hour period, including weekends. The name and phone number of the Erosion Control Monitor must be provided to MassDEP prior to the start of construction. The Erosion Control Monitor shall have authority to stop construction if necessary to ensure that erosion and sedimentation from the project are controlled.

25. Erosion and siltation of soils to wetland resource areas shall be prevented at all times by an effective control method. These controls shall remain in place until a Certificate of Compliance is issued, or a determination is made in writing by MassDEP that the controls are no longer necessary.

26. Erosion and sedimentation controls shall not be limited to what is depicted on the plans. The proposed Mulch Socks shall be 12" in diameter. Best Management Practices shall be utilized during construction to prevent unauthorized discharges of fill material due to erosion and sedimentation coming from the construction site. Sedimentation and erosion control devices shall be placed throughout the project construction site according to acceptable standards. MassDEP recommends those guidelines found in the

following documents titled: Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas (March, 1997) prepared for the Massachusetts Department of Environmental Protection (OWM) and prepared by the Franklin, Hampden, Hampshire Conservation Districts, 243 King Street - Room 39, Northampton, MA 01060.

27. **PRIOR** to commencement of any work on the site, erosion and sedimentation controls shall be properly installed and maintained between all work areas and the wetland resource areas that are to remain undisturbed in a manner that prevents the flow of silt and sedimentation into any wetlands or waterways. Such controls shall be maintained until all disturbed areas are permanently stabilized. The installation and placement of all erosion and sedimentation controls shall be supervised by the Erosion Control Monitor. The erosion and sedimentation control barrier shall serve as the limit of work area. No equipment, vehicles, or activity are allowed on the wetland resource side of the barrier.

28. The applicant shall notify MassDEP and the Conservation Commission by email at thomas.rebula@mass.gov **not less than 72 hours** before any work regulated by this Superseding Order commences on the project site. MassDEP, the applicant, owner, general and/or subcontractors, or other individuals responsible for performing on-site activities regulated by this Superseding Order, may require an informal pre-construction meeting to inspect erosion & sedimentation controls and to review this Superseding Order to assure an understanding of its requirements. The name, telephone number of the Erosion Control Monitor shall be provided in the notification.

29. At the close of each construction day, areas of construction subject to this Order shall be left in a stable condition, and erosion and sedimentation controls shall be monitored by the Erosion Control Monitor and maintained or reinforced if necessary. An adequate stockpile of erosion control materials shall be maintained at the project site at all times for emergency and routine maintenance and replacement.

30. Wetland resource areas shall at all times be visibly flagged in order to assure no intrusion into these areas occurs.

31. The work permitted by this Order consists of work within the Buffer Zone only. No alteration or disturbance of wetland resource areas is permitted. The Limit of Clearing/Work shall correspond with the Erosion Control Barrier as shown on the approved plan. No clearing, structures, or fill shall be located beyond this boundary in perpetuity without additional permitting with the Medfield Conservation Commission and MassDEP.

32. Any wetland areas altered or disturbed beyond that permitted in this Order shall be restored. The applicant must report any alterations or disturbances above the permitted Limit of Work to MassDEP immediately and submit a restoration plan.

33. Work shall be conducted in accordance with the Construction Sequence, dated September 9, 2022, prepared by GLM Engineering Consultants, Inc.

34. Any debris, construction material, fill, and excavated material shall be stockpiled as far away from designated wetland resource areas as practicable, and at a location to prevent any impact to wetland resource areas. At no time shall any material (i.e., fill, stumps, brush, logs, slash, rubbish or construction debris, etc.) be disposed or buried within wetland resource areas. To prevent impact to wetland resource areas, any soil stockpiled within the Buffer Zone shall be surrounded with appropriate sediment control measures and covered daily until such time when it will be used, or moved to outside the Buffer Zone.

35. During construction any surface water from the project work area, well construction, or dewatering areas **shall at all times** be effectively filtered or settled to remove silt and turbidity **prior** to being discharged to any Waters of the Commonwealth.

36. Upon completing construction-related activities and final grading, all disturbed soil surfaces shall be temporarily stabilized against erosion, then permanently stabilized as soon as possible.

37. MassDEP reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

38. The property owner, or other designated responsible party, shall allow members and agents of the MassDEP and Commission to enter and inspect the premises to evaluate and ensure that the responsible parties comply with the Superseding Order of Conditions.

39. Upon completion of all work regulated by this Superseding Order under M.G.L. Chapter 131, Section 40, the applicant shall submit to MassDEP with their request for a Certificate of Compliance, an as-built plan, an operations and maintenance compliance statement, and a signed statement in writing certifying that the site has been developed in accordance with the conditions of this Superseding Order and the site plan referenced within. Information submitted to MassDEP in compliance with this condition shall at the same time be copied and sent to the Conservation Commission.

40. Once the site is permanently stabilized the Applicant shall request written permission from MassDEP for the removal of erosion and sedimentation controls.

END OF CONDITIONS

F. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Department listed below.

Massachusetts Department of Environmental Protection – Central Regional Office
Issuing Authority

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

To:

Massachusetts Department of Environmental Protection –Central Regional Office
Issuing Authority

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

Project Location, Street & Town _____ 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 _____

G. Appeal Rights and Time Limits

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP
8 Bond Street
Worcester, MA 01606

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

(a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
(b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
(c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
(d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that lead to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
(e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;

(f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error in inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;

(g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;

(h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and

(i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04, a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Massachusetts Department of Environmental Protection

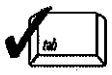
Adjudicatory Hearing Fee Transmittal Form

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

A. Person/Party Making Request

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

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





Name - If appropriate, name group representative

Street Address

City | State | Zip Code

2. Project Information:

Street Address

City | State | Zip Code

DEP File or ID Number | $ Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City | State | Zip Code

Email Address

C. Instructions

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

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

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

   MassDEP Office of Appeals and Dispute Resolution
   Case Administrator
   100 Cambridge Street, Suite 900
   Boston, MA 02114