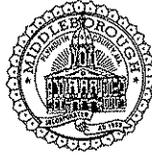


**HEARINGS, MEETINGS, LICENSES**  
**7-14-08**

*Incorporated 1669*  
*338 Years of Progress*

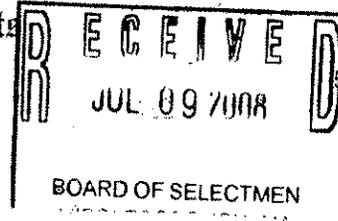


CRANBERRY CAPITAL  
OF THE WORLD



## Town of Middleborough

Massachusetts



808-947-4095

ZONING BOARD OF APPEALS

July 9, 2008

Middleborough Board of Selectmen  
Town of Middleborough  
10 Nickerson Avenue  
Middleboro, MA 02346

Re: Banners

Dear Honorable Board:

At a meeting held on June 26, 2008 the Zoning Board discussed the issue that was before the Board of Selectmen regarding Banners in the downtown area.

The Zoning Board has many questions on this. However, the general guideline the Zoning Board would use is that if the banner has a business advertisement on it, then it is a sign, and each one must be approved by the zoning board, with applicable fees applied. If the banner has no advertisement, except the town and is very generic, than it is not considered a sign and would not require zoning approval.

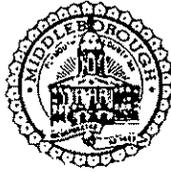
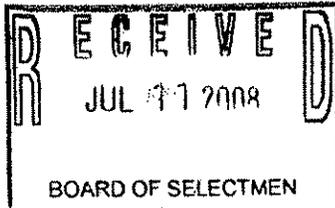
The Building Commissioner was in attendance at the meeting and agreed with the Zoning Board's guidelines.

If you have any questions, please contact the Zoning Office.

Sincerely,

Bruce G. Atwood, Chairman  
Zoning Board of Appeals

Cc: Robert Whalen, Middleborough Building Commissioner



**Town of Middleborough**  
Massachusetts

Planning Director  
Ruth McCawley Geoffroy

\_\_\_\_\_  
Planning Board

Telephone (508) 946-2425  
Fax (508) 946-1991

**MEMORANDUM**

**TO:** Board of Selectmen  
**CC:** Conservation Commission  
Health Officer  
Building Commissioner  
**FROM:** Ruth McCawley Geoffroy, Planning Director  
**DATE:** July 9, 2008  
**RE:** **WRPD Application Gary Christina, 111 Summer Street, Assessors Map 12, Lots 6492 & 835**

This memo is in response to your request to review and comment upon the above referenced WRPD Application for the construction of a residential water supply well within the 25' wetland buffer area at 111 Summer Street.

Section XII.H.3.d. prohibits any building, structure or land disturbing activity within 25' of a wetland except that necessary for one of four exceptions, which may be allowed upon the issuance of a Special Permit by the Board of Selectmen. The four exceptions for which a Special Permit may be granted include:

- i. Limited projects as defined by MGL Ch. 131 Section 40;
- ii. Creation of wetland replacement or flood storage mitigation;
- iii. Installation of drainage outfalls...where no alternative is feasible...;
- iv. Maintenance and construction of trails...

The proposed alteration for construction of the water supply well does not meet the requirements of the four exceptions and therefore is not allowed. Because the application does not meet one of the four exceptions, the Board of Selectmen can not issue a Special Permit allowing land disturbing activity within 25' of a wetland, even if you wanted to allow it. This allowance or any other alteration would require a zoning variance from the ZBA.

It should be noted that this requirement of no alteration within 25' of a wetland within Zones Z3 & Z4 and within 100' of a wetland in Z2, was to close a significant loophole in the WRPD By-law in 2001; and, to act as a compromise in protecting wetlands by the Town of Middleborough without the added burden of passing a Middleborough Wetland Bylaw.



## **TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT**

Jeanne Spalding, RS, CHO  
Health Officer  
Hours: 9am-5pm

PH: 508-946-2408  
FX: 508-946-2321

### **MEMO**

**TO: Board of Selectmen**

**FROM: Jeanne Spalding, Health Officer**

**DATE: March 31, 2008**

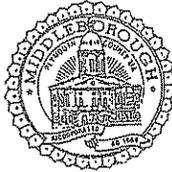
**RE: WRPD-Well Installation, M12, L 6492 & 835, Summer St.**

**The Health Dept. has reviewed the information provided for the above application and has already reviewed and approved the septic design plans and well locations for the above filing.**

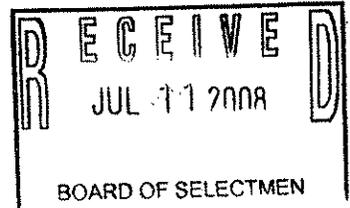
DATE: July 8, 2008

The well location and septic design plans meet the criteria of the Board of Health local bylaws and Title 5 state code.

It is my opinion that this project does not meet the criteria for the driveway crossing or the well installation work under the WRPD Bylaw or the Wetlands Protection Act for a limited access project.



Town of Middleborough  
CONSERVATION COMMISSION



MEMORANDUM

TO: Board of Selectmen

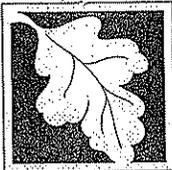
FROM: Patricia J. Cassady, Conservation Agent 

DATE: June 23, 2008

RE: Amended Order of Conditions for 111 Summer Street (Gary Christina)

Attached you will find a copy of the Amended Order of Conditions for 111 Summer Street, DEP file # 220-1055. The Conservation Commission voted at their June 5<sup>th</sup>, 2008 meeting to allow an Amended Order of Conditions to be issued to Mr. Christina in order to clarify the language regarding the 25-foot no disturb zone for the purposes of a water well installation. The changes can be read on page 7 of 10 in the Order.

If the Board has any further questions regarding this Amended Order of Conditions, don't hesitate to contact the Conservation Department.



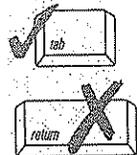
**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

220-1055

**A. General Information**

**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: Middleborough  
Conservation Commission

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

3. To: Applicant:

Gary Cristina  
 a. First Name b. Last Name

c. Organization  
111 Summer Street

d. Mailing Address

Middleborough MA 02346  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

same  
 a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

111 Summer Street Middleborough  
 a. Street Address b. City/Town

Map 21, 12 Lot 835, 6492  
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: e. Latitude f. Longitude

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

Plymouth  
 a. County b. Certificate Number (if registered land)

2911 77-79  
 c. Book d. Page

7. Dates: 3/6/2008 3/20/2008 3/20/2008  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

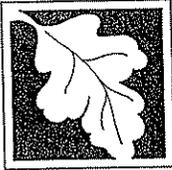
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Notice of Intent 111 Summer Street  
 a. Plan Title

Allen & Major Associates, Inc. Philip L. Codeiro, Registered Professional Engineer  
 b. Prepared By

3/5/2008 1"=40'  
 d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date



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

MassDEP File Number:

220-1055

**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. 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.

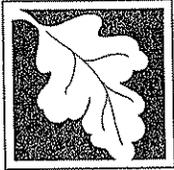
**Denied** because:

- 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 these interests, 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).**

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

3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		



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

MassDEP File Number:

220-1055

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

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. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



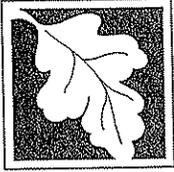
## C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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.
6. 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.
7. 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.
8. 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 this 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.
9. 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"]

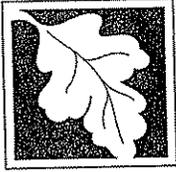
"File Number 220-1055"



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

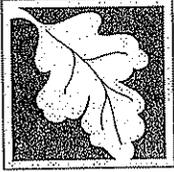
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. **The work associated with this Order is (1)  is not (2)  subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
  - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.



---

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

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- 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 Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement 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 Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make this log available to MassDEP and the Conservation Commission upon request; and
  3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments 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.



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

- j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.
- k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) 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):

- 1. **Maintain a 25' no touch buffer except as indicated on the approved plan for the purposes of water well installations.**
- 2. **See attached Standard Order of Conditions.**
- 3. **The driveway crossing is allowed under Order of Conditions with DEP file # 220-1036**

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

- 1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
- 2. The \_\_\_\_\_ hereby finds (check one that applies):

- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

\_\_\_\_\_ 1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

\_\_\_\_\_ 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):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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

MassDEP File Number:

220-1055

**E. Issuance**

March 20, 2008

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

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.

Signatures:

*[Handwritten Signature]*  
 Edward N. Thomas  
*[Handwritten Signature]*  
 Patricia A. Delaney  
*[Handwritten Signature]*  
 Steven Ventresca

*[Handwritten Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Plymouth

On this 19th Day of \_\_\_\_\_ of \_\_\_\_\_

June w 2008  
 Month Year

Before me, the undersigned Notary Public, personally appeared

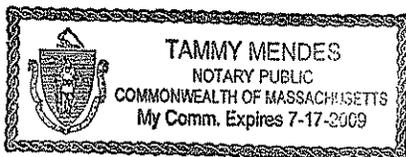
Patricia A. Delaney  
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were  
Personally Known

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Middleborough Conservation Commission  
 City/Town



*[Handwritten Signature]*  
 Signature of Notary Public

*[Handwritten Signature]*  
 Printed Name of Notary Public

7-17-09  
 My Commission Expires (Date)

Place notary seal and/or any stamp above

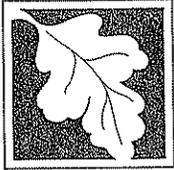
This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



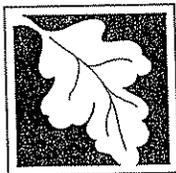
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## F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

**Section G, Recording Information is available on the following page.**



**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

MassDEP File Number:  
220-1055

**G. Recording Information**

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.

Middleborough  
 Conservation Commission

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

To:

Middleborough  
 Conservation Commission

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

111 Summer Street  
 Project Location

220-1055  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth  
 County

2911  
 Book

77-79  
 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

DEP File No 220-1055  
Provided by DEP  
Applicant Gary Cristina

TOWN OF MIDDLEBOROUGH  
CONSERVATION COMMISSION

**STANDARD CONDITIONS**

APPLIES  
**YES NO**

- X Recording of Order is the responsibility of applicant or owner. To be returned prior to commencement of work.
- X All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc. are to be installed prior to initiation of any work under the Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work, which is subject to the Order of Conditions, is to be undertaken until approval is received from the Conservation Commission and/or Agent.
- X Commission to be notified of the date of start of work prior to its commencement.
- X In addition to the mitigation shown on the plan, staked hay bales or siltation fence is to place where necessary to prevent erosion and siltation into the wetland resource area(s).
- X Wherever necessary to maintain compliance with M.G.L. CH. 131, s.40, appropriate mitigation, to prevent erosion and siltation to surface waters and Bordering Vegetated Wetlands, is to be installed and maintained until all exposed areas are stabilized.
- X Any tears, rips, breaks or collapse of siltation barrier shall be repaired immediately (no more than 24 hours).
- X Any replication area is to be prepared prior to the destruction of the resource area being replicated.
- X All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
- X Retention/detention basins, included in this plan, are to be maintained on a regular basis. Schedule stated in the Notice of Intent.
- X All facilities and equipment used within or as part of this project will be continually maintained and operated so as to comply with this Order and the Wetlands Protection Act.
- X Members and agents of the Conservation Commission shall have the right to enter and inspect the property to determine and evaluate compliance with this order.
- X Wetland flagging to remain in place until the project has been completed.

APPLIES

YES NO

- X Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- X Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
- X No sodium based de-icing agents to be used.
- X The drainage system is to be sealed until all work has been completed and vegetation has been established.
- X Certificate of Compliance to be requested immediately after completion.
- X All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- X Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- X No partial Certificate of Compliance will be issued unless the balance of the project, at whatever stage it is in at the time of said request.
- X As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- X This project to be in compliance with the Order of Conditions, the Wetlands Protection Act and Regulations promulgated thereunder (M.G.L. CH. 131, s.40; 310 CMR).
- X Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- X Written reports to be submitted to the Conservation Agent detailing progress of activities as detailed by the Order of Conditions. To be received the 1<sup>st</sup> and 15<sup>th</sup> of the limited project month.
- X If wetland alteration is allowed under limited project status, no wetland alteration is to occur until all local, state and federal permits have been received for the project as submitted to the Conservation Commission.
- X This Order of Conditions is issued for the above referenced plans only. Any alteration to said plans may cause this Order of Conditions to be null and void unless an amendment is submitted and approved by this Board.
- X Prior to commencement of work, applicant is to submit letter certified by a professional engineer stating that any plans submitted for other local, state and federal permits are identical to the plans submitted for this Order of Conditions.