

**Community Land & Water Coalition**  
**A Project of Save the Pine Barrens, Inc.**  
**P.O. Box 1699**  
**Plymouth MA 02362**  
[www.communitylandandwater.org](http://www.communitylandandwater.org)

November 13, 2023

VIA CERTIFIED MAIL # 7022 0410 0001 6186 0110  
RETURN RECEIPT REQUESTED

Via email to:

SERO [NOI@mass.gov](mailto:NOI@mass.gov)

maissoun.reda@mass.gov

MassDEP Southeast Regional Office  
Wetlands and Waterways  
20 Riverside Drive  
Lakeville MA 02347

Request for Denial - Superseding Order of Conditions  
Off Wareham Road  
2 River Run Way  
Town of Plymouth Assessor's Map 115, Parcel/Lot A/049  
DEP File No. # SE57-3332  
Plymouth PCC 23-43

Dear MassDEP:

This is a Request for Department Action (Request) regarding the Order of Conditions SE 57-3332 (Order) issued by the Town of Plymouth Conservation Commission (Commission) on November 1, 2023 to ADM Agawam Development LLC (Makepeace or ADM). The Request asks the Department to issue a Superseding Order of Conditions denying the Work. The Notice of Intent was filed September 26, 2023 (NOI). A copy of the Order is attached as **Exhibit 1**.

The Commission opened the hearing on October 17, 2023 and closed it the same day and voted to approve the notice of intent ("NOI"). The Order of Conditions is issued under both the

Wetlands Protection Act, G.L. c. 131, s. 40 (“the Act”) and the Plymouth Wetlands Protective Bylaw.

The Commission found the Resource Areas present or near the Site to be significant to Prevention of Pollution only.

This Request is submitted by Save the Pine Barrens, Inc. (STPB), a person aggrieved by the Order. 310 CMR 10.05(7). STPB is a Massachusetts non-profit corporation whose mission is to protect, preserve and steward the land and water of Southeastern Massachusetts, including the Plymouth Carver Sole Source Aquifer (Aquifer), wetlands, forests, wildlife, history and endangered species. STPB members live, work and recreate in Plymouth.

This request is filed in a timely manner, within ten business days after the issuance of the Order. It is filed in accordance with the provisions of 310 CMR 10.03(7)(a)(2) and 310 CMR 10.05(7)(a-d). Attached as **Exhibit 2** is a copy of the filing fee and filing fee transmittal form which have been sent to the DEP Lockbox.

The Order fails to protect the interests of the Act or meet the requirements of the Act’s implementing Regulations. 310 CMR 10.000 (the “Regulations”).

### **Project Site**

The Project site is part of the 1,320 acre ADM Agawam Development LLC mixed-use development along the Agawam River in the Buzzards Bay watershed. It was originally proposed as 1,075 residential units, a 90,000 square foot commercial space, an 800,000 square foot village center with the entire development served by two wells with a combined permitted withdrawal of 660,000 gallons per day with nearly all wastewater being treated at 1,334,000 gallon per day wastewater treatment facility. Source: April 13, 2007 MEPA comments of the Buzzards Bay National Estuary Program of the Office of Coastal Zone Management. The Project Site is about 180 acres within the ADM Agawam Development. Makepeace’s Master Plan of the Red Brook Development is attached as **Exhibit 3**. The Project site is Phase 6 of the build-out.

The 180-acre area includes Deer Pond, a known archeological site and Priority Habitat. It is a forested tract of land. It is undisturbed pristine Atlantic Pine Barrens forest, a globally rare ecosystem and one of three on Earth. At least 25 acres will be clear-cut for purposes of the residential development to be served by the road.

The Site is within BioMap 3 components: Core Habitat Components: Priority Natural Communities Core; Rare Species Core and Aquatic Core.

The Work surrounds Deer Pond, a NHESP Priority Habitats of Rare Species, Priority Habitat 509. The Site is surrounded by undeveloped land to the south, east and west, and an ADM cranberry bog and sand mining complex to the northeast, and residential development of ADM to the northwest. Priority Habitat 601 abuts the Site to the West. Priority Habitat 496 is located about 0.71 miles to the south. The Agawam River flows approximately 0.38 miles to the east. The Pond is classified as a Wetlands Resource Area: Open Water. A Shrub Swamp lies to the south of the pond.

ADM's Master Plan for the Red Brook development shows residential construction around Deer Pond. The Plan shows a dog park and picnic area on the shores of Deer Pond, and public boating on the Pond. See Master Plan, **Exhibit 3**.

Since 2017, Makepeace has logged, clear-cut, stripped and developed a dense residential and commercial complex around the Site as part of the ADM Development. Land has been stripped down to bare sand as shown on drone surveillance videos. To the north and south, large scale commercial mining operations have been and are being conducted at Makepeace's White Island Bogs.

The Site is within the Plymouth Carver Sole Source Aquifer, federally designated by the U.S. EPA under the Safe Drinking Water Act. The Aquifer is vulnerable to contamination due to its sand, soils and high permeability. It has high transmissivity and contaminants that enter the groundwater move quickly. It is estimated that the groundwater flow rate at the Project Site is about one foot per day.

The Work is upgradient and adjacent to several private wells.

The rapid deforestation by Makepeace in the area surrounding the Site has removed trees and sand and gravel that filter and protect the Aquifer. This includes sand and gravel mining allegedly for agricultural purposes at the White Island Bogs abutting the Site.

An archaeological survey conducted with Massachusetts Historical Commission permits found evidence of pre-contact Native American use and occupation of the Deer Pond area. A study stated the archeological finds "suggested good integrity and the potential for the Deer Pond Site to contain information that might be useful for addressing regional archaeological themes of interest. The site is considered potentially significant. The archaeologists recommend avoiding the Deer Pond Site through project redesign. If avoidance is not possible, additional archaeological investigations is recommended." MHC 19-PL-995; #25-2767. The archeological survey established Native American presence as of the Laurentian/Late Archaic Period (ca. 5,000 B.P.). It stated "The archaeological deposits recovered from the Deer Pond Site contribute important information to the extant Native American database for southeastern Massachusetts."

Under Massachusetts Environmental Policy Act (MEPA) Project number 13580, MHC reviewed a concept for the Red Brook Master Plan. The status of MHC's review of the Red Brook Master Plan and the **many substantial project changes** since 2017 currently being implemented is unclear. There is no record that MHC ever complied with the National Historic Preservation Act Section 106 in reviewing the Red Brook Master Plan or the current Project as proposed. There appears to be no record that Tribes were given a full and fair opportunity to provide their free, prior informed consent to the Red Brook Master Plan or that they did so.

Based on available information, the road way and subsequent residential development will destroy areas found to have evidence of Native American use and occupation of the Deer Pond area and Project Site.

The National Historic Preservation Act, Section 106, requires consultation with the Wampanoag Tribes before the Project can proceed.

Various federal court rulings confirm that Indian tribes have aboriginal rights that include hunting, fishing and trapping rights derived from aboriginal possession. The Site is in the ancestral lands of the Wampanoag people to which they have aboriginal rights. The Work will violate aboriginal rights. The Herring Pond Wampanoag people have maintained land tenure over the Project area for thousands of years.

### **Proposed Work**

The work is to pave an existing unimproved road off Wareham Road to extend Garden Road. It claims to be a Limited Project, under 310 CMR 10.05(3)(e). It includes the construction of a 20-foot wide roadway with stormwater management and utilities.

The road will be used to serve the expanded phase of ADM's Red Brook Development. The road construction work will be done within the 100 Buffer Zone, 50 foot no touch zone to Deer Pond, and 35 foot no touch zone to a cranberry bog.

The Work includes "grading" of an undescribed extent that will disturb the known archeological features.

### **The NOI was incomplete and inaccurate**

The NOI was incomplete and inaccurate. Among other things, it fails to:

- Describe the length of the roadway

- Identify the square foot area of Buffer Zone to be altered
- Give accurate information about the impact on Priority Habitat Deer Pond, merely stating “information available on request”
- Accurately identify the “grading” - location, change in slope before and after
- Accurately identify interests protected by the Act

**The Project does not comply with Performance Standards for Work in the Buffer Zone**

**Inadequate Stormwater Analysis**

- Improperly relies on 100 year storm flood runoff going from from Design point 1 onto surrounding land
- Fails to identify the end point for the floodwater, apparently using the isolated wetland cranberry bog, and Deer Pond itself as a discharge point for the stormwater runoff when the leaching chambers overflow (Stormwater Memorandum, p.1. and Figure 3). The route by which overflow will lead to the “three design points” is lacking on the site plans.

**Failure to Address Public Water Supply**

- Fails to address the impacts on the Source Aquifer (i.e. Groundwater Supply)
- Fails to provide any evidence or corroboration that the Project will not affect public or private water supply
- Fails to identify the location and number of private and public drinking water supplies, zones of influence, and projected future water demands
- Fails to describe and account for the fact that the Project is located 1000 feet east of a Zone II wellhead protection area for a public well and 1500 feet south of a Zone II for a public water supply well (i.e. Public and Private Water Supply and Groundwater Supply).
- Fails to show that the work is within an Interim Wellhead Protection Area (“IWPA”) of the “Wareham Road Well.” This makes the area in which work is proposed within a Critical Area.
- The NOI was improperly granted waivers under the By-law

**Failure to Address Wildlife and Endangered Species Impacts**

- Inadequate protections for Deer Pond wetlands and Priority Habitat from the “Grading” and tree clearing within the No Build Zone of Deer Pond
- The NOI and Order do not identify the SIZE of the area to be altered, in square feet as required by the NOI
- The Commission ignored impacts to Wildlife, the Priority Habitat and protected species, merely stating on page 6: NHESP, Section 2.(3): “Separate MESA review completed”

- The Commission never requested information about the “separate MESA review” and therefore failed to consider it, meaning the impacts to wildlife were not considered.
- The Commission ignored impacts to Fisheries associated with Deer Pond, even though work is proposed within the Buffer Zone of the delineated boundary of the pond

### **Incorrect Wetland Classification**

- We believe that there is a high probability that the B-series wetland, currently classified as an Isolated Vegetated Wetland, is in fact Isolated Land Subject to Flooding (“ILSF”).
- The site plan depicts one (1) foot contours. We have calculated this wetland as being ±5,400 square feet in size, as delineated. The bottom of the wetland has a spot elevation of 50.4. The wetland flags are anywhere between two and three feet above the spot grade. Being approximately half the size of a quarter acre, if water comes up to the wetland boundary, at least, there is a high probability that this area will qualify as an ILSF.
- If the B-series wetland fills with water at all, it is likely that it will qualify as a potential vernal pool (“PVP”). If this wetland is an ILSF, it may also qualify as vernal pool habitat. Therefore, wildlife habitat interests were ignored.

### **Illegal Wetland Fill**

- The cranberry bog (not delineated with wetland flags) is described by Beals + Thomas in Section 1.1.1 of their project narrative as “although actively farmed, the cranberry bog represents BVW as it was likely constructed in a historically wetland area.”
- With that statement, sometime between 2021 and 2023 the southern part of the bog, approximately 13,000 square feet by our calculations, was illegally filled.
- MassMapper and MassGIS wetland overlay data show a direct connection between the cranberry bog and Deer Pond. There is no mention of this connection in the NOI even though the road, stormwater structures, and grading associated with it will go directly over the connection. Prevention of Pollution is a public interest concern for this area, at a minimum.

### **Inadequate water quality protections**

- In the past year, ADM has caused visible silt to runoff from the ADM Development into the Agawam River, Classified as an Outstanding Resource Water. This is documented in photographs. The Agawam River is impaired and requires a TMDL under the Clean Water Act.
- In 2007, the Estuaries Project cautioned MEPA that increased nitrogen from the ADM Development caused a further threat to the Buzzards Bay Watershed.

- The Order fails to address water quality and nitrogen impacts from further land alterations allowed under the Order.

### **No proof of abutter notice**

There is no record that abutters were properly notified and that the abutter notices were submitted at the opening of the public hearing on October 17, 2023. The “green cards” were not included in the Town’s response to a public records request on Nov. 9, 2023.

### **Fee Inaccurately Calculated**

The fee for this project was incorrectly calculated. The project purpose is clearly new road construction, which falls under Category 3(c): “road construction not crossing or driveway,” and not Category 2(e): inland limited projects minus road crossings and agriculture.” The Cat 3(c) fee is \$1,050 per activity, leading to a \$550 deficit under the current Cat 2(e) fee of \$500.

### **Other**

The Commission failed to provide the public with timely notice of the Order of Conditions. STPB made a verbal and email request on Nov. 1, 2023 for the Order of Conditions issued that day. The Commission failed to provide the Order until Nov. 9, 2023. This was after STPB made a public records request to the Town that disclosed the Order had been issued. STPB then emailed the Town Conservation Agent and staff. Only then, on Nov. 9, 2023, 8 days into the 10 day appeal period, did the Commission provide a copy. This impaired STPB’s ability to adequately review the Order and materials. The Commission’s actions are a continuation of its failure to properly administer the Act and Regulations, in violation of the purpose and intent of the Act and Regulations to ensure an open and transparent process for review of Projects that alter Resource Areas.

## **CONCLUSION**

For the foregoing reasons, STPB requests that MassDEP overturn the Order and issue a Superseding Order of Conditions denying the Project.

Very truly yours,

Margaret Sheehan

Margaret E. Sheehan  
Attorney and Representative for  
Aggrieved Person Save the Pine Barrens, Inc.  
[environmentwatchesoutheasternma@gmail.com](mailto:environmentwatchesoutheasternma@gmail.com)  
508-259-9154  
Post Office Box 1699  
Plymouth MA 02362

cc:

ADM Agawam Development LLC, 158 Tihonet Road, Wareham, MA, 02571, Certified Mail #  
7022 0410 0001 6186 0035

Conservation Commision, Town of Plymouth, 26 Court Street, Plymouth, MA 02360, Certified  
Mail # 7022 0410 0001 6186 0011



## Order of Conditions Instructions



This is the "ORIGINAL" Order of Conditions     **Approval**    **Denial**



This is a "COPY" of the Order of Conditions. The 'Original'  
was mailed to your representative Beals & Thomas

### PRIOR TO COMMENCING WORK

To complete this Order of Conditions and prevent unnecessary delays, please read and follow ALL Conditions. Contact the Conservation Office between 7:30 to 4 PM, Mon, Wed, Thu; 7:30 to 6:30 PM Tue and 7:30 to noon on Friday. 508-747-1620, x10139 or x10140 if clarification or assistance is needed.

### BEFORE THE PROJECT CAN BEGIN

- Scheduled your pre-construction meeting with the Conservation Planner, 508-747-1620, x10139.
- If REVISED plans are requested as a condition in the Order, they must be submitted for approval at the pre-construction meeting.
- If a License Agreement with the Town Manager's Office is required, proof of license is to be provided at the pre-construction meeting.
- The Commission must be notified in writing of the start of your project, giving 24-hour notice.
- The "ORIGINAL" Approval Order must be recorded at the Registry of Deeds or at Land Court, located on Obery Street, in Plymouth. The Registry does not accept COPIES of the Order for recording (unless that copy is a "Certified True Copy" attested by the Plymouth Town Clerk). Sign the Order on page (12). After recording the Order, the Registry will stamp page 1 with recording information. You must return a copy of Pg. 12 (signed) to the Conservation Office, 26 Court St., 3<sup>rd</sup> floor. **We cannot sign off your building permit application until we have proof of recording of this Order.**
- Denial orders do not have to be recorded.
- There is a 10-day (business days) appeal period, from the "Date of Issuance" of the Order. No work may commence until this 10-day appeal period is over.
- If approved a sign must be posted on the site, with the following information:  
**DEP Number: SE57-3332** \_\_\_\_\_ , **PCC Number: PCC-** 23-43 \_\_\_\_\_  
These numbers are located on the top right corner of your Order of Conditions.

### ISSUANCE OF A CERTIFICATE OF COMPLIANCE (COC)

When the project is complete, you must request a COC by submitting a letter to the Commission stating that the project has been completed and in accordance with the Order of Conditions and approved plans. **Note: Some projects require engineering certification to be submitted with "as-built" plans.** A fee of \$100 is charged for your request for a COC (check payable to Town of Plymouth). Any changes from the Conservation-approved plans must be noted in your request. A COC will be issued once the Agent has inspected and the Commission takes a vote (in a public meeting) that all work has been completed to the satisfaction of the Order. Once the COC is issued, you must record the original "signed" document at the Registry of Deeds on Obery Street in Plymouth. **Recording your COC is a very important final step.**

COPY



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:  
**SE57- 3332**  
MassDEP File #  
eDEP Transaction #  
**PCC- 23-43**  
City/Town Plymouth

**A. General Information**

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

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

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



a. First Name ADM Agawam Development, LLC    b. Last Name \_\_\_\_\_

c. Organization \_\_\_\_\_

d. Mailing Address 158 Tihonet Road

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

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:

Wareham Road    Plymouth

a. Street Address    b. City/Town

115/000    000A/049

c. Assessors Map/Plat Number    d. Parcel/Lot Number

Latitude and Longitude, if known:                                                                                    

d. Latitude    e. Longitude



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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MassDEP File #

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**PCC- 23-43**

City/Town Plymouth

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
**Plymouth**  
 a. County Plymouth b. Certificate Number (if registered land) 194  
 c. Book 33354 d. Page 194
7. Dates: September 26, 2023 October 17, 2023 November 1, 2023  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Redbrook Garden Road  
 a. Plan Title VHB Craig Finn, PE  
 b. Prepared By September 22, 2023 c. Signed and Stamped by as shown  
 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.



### WPA Form 5 – Order of Conditions

## 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                      a. linear feet  
10.02(1)(a)

**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	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



**WPA Form 5 – Order of Conditions**

**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

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

23.  Restoration/Enhancement \*:  
\_\_\_\_\_ a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh
24.  Stream Crossing(s):  
\_\_\_\_\_ a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings

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

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 11/01/2026 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.



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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     SE57- 3332     "     PCC- 23-43
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.



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:

SE57- 3332

MassDEP File #

eDEP Transaction #

PCC- 23-43

City/Town Plymouth

### 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**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
**SE57- 3332**  
MassDEP File #

eDEP Transaction #  
**PCC- 23-43**  
City/Town Plymouth

**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.



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:

SE57- 3332

MassDEP File #

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PCC- 23-43

City/Town Plymouth

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

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

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

See pages 9a, 9b, and 9c for Additional General Conditions issued under the Town By-Law

See page 13 for Special Conditions

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.

**C1. Town of Plymouth Conditions – Chapter 196**

**Findings**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Flood storage capacity     | <input type="checkbox"/> Storm damage prevention  | <input checked="" type="checkbox"/> Erosion & sedimentation control |
| <input checked="" type="checkbox"/> Water Pollution | <input type="checkbox"/> Waste Disposal   | <input type="checkbox"/> Groundwater Aquifers                       |
| <input type="checkbox"/> Public water supplies      | <input type="checkbox"/> Private water supplies   | <input type="checkbox"/> Water Recharge Areas                       |
| <input type="checkbox"/> Fisheries                  | <input type="checkbox"/> Shellfish  | <input type="checkbox"/> Wildlife Habitats                          |
| <input type="checkbox"/> Endangered plant species   | <input type="checkbox"/> Agricultural values  | <input type="checkbox"/> Aesthetic Values                           |
| <input type="checkbox"/> Recreational Values        | Control of floodwater & runoff, to assure the continuation of the natural flow pattern of watercourses. |   |

The Town of Plymouth Conservation Commission has found it necessary to include these additional General Conditions for all Approved projects.

**Project Management**

1. All construction must comply with the latest referenced plans and the conditions of this Order. Under this filing, no change in plan is permissible without prior written approval from the Commission. For any proposed change in the approved plans or in the work, the applicant shall inquire in writing of the Commission whether the change is substantial enough to require either an Amended Order of Conditions or a new Notice of Intent.
2. Copies of all required permits, including proof of recording of the Order from the Registry of Deeds (Book and Page No.), shall be submitted to the Commission prior to commencing any work on site.
3. The project engineer(s) and contractor(s) shall be provided with copies of this Order, the submitted Notice of Intent, and the above referenced plans and shall have these documents available on-site during construction.
4. Prior to Commencement of work with Conservation Jurisdiction, a pre-construction meeting shall be held amongst the Applicant's Engineer, Contractor and Conservation Staff to clearly delineate the responsibilities of the parties and clarify any ambiguities in this OOC.
5. The Conservation Commission shall be notified at least twenty-four (24) hours prior to commencement of the work. This notification must be in writing and sent by mail, electronically or hand delivered to the Conservation Office, Town Hall, 26 Court Street, Plymouth, MA 02360. This enables the Commission the opportunity to ensure all pre-construction conditions have been met.
6. This Order shall apply to and become the responsibility of the applicant, owner, their agent, successor or assignee.
7. No additional work shall be allowed in or within 100 feet of the wetland/resource area boundary, including but not limited to the cutting or removing, of vegetation or soil, unless it is specifically allowed by this Order and as is shown on the final approved plan, or unless it is first approved by the Conservation Commission.
8. Copies of all plans and/or other information received by the Commission for this project shall be submitted by the applicant, (via hard copy or email) to the Southeast Regional Office of the Department of Environmental Protection (DEP), 20 Riverside Drive, Route 105, Lakeville, MA 02347.

9. If work associated with this Order is subject to the Massachusetts Stormwater Policy Standards, then General Condition No. 19 (page 7) also becomes a part of this Order under the Town of Plymouth Wetland Bylaw.
10. If any unforeseen problems occur during construction that affect any of the statutory interests identified in MGL c. 131 §40 (3 10 CMR 10.00 et seq.) and/or the Town of Plymouth Wetlands By-Law, the Applicant shall notify the Conservation Commission upon discovery, and an immediate meeting shall be held between the Conservation Commission, the Applicant, the Applicant's Engineer, and the Contractor, and any other concerned parties, to determine the corrective measures to be employed. The Applicant shall then implement the agreed-upon corrective measures. In the event of a dispute between the meeting participants, the Commission's view shall prevail.

#### **Sedimentation / Erosion Control**

11. Prior to the commencement of any site activity, a Professional Engineer (PE), licensed by the Commonwealth of Massachusetts, shall inspect the installation of the erosion control barriers (ECB) for compliance with the final approved plan referenced (or mandated) by this Order of Conditions. The inspection results shall be submitted to the Conservation Commission in writing, signed and wet stamped by the PE who performed the inspection. No work can commence without this approval.
12. An extra 10% of ECB must be stored on site in the event of an emergency or storm.
13. The Contractor shall install ECB as shown on the plan referenced in this decision. The sedimentation barriers will also serve as the limit of work, and no work, disturbance, or alteration shall occur on the resource area side of the barrier except as described in these Conditions.
14. If siltation, erosion, or other adverse impacts to any resource areas occur, the Commission reserves the right to impose additional conditions as necessary to protect the interests of the Wetlands Protection Act and the Plymouth Wetlands Protection By-Law.
15. To assure the continued effective removal of sediments, the Contractor will inspect the barriers weekly and after each rainfall event to determine its condition. At the time of these inspections, accumulated sediments will be removed from the barriers and damaged barriers will be repaired or replaced as necessary. In no event shall silt be allowed to accumulate to a height greater than half of the height of the ECB. Any removed sediment will be disposed at a suitable location.
16. No ECB may be removed without the approval of the Commission or its staff.

#### **Heavy Equipment**

17. All machinery deployed within Conservation jurisdiction shall use biodegradable hydraulic fluid. Documentation shall be submitted to the Conservation Commission prior to initiation of site activity.
18. No vehicles/heavy equipment/machinery shall be stored within wetland resource areas or the 100-foot buffer zone resource areas.
19. There shall be no more than a total of 50 gallons of fuel (other than what is in vehicles) or maintenance chemicals relating to this construction stored on the site in an area subject to the Conservation Commission's jurisdiction at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission and the Board of Health shall be notified prior to initiating any emergency repair on the site drainage system or wetland resource area.

20. Any leaks or spills of hydraulic fluid, gasoline, or other oils or hazardous material must be cleaned up immediately and disposed of at an appropriate off-site location in accordance with all federal, state, and local requirements and regulations. The Contractor must notify the Conservation Commission and the Board of Health within 24 hours of any spillage or leakage of oil or hazardous material, including appropriate amount of Speedy Dry on site.

#### **Site Maintenance**

21. Any fill used in connection with this project shall be clean fill, containing 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.
22. Any stockpiled or similar material must be enclosed within an erosion control barrier to prevent erosion or siltation migrating into resource areas or the undisturbed buffer zone.
23. The Contractor shall be responsible for removing and disposing of debris and excavated material to an off-site disposal area in accordance with all federal, state, and local requirements and regulations. Any excavated asphalt must be placed immediately on trucks and disposed of at an appropriate off-site location.
24. No debris, fill, and excavated material shall be stockpiled within 25 feet (horizontal distance) of the limit of work. At no time shall any debris or other material be buried or disposed of within wetland resource areas or the 100-foot buffer zone resource areas, other than fill that is shown on the above-referenced plans.
25. Any debris, sediment, or other material that falls into or otherwise enters the wetland resource area during the construction period must be immediately removed by hand.

#### **Certificate of Compliance**

26. Prior to the final inspection and before issuance of the Certificate of Compliance, the Engineer, or Consultant shall prepare an As-Built plan of the completed project work and attest to the Conservation Commission, in writing, that all the Conditions in this Order have been substantially complied with and the project, as constructed adheres to the approved plans and field changes on file with the Commission and/or any deviations.



## WPA Form 5 – Order of Conditions

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

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

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

Provided by MassDEP:  
**SE57- 3332**  
 MassDEP File #

eDEP Transaction #  
**PCC- 23-43**  
 City/Town Plymouth

**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.

**November 1, 2023**

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

1. Date of Issuance

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

4

2. Number of Signers

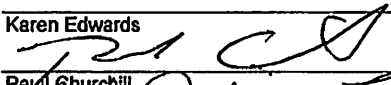
The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

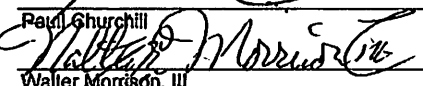
Signatures:

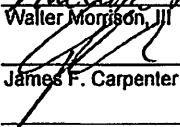
  
 Sean Andersen, Chair

Lucas Nichols, Vice-Chair

Karen Edwards

  
 Paul Churchill

  
 Walter Morrison, III

  
 James F. Carpenter

by hand delivery on  
 \_\_\_\_\_  
 Date

by certified mail, return receipt requested, on  
**November 1, 2023**  
 \_\_\_\_\_  
 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

Provided by MassDEP:

**SE57- 3332**

MassDEP File #

eDEP Transaction #

**PCC- 23-43**

City/Town **Plymouth**

### F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.





**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:

**SE57- 3332**

MassDEP File #

eDEP Transaction #

**PCC- 23-43**

City/Town **Plymouth**

**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.

**Plymouth**

Conservation Commission

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

To:

**Plymouth**

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:

**Plymouth**

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

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

DEP File Number  
SE57-3302

Provided by DEP

PCC File Number  
PCC-23-12

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In addition to General Conditions and Additional Conditions, the Commission has found it necessary to include the following Special Conditions pursuant to the Massachusetts Wetlands Protection Act and the Town of Plymouth Wetlands Bylaw. The listed General Conditions, Findings and Additional Special Conditions are automatically part of this Order of Conditions.

**FINDINGS:**

**2 River Run Way / Garden Road**

Parcel Id: 115-000-000A-049

*ADM Agawam Development, LLC*

*Beals & Thomas, Inc.*

**SE57-3332**

**PCC-23-43**

A Notice of Intent to pave an existing unimproved road off of Wareham Road to extend it to create "Garden Road".

**SPECIAL CONDITIONS:**

None



UNITED STATES  
POSTAL SERVICE

# POSTAL MONEY ORDER

Serial Number

28552017622

Year, Month, Day

Post Office

U.S. Dollars and Cents

\$245.00

Two Hundred Forty Five Dollars and 00/100 \*\*\*\*\*

Amount

Clerk

02

Pay to

Commonwealth of Massachusetts

Address

From

Save the Pine Barrens

Address

P.O. Box 1699

Plymouth, MA 02362

Memo

DE57-3332

SEE REVERSE WARNING - NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆000008002⑆

28552017622⑆



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

**4**  
 DEP File Number:  
 SE57-3332  
 Provided by DEP

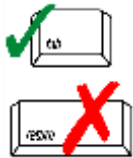
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

Off Wareham Road	Plymouth, 02360
a. Street Address	b. City/Town, Zip
28552017622	\$245.00
c. Check number	d. Fee amount

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



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

Save the Pine Barrens

Name		
P.O. Box 1699		
Mailing Address		
Plymouth	MA	02362
City/Town	State	Zip Code
(508) 259-9154		environmentwatchesoutheasternma@gmail.com
Phone Number	Fax Number	Email Address

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

ADM Agawam Development, LLC

Name		
158 Tihonet Road		
Mailing Address		
Wareham	MA	02571
City/Town	State	Zip Code
Phone Number	Fax Number	Email Address

4. DEP File Number:

SE57-3332

**B. Instructions**

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

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

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee**

**Transmittal Form**

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

**4**

DEP File Number:

SE57-3332

Provided by DEP

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**B. Instructions (cont.)**

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



# REDBROOK

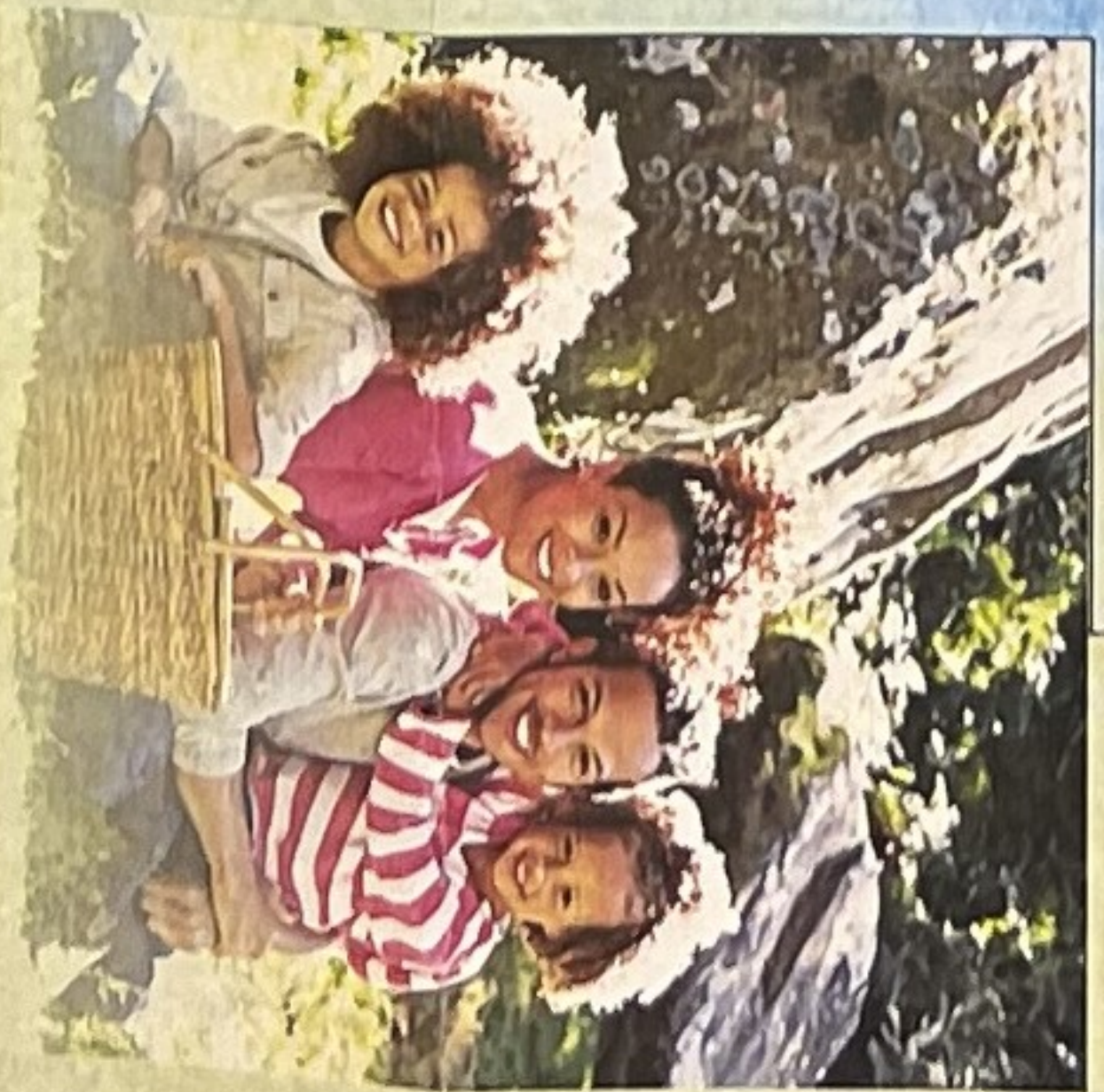
AN A. D. MAKEPEACE COMMUNITY

## Master Plan

- The Green
- YMCA
- The Meeting House
- Retail Shops
- Community Garden
- Playground
- The Farmers Table



Myles Standish State Forest



- Existing Nature Trails
- 10 Miles
- Proposed Nature Trail
- 2 Miles
- Existing Walking Trails
- 1.1 Miles (paved)
- Proposed Walking Trails
- 2.4 Miles (paved)

- Future Development
- Trailhead/Parking

Artist's conception for illustrative purposes only. Actual properties, amenities and experiences related to Redbrook may vary from those depicted. Sales by TCC Equal Housing Opportunity.