

**DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF ALTERNATIVE  
DISPUTE RESOLUTION  
APPEAL NOTICE  
SUPERSEDING ORDER OF CONDITIONS  
MassDEP File # SE 57-3343  
December 30, 2024**

A Ten Residents Group of the Town of Plymouth, Massachusetts (“Ten Residents Group”) and Save the Pine Barrens, Inc. (“STPB”)(collectively, “Petitioners”) file this joint Appeal Notice regarding the Superseding Order of Conditions File # SE 57-3343 (“SOC” or “Reviewable Decision”) issued by the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) on December 18, 2024 (“Appeal Notice”). The SOC approves an industrial energy generating facility (the “Project”) subject to certain conditions and approves the Order of Conditions (“OOC”) issued by the Plymouth Conservation Commission (“Commission”) to A.D. Makepeace Company and Renewable Energy Development Partners (“REDP”) under the Wetlands Protection Act, G.L. c. 131 (“Act”), Section 40 and the Town of Plymouth Wetlands Bylaw.

Petitioners bring this appeal under MassDEP’s Rules for Adjudicatory Proceedings, 310 CMR 1.01(5) and the Act’s Regulations at 310 CMR 10.05.

**Compliance with time standards and mailing, 310 CMR 10.05(j)(2)**

MassDEP issued the SOC on December 18, 2024. This Appeal Notice is filed no later than 10 business days after issuance of the SOC. It has been sent Certified Mail #9589 0710 5270 1743 3261 64 to MassDEP Office of Appeals and Dispute Resolution, Case Administrator, 100 Cambridge Street, Suite 900, Boston MA 02114. The Adjudicatory Hearing Fee Transmittal Form has been sent to DEP Lock Box with the fee. A copy of the form and check are attached as **Exhibit 1**.

**Compliance with 310 CMR 10.05(j)(2)(b)**

This Appeal Notice complies with 310 CMR 10.05(j)(2)(b):

1. Petitioner Ten Residents Group is a group of at least ten persons residing in the Town of Plymouth.<sup>1</sup> Petitioner Save the Pine Barrens, Inc. is an aggrieved party. STPB is a Massachusetts non-profit corporation organized exclusively for charitable, educational, and scientific purposes including, but not limited to research, outreach and dissemination

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<sup>1</sup> Aaron Keaton, 2 White Violet Lane; Diane Keaton 2 White Violet Lane; Alexandra Keaton, 2 White Violet Lane; Madisyn Doonan, 57 West Long Pond Road; Sharon Coe-Doonan, 2 Paula Road; Ed Doonan, 2 Paula Road; Raymond Coe, 2 Paula Road; Christine M. Ryan 45 Poets Corner; Sandy Fosgate, 22 Jaye Street; Brook Doonan, 115 Settler Road; Kate Barnes, 57 Shallop Road; Anita Galletti, 122R Drew Road; Nancy Hinchey, 125 Boot Pond Road.

of information about preserving, protecting and stewarding land and water resources in Massachusetts including the rare Pine Barrens ecosystem and its species the Plymouth Carver Sole Source Aquifer. STPB members live, work and recreate in the Town of Plymouth including near and at the Project Site. The SOC harms STPB's core public mission and the interests of its members by failing to protect the interests of the Act including protection of public and private water supply, groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and protection of wildlife habitat. G.L. c. 131, Section 40 and 310 CMR 10.01. The Ten Residents Group and STPB Authorized Representative is Margaret E. Sheehan, P.O. Box 1699, Plymouth MA, 02362, [ecolawdefenders@protonmail.com](mailto:ecolawdefenders@protonmail.com), phone/fax 508-259-9154.

2. Demonstration of participation of at least one resident in the previous proceedings that led to this Reviewable Decision is as follows. At least one member of the Ten Residents Group, Sandy Fosgate, submitted written comments to the Commission and/or MassDEP. A copy of the written comments is attached as **Exhibit 2**.
3. Name and address of Applicant: Hank Ouimet, REDP, 99 Derby Street, Hingham MA 02043.
4. Name and address of the property owner: James Kane, A.D. Makepeace Company., 158 Tihonet Road, Wareham MA 02571.
5. Project Location: 101 Tihonet Road, Plymouth MA and Carver MA.
6. A copy of MassDEP's Reviewable Decision is **Exhibit 3**.
7. A certified copy has been sent within 10 business days to MassDEP, OADR, the Plymouth Conservation Commission, MassDEP Southeast Region, the Landowner and the Applicant.

### **The Project**

The Project consists of about 2 miles of ground mounted industrial scale solar panels located over diverted portions of the Wankinco River around Makepeace's cranberry bogs in what is known as the Frogfoot area of southwest Plymouth. The site is about 198 acres within Makepeace's vast landholdings of about 10,000 acres. It is an iconic location that represents the agricultural character of the Town of Plymouth. The industrial scale operation will convert an agricultural area to an industrial use. The Project borders the Town of Carver and to the south is the Town of Wareham. To the east and south of the Project Site are numerous A.D. Makepeace Company ("Makepeace") proposed and existing industrial energy generating facilities and aggregate mining operations.

The Project will have at least 7,778 solar panels mounted on steel poles over waterways, several lithium ion battery storage units, concrete pads, underground utility conduits, gravel packed roads, transformers and inverters, chain link fence, and other industrial energy generation infrastructure. The access road for the Project crosses the Wankinco River to the east in Carver and exits on to Federal Road in Carver.

The Site Plans, Sheet C0001, describe the installation of Earthwork Materials:

Modified Rock Fill

Gravel Borrow

Dense Graded Crushed Stone  
Loam Burrow

Backfill Materials

The Site Plan states that trees will be cut. Note 3.

The SOC is not based on final plans. The Site Plans state the areas are subject to change. Solar Canopy and Equipment Pad Summary, C101.

The Project includes work in Carver, to be shown on separate plans not included with the SOC. Site Plan 101. The Site Plans show this Work is in the Riverfront Area of the Wankinco River. C101. As noted, the Project will use an access road via Carver over the Wankinco River in a Riverfront Area.

The Project is one of at least fifteen large industrial scale ground mounted solar projects proposed or completed by Makepeace and/or REDP in the Plymouth/Carver/Wareham area. These projects have resulted in the clear cut of about 500 acres of forested land.

The Project is located over the federally designated Plymouth Carver Sole Source Aquifer (“Aquifer”) under the Safe Drinking Water Act.

The existing so-called “Canning” cranberry bogs and canals at the Project site were created by excavating sand, gravel and aggregate from the Aquifer starting in about 2010. The earth materials were transported off site for commercial sale. The excavation occurred in an area of formerly naturally occurring wetland bogs. These wetlands were altered, dredged, and filled as part of the mining operation. Debris and waste were dumped in the sand and gravel pit and the so-called Canning bogs were built over them. This is clearly shown and visible on Google Earth and satellite images. The Wankinco River was dredged and diverted on the northern portion of the Project site without any regulatory approval, in violation of the law as part of Makepeace’s construction of the bog project.

Makepeace’s mining at the Project Site excavated into the Sole Source Aquifer, irreversibly leveling the topography and changing the water flows above and below the ground.

Immediately adjacent to the Project to the South is Makepeace’s approximately 130-acre sand and gravel mine approved by the Plymouth Zoning Board of Appeals. The mining has destroyed about 30 acres. It is on hold due to an enforcement action by Save the Pine Barrens, Inc. that exposed the permit for the project has expired. This is the largest single known sand mining operation in the Commonwealth. The volume of earth removal purportedly approved by Plymouth is 7.2 million cubic yards. An unknown volume has been removed.

A further Description of the Project is also contained in the February 20, 2024 Request for Denial-Superseding Order of Conditions by Save the Pine Barrens, Inc. (“STPB”)(“SOC Request”). The entirety of the SOC Request is incorporated by reference herein.

**Statement of errors in the SOC, how each error is inconsistent with 310 CMR 10.00 and does not contribute to protection of interest of the Act, with reference to statutory or regulatory provisions violated**

**1. Failure to identify interests of the Act that will be impacted by the Work**

310 CMR 1.01: The SOC failed to find that the Work is significant to: Wildlife Habitat, Public Water Supply, Private Water Supply, and Groundwater Supply.

Work is in Bordering Land Subject to Flooding (BLSF) and within Buffer Zone to the Bank and Bordering Vegetated Wetlands (BVW). The Work includes installation of posts for canopy solar panels, some underground electrical conduit and some erosion and sediment control barriers within BLSF, 100 foot Buffer Zone to Bank and 100 Buffer Zone to BVW.

Bank is likely to be significant to public or private water supply, groundwater supply, flood control, storm damage prevention, prevention of pollution and protection of fisheries and wildlife habitat. 310 CMR 10.54. Banks may provide shade that moderates water temperatures as well as providing breeding habitat, escape cover and food, all of which are significant to the protection of fisheries. 310 CMR 10.54.

BVW is likely to be significant to public or private water supply, groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries and wildlife habitat. 310 CMR 10.55.

Work in the Buffer Zone to Bank and BVW may impact the Bank and BVW.

Bordering Land Subject to Flooding (BLWSF) provides a temporary storage area for flood water. “Over time, incremental filling of these areas causes increases in the extent and level of flooding by eliminating flood storage or by restricting flows, thereby causing increases in damage to private and public properties.” 310 CMR 10.57(1)(a). Portions of BLWSF are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or BVW whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain). Id.

**2. Failure to identify 10-year floodplain boundaries and elevations**

The NOI and Site Plans are defective and incomplete because they fail to identify whether the Work is on the 10-year floodplain. The Site Plans provide no base flood elevation for the FEMA 100 year floodplain, Zone A. Therefore the SOC fails to protect the interests of the Act because it is based on incomplete plans. 310 CMR 10.57(1)(a)(3).

Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and gravelled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).

The Project is over the Plymouth Carver Sole Source Aquifer that is the sole source of drinking water for Plymouth, including all private and public groundwater wells for residential, commercial and industrial uses.

### **3. Failure to properly delineate Resource Areas including Riverfront Area 310 CMR 10.58**

The SOC is based on improper, incomplete and/or erroneous Resource Areas delineations. Therefore the SOC does not protect the interests of the Act.

The Resource Area delineations and Site Plans are improper, incomplete and erroneous. Among other things, the NOI and Site Plans fail to properly:

- Delineate the Wankinco Riverfront Area on the north portion of the Site.
- Delineate the 100-foot Buffer Zone to the current wetland bogs and erroneously uses prior wetland delineations before the mining and bog reconstruction.
- Designate and identify FEMA Zone A post Canning Bog construction.
- Include sections of the "former bogs" that have been permanently filled and that are part of the Project Site.
- Identify the Project's solar panel posts and other infrastructure that are in areas that were formerly natural wetland bogs and/or within 100 feet of these wetland areas.
- Identify the volume and square foot area of land disturbance for the solar panel poles, infrastructure, conduits and other parts of the Project.
- Identify and delineate the proper 200-foot Riverfront Area.

### **4. Failure to comply with the Stormwater Standards 310 CMR 10.05(6)(k)**

The SOC fails to require the Applicant to identify measures to prevent pollution of Resource Areas from the Battery Energy Storage Systems including runoff.

The SOC fails to identify the phases of "redevelopment" for purposes of the Stormwater Standards.

The SOC allows the Applicant to segment the Project in violation of the Stormwater Standards.

The Checklist for Stormwater Report is inaccurate and incomplete.

**5. The SOC violates Program Policy 17-1 and fails to take into account the Interests of the Act identified above**

The SOC fails to properly apply the MassDEP Program Policy 17-1 because it fails to take into account the interests of the Act including public and private water supply, groundwater supply, wildlife habitat, and flood control.

Signed,

Ten Residents Group  
Save the Pine Barrens, Inc.

Signed electronically:

*Margaret E. Sheehan, Esq.*

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Margaret E. Sheehan, Esq.  
Authorized Representative  
PO Box 1699  
Plymouth MA 02362  
[ecolawdefenders@protonmail.com](mailto:ecolawdefenders@protonmail.com)  
Tel. 508-259-9154  
BBO # 456915

Dated: December 30, 2024

Cc:

MassDEP, Southeast Regional Office, 20 Riverside Drive, Lakeville MA 02347  
Certified Mail #9589 0710 5270 1743 3261 95

A.D. Makepeace Company, 158 Tihonet Road, Wareham MA 02571  
Certified Mail #9589 0710 5270 1743 3262 01

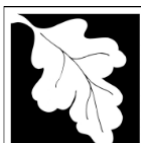
Renewable Energy Development Partners, LLC, 99 Derby Street, Hingham MA 02043,  
Certified Mail #9589 0710 5270 1743 3261 88

Town of Plymouth, Conservation Commission, Town Hall, 26 Court Street, Plymouth MA  
02360 Certified Mail #9589 0710 5270 1743 3261 71



# EXHIBIT 1





# Adjudicatory Hearing Fee Transmittal Form

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

## A. Person/Party Making Request

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



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

Ten Residents Group, Save the Pine Barrens, Inc; Margaret Sheehan, Authorized Representative

Name - If appropriate, name group representative

P.O. Box 1699

Street Address

Plymouth

City

MA

State

02362

Zip Code

2. Project Information:

101 Tihonet Road

Street Address

Plymouth

City

MA

State

02360

Zip Code

SE 057-3343

DEP File or ID Number

\$ 100.00

Amount of filing fee attached

ecolawdefenders@protonmail.com

Email Address

## B. Applicant (if applicable)

1. Name and address of applicant:

Renewable Energy Development Partners, LLC; Hank Oiumet, Authorized Representative

Name - If appropriate, name group representative

99 Derby Street, Suite 200

Street Address

Hingham

City

MA

State

02043

Zip Code

Email Address

## C. Instructions

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

Department of Environmental Protection

P.O. Box 4062

Boston, MA 02211

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

MassDEP Office of Appeals and Dispute Resolution

Case Administrator

100 Cambridge Street, Suite 900

Boston, MA 02114



# POSTAL MONEY ORDER

Serial Number

29042867463

Year, Month, Day

2024-12-30

Post Office

023600

U.S. Dollars and Cents

\$100.00

Amount

One Hundred Dollars and 00/100 \*\*\*\*\*

Pay to

Commonwealth of Massachusetts

Clerk

30

Address

DEP P.O. Box 41062 Boston, MA 02211

From

~~Save the Pine Barrens, Inc~~ Save the Pine Barrens, Inc

Address

P.O. Box 1699

Memo

Adjudicatory Hearing Fee

Plymouth, MA 02360

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

⑆00000800 2⑆

29042867463⑈

# EXHIBIT 2

**From:** Sandy Fosgate <[fosgatesandy@gmail.com](mailto:fosgatesandy@gmail.com)>

**Date:** April 22, 2024 at 12:41:46 PM EDT

**To:** Whitney McClees, Environmental Analyst, Wetlands Program MassDEP – Southeast Region 20 Riverside Drive Lakeville, MA 02347617) 875-7602

<[Whitney.McClees@mass.gov](mailto:Whitney.McClees@mass.gov)>, Bonnie Heiple <[Bonnie.Heiple@mass.gov](mailto:Bonnie.Heiple@mass.gov)>, Jeffrey Gould <[Jeffrey.Gould@mass.gov](mailto:Jeffrey.Gould@mass.gov)>

**Subject:** Illegal dumping, river diversion, etc in Plymouth - see attached signature

Dear Mass DEP,

Please investigate 101 Tihonet Rd., Plymouth, for clearcutting, destruction of wetlands and endangered species, mining, illegal dumping into the mining pit, covering it over, digging trenches and pools, diverting the entire flow of the Wankinco River into one holding pool, and pumping the water into another pool. Now it's named Canning Bog and the plan is to get state subsidies for floating solar over the full pool and canal solar over the trenches. Those subsidies were meant to promote green energy and assist struggling cranberry farmers. You can see this place on google earth

Please test the area before rotting debris leaches into our sole-source aquifer.

Please stop the BESS plant until there's an adequate safety plan.

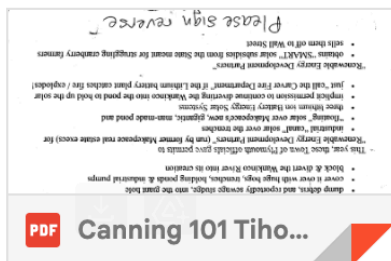
In general, we are upset and disgusted with the clearcutting, mining, habitat destruction, aquifer abuse and other terrible behavior that is happening all around those of us who live over the Plymouth-Carver sole-source aquifer, especially since the market for sand sky-rocketed. Most of our town officials are only too happy to facilitate this.

Who is going to help us when our drinking water is no longer potable, and the only option is millions of dollars of new water treatment? This beautiful, historic hilly area is being turned into a flat, industrial plain.

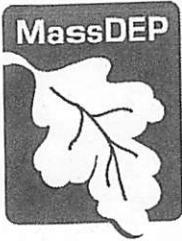
Please see the attached letter, signed by 10 Plymouth residents (and others).

Thank you,  
Sandy Fosgate

One attachment • Scanned by Gmail ⓘ



# EXHIBIT 3



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

DEC 18 2024

Save the Pine Barrens, Inc.  
c/o Margaret E. Sheehan  
P.O. Box 1699  
Plymouth, MA 02362

RE: PLYMOUTH – Wetlands  
File No. SE 057-3343  
Superseding Order of Conditions –  
Approval

Dear Ms. Sheehan,

Following an onsite inspection and an in-depth review of the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, §40 (The Wetlands Protection Act), the Massachusetts Department of Environmental Protection (MassDEP) has issued the enclosed Superseding Order of Conditions (SOC). This Order approves the proposed project subject to certain conditions.

The proposed project is for the construction of ground-mounted canopy solar arrays over existing agricultural canals associated with an ongoing cranberry operation.

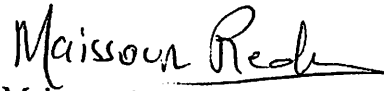
Based upon its review, MassDEP has determined that the following Areas Subject to Protection have been identified on site: 1) Bordering Vegetated Wetland, 2) Bank, 3) Bordering Land Subject to Flooding, and 4) Riverfront Area. In accordance with the Wetlands Protection Act and its Regulations (310 CMR 10.00), these Areas are presumed to protect one or more of the interests identified in the Wetlands Protection Act and as noted in the attached Superseding Order of Conditions. No work is proposed in Riverfront Area. Portions of the project as proposed will occur in Bordering Land Subject to Flooding, the 100-foot Buffer Zone to Bank, and the 100-foot Buffer Zone to Bordering Vegetated Wetland. Specifically, some of the installation of posts for canopy solar panels, some of the installation of underground electrical conduit, and some of the installation of erosion and sedimentation control barrier are within Bordering Land Subject to Flooding, the 100-foot Buffer Zone to Bank, and the 100-foot Buffer Zone to Bordering Vegetated Wetland.

The enclosed SOC lists the special conditions deemed necessary by this office to protect the interests of the Act. This Order does not relieve the permittee of the necessity of receiving approval under and complying with the requirements of local regulations. Please be advised that the Department does not have the authority to regulate or enforce local by-laws or Conservation Commission policies. Additional information, not listed in the Superseding Order of Conditions, may therefore be required by local agencies.

In the Department's opinion, the project as proposed and conditioned by the enclosed SOC adequately protects the interests of the Act. The Department reserves the right, should there be further proceedings on the matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this Order, please do not hesitate to contact Whitney McClees at [whitney.mcclees@mass.gov](mailto:whitney.mcclees@mass.gov) or (617) 875-7602.

Very truly yours,



Maissoun E. Reda, Chief  
Wetlands Program  
Bureau of Water Resources

MER/wm

Enclosure

cc: Plymouth Conservation Commission

Hank Ouimet, Renewable Energy Development Partners, LLC  
c/o Sarah Stearns  
Beals and Thomas, Inc.  
32 Court Street  
Plymouth, MA 02360  
Certified Mail # 9589 0710 5270 0284 2438 17

James Kane  
A.D. Makepeace Company  
158 Tihonet Road  
Wareham, MA 02571



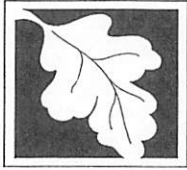
**WPA Form 5 – Superseding Order of Conditions**  
**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources – Wetlands  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE 057-3343  
MassDEP File Number  
Plymouth  
Municipality

### A. General Information

1. From: Massachusetts Department of Environmental Protection  
Issuing Authority
2. This issuance is for (check one):  
a.  Superseding Order of Conditions  
b.  Amended Superseding Order of Conditions
3. To: Applicant:
- Hank Ouimet  
a. First Name b. Last Name
- Renewable Energy Development Partners, LLC  
c. Organization
- 99 Derby Street, Suite 200  
d. Mailing Address Line 1
- Hingham MA 02043  
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
- James Kane  
a. First Name b. Last Name
- A.D. Makepeace Company  
c. Organization
- 158 Tihonet Road  
d. Mailing Address Line 1
- Wareham MA 02571  
e. City/Town f. State g. Zip Code
5. Project Location:
- 101 Tihonet Road Plymouth  
a. Street Address b. City/Town
- 126 7-3  
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known: 41.82511 -70.70449  
e. Latitude f. Longitude





**WPA Form 5 – Superseding Order of Conditions**

**Massachusetts Department of Environmental Protection**

Bureau of Water Resources – Wetlands

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

SE 057-3343

MassDEP File Number

Plymouth

Municipality

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

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

Plymouth

a. County

1418

c. Book

b. Certificate (if registered land)

197 & 203

d. Page

7. Dates:

12/13/2023

a. Date NOI Filed

4/18/2024

b. Date of Site Visit

2/6/2024

c. Date of Issuance of Local Order

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

Canning Solar, proposed Solar Photovoltaic (PV) Canopy and Battery Energy Storage System (BESS) Project

a. Plan Title

Beals & Thomas, Inc. (Sheets 1-16 [Index & TP-2 – TP-16]) and Weston & Sampson, Inc. (Sheets G000 & C001-C505)

b. Prepared By

12/1/2023 (Sheets 1-16 [Index & TP-2 – TP-16]); 12/2/2024 (Sheets G000, C001-C505)

d. Final Revision Date

Kenneth Conte, PLS (Beals & Thomas); Robert J. Bukowski, P.E. (Weston & Sampson)

c. Signed and Stamped By

As noted

e. Scale

Stormwater Management Information (Section 4.0 of NOI); prepared by Weston & Sampson, Inc., signed and stamped by Robert J. Bukowski, P.E.

f. Additional Plan or Document Title

8/21/2023

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, the Department 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 Department hereby finds the project, as proposed, is (check one):

**Approved** subject to:

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



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

SE 057-3343  
 MassDEP File Number  
 Plymouth  
 Municipality

**B. Findings (cont'd)**

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.**

**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) 2  
 a. linear feet

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 checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>30</u>	<u>30</u>	<u>0</u>	<u>0</u>
Cubic Feet Flood Storage	<u>0</u> a. square feet	<u>0</u> b. square feet	<u>0</u> c. square feet	<u>0</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		
Cubic Feet Flood Storage	<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>0</u>	<u>0</u>		
Sq feet within 100 feet	<u>0</u> a. total sq. feet	<u>0</u> b. total sq. feet		
	<u>0</u> c. square feet	<u>0</u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq feet between 100-200 feet	<u>0</u> g. square feet	<u>0</u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



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**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources – Wetlands  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE 057-3343  
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 Plymouth  
 Municipality

**B. Findings (cont'd)**

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

10.  Designated Port Areas - Indicate size under Land Under the Ocean, below

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
11. <input type="checkbox"/> Land Under the Ocean	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		

12.  Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.

13. <input type="checkbox"/> Coastal Beaches	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. c/y nourish.	<u>                    </u> d. c/y
--	---	---	--	---------------------------------------

14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. c/y nourish.	<u>                    </u> d. c/y
--	---	---	--	---------------------------------------

15. <input type="checkbox"/> Coastal Banks	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet		
--	---	---	--	--

16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
--	---	---	--	--

17. <input type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
---	---	---	---	---

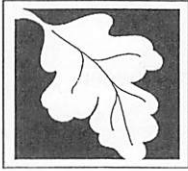
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		

19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
--	---	---	---	---

20.  Fish Runs - Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
--	---	---	--	--

21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>                    </u> a. square feet	<u>                    </u> 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. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Department on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

“Massachusetts Department of Environmental Protection” [or, “MA DEP”]

“File Number      SE 057-3343      ”



**WPA Form 5 – Superseding Order of Conditions**  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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 DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Department in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the 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.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Department, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the “Project”) is (1)  is not (2)  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.



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SE 057-3343

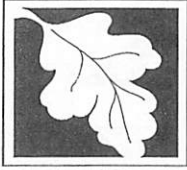
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Municipality

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

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) 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 19(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 BMPs 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, and 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.



### **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.

Brief Project Description: construction of ground-mounted canopy solar arrays over existing agricultural canals associated with an ongoing cranberry operation

Special Conditions (See page 13 for additional Special Conditions numbered 1 through 10.)

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.

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

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



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**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources – Wetlands  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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 Plymouth  
 Municipality

**E. Issuance**

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

Issued by: **Massachusetts Department of Environmental Protection:**

Signature:

*Maissoun Reda*

Maissoun E. Reda, Chief, Wetlands Program, Bureau of Water Resources

This Order is issued to the applicant as follows:

by Hand delivery on:

Date

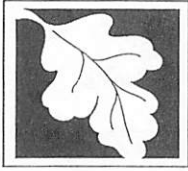
by certified mail on:

DEC 18 2024

Date

Certified Mail # 9589 0710 5270 0284 2438 17





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 Bureau of Water Resources – Wetlands  
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**F. 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 Page 10 of this form shall be submitted to the Department.

Massachusetts Department of Environmental Protection – Southeast Region  
 Issuing Authority

To: Massachusetts Department of Environmental Protection – Southeast Region  
 Issuing Authority

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

Tihonet Road (Map 126, Lot 7-3), Plymouth SE 057-3343  
 Project Address – Street & Town DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth  
 County Book Page

For: James Kane, A.D. Makepeace Company  
 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:

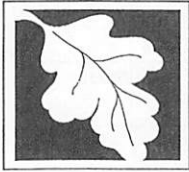
Instrument Number

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

Document Number

Signature of Applicant

MER/wm



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## G. Appeal Rights and Time Limits

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

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

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

MassDEP  
20 Riverside Drive  
Lakeville, MA 02347

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

## Contents of Appeal Notice

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

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



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- (f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- (g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- (h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- (i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04, a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

## Filing Fee and Address

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

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

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



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### **Special Conditions for Superseding Order of Conditions for DEP File # SE 057-3343**

1. This Order approves the construction of ground-mounted canopy solar arrays over existing agricultural canals associated with an ongoing cranberry operation.
2. This Order does not approve resource area boundaries located in Carver. This Order only approves the resource area boundaries located on Map 126, Lot 7-3, the subject property. The Isolated Vegetated Wetlands (IVWs) were not assessed to determine whether they would be considered Isolated Land Subject to Flooding (ILSF). As such, the boundaries of the IVWs are not confirmed by this Order and no assessment has been made as to whether they meet the criteria to be considered ILSF.
3. An erosion control barrier shall be placed as noted on the plans prior to the commencement of any activity. All accumulated sediment shall be removed prior to removal of the barriers. The erosion control barrier shall remain in place and be properly maintained until a Certificate of Compliance is issued from this office.
4. Any tears, rips, breaks, or collapse of the erosion control barrier shall be repaired immediately (i.e., in no more than 24 hours).
5. All disturbed or exposed soil surfaces covered in this Order of Conditions, shall be temporarily stabilized with hay, straw, mulch or any other protective covering and/or method approved by the U.S. Department of Agriculture Natural Resource Conservation Service within twenty-four (24) hours of disturbance or exposure in order to prevent erosion from taking place.
6. Any debris to be removed shall be disposed of off-site and in accordance with all applicable local, state, & federal ordinances, bylaws, statutes, and regulations
7. No changes are proposed nor does this Order approve any changes to the existing bog roads, including but not limited to widening or alteration. Existing bog roads in their current configuration shall be used for construction access.
8. The infiltration trenches along the perimeter of all equipment pads shall be maintained in good working order. This condition shall be noted in the Certificate of Compliance and shall continue in perpetuity.
9. It is the applicant's responsibility to provide contractors, and other personnel performing the permitted work with a copy of this Order and to ensure that they are fully aware of its terms and conditions, and that they perform only those activities that have been permitted under this Order and as listed on the referenced plan.
10. Upon completion of the project a Certificate of Compliance shall be requested in accordance with General Condition No. 12, and under the provisions of 310 CMR 10.05(9)(d). An "AS-BUILT" plan and a statement from a Registered Professional Engineer certifying compliance with the conditions of this Order shall accompany the request for a Certificate of Compliance.



# Adjudicatory Hearing Fee Transmittal Form

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

## A. Person/Party Making Request

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

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

2. Project Information:

Street Address

City

State

Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

Email Address

## B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

Email Address

## C. Instructions

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

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

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

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

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

