
Notice of Intent

Ecos Energy LLC

*Proposed PV Array
Yorkshire Estates
Monson Turnpike Road
Ware, Massachusetts 01082*

Prepared for: **Ecos Energy LLC**
Brad Wilson
222 South 9th Street
Minneapolis, MN 55402
(612) 460-8605

Prepared by:  **Doucet & Associates, Inc.**
123 Union Street, Suite 302
Easthampton, MA 01027
(413) 203-2349

Prepared on: August 20, 2018

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Notice of Intent Forms

- WPA Form 3 – Notice of Intent
 - NOI Wetland Fee Transmittal Form
 - Copy of Filing Fee Checks
 - Stormwater Management Form
-



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Ware

City/Town

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



Note:
Before
completing this
form consult
your local
Conservation
Commission
regarding any
municipal bylaw
or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

Monson Turnpike Road

a. Street Address

Ware

b. City/Town

01082

c. Zip Code

Latitude and Longitude:

N42D-15M-51S

d. Latitude

W72D-19M-3S

e. Longitude

Map 20

f. Assessors Map/Plat Number

Lots 1-11 through 1-59

g. Parcel /Lot Number

2. Applicant:

Brad

a. First Name

Wilson

b. Last Name

Ecos Energy, LLC

c. Organization

222 South 9th Street - Suite 1600

d. Street Address

Minneapolis

e. City/Town

Minnesota

f. State

55402

g. Zip Code

612-460-8605

h. Phone Number

i. Fax Number

brad.wilson@ecosrenewable.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

Gusto Enterprises LLC

c. Organization

1971 Pond Road

d. Street Address

Ronkonkoma

e. City/Town

NY

f. State

11779

g. Zip Code

631-585-4378

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Larry

a. First Name

Rusiecki

b. Last Name

Doucet & Associates, Inc.

c. Company

123 Union Street - Suite 302

d. Street Address

Easthampton

e. City/Town

MA

f. State

01027

g. Zip Code

413-203-2349

h. Phone Number

512-583-2601

i. Fax Number

lrusiecki@doucetengineers.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,450

a. Total Fee Paid

\$712.50

b. State Fee Paid

\$737.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Large Scale Solar Photovoltaic Array with gravel access road, associated utility gear, perimeter fencing, security gates and stormwater management BMP's

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input checked="" type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Hampshire

a. County

215

c. Book

b. Certificate # (if registered land)

68 (13 sheets)

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	3,899 1. square feet	7,263 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

- f. ☐ Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
2. Width of Riverfront Area (check one):
- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☒ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☒ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete Section B.2.f. above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <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 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement

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.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BWV

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2018 (Oliver GIS)

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:
- (a) within wetland Resource Area percentage/acreage
- (b) outside Resource Area percentage/acreage
2. ☐ Assessor's Map or right-of-way plan of site
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
- (a) ☒ Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) ☐ Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and *mail to NHESP* at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☒ Vegetation cover type map of site
- (e) ☒ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☒ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☐ No. Check why the project is exempt:
1. ☐ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.

Permit Drawings for PV Array, Monson Turnpike Road, Ware, MA

a. Plan Title

Doucet & Associates, Inc.

Lawrence Rusiecki, P.E.

b. Prepared By

c. Signed and Stamped by

August 20, 2018

1"=40'

d. Final Revision Date

e. Scale

Notice of Intent

August 20, 2018

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☒ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

7116

2. Municipal Check Number

August 15, 2018

3. Check date

7114

4. State Check Number

August 15, 2018

5. Check date

ALLCO Finance Limited

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

08/20/18

2. Date

08/20/18

3. Signature of Property Owner (if different)

4. Date

8/20/2018

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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A. Applicant Information

1. Location of Project:

Monson Turnpike Road

a. Street Address

7114

c. Check number

Ware

b. City/Town

712.50

d. Fee amount

2. Applicant Mailing Address:

Brad

a. First Name

Wilson

b. Last Name

Ecos Energy LLC

c. Organization

222 South 9th Street, Suite 1600

d. Mailing Address

Minneapolis

e. City/Town

Minnesota

f. State

55402

g. Zip Code

612-460-8605

h. Phone Number

brad.wilson@ecosrenewable.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

Gusto Enterprises LLC

c. Organization

1971 Pond Road

d. Mailing Address

Ronkonkoma

e. City/Town

NY

f. State

11779

g. Zip Code

631-585-4378

h. Phone Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 4.a. Roadway Crossing	1	\$1,450	\$1,450

Step 5/Total Project Fee: \$1,450

Step 6/Fee Payments:

Total Project Fee:	<u>\$1,450</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$712.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$737.50</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Checklist for Stormwater Report

A. Introduction

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



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the [Massachusetts Stormwater Handbook](#). The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.¹ This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8²
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

¹ The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

² For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.



Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

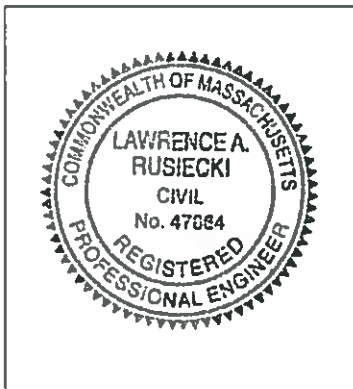
Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



Lawrence A. Rusiecki
Signature and Date

8/20/2018

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

- ☒ New development
☐ Redevelopment
☐ Mix of New Development and Redevelopment



Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- ☐ No disturbance to any Wetland Resource Areas
 - ☐ Site Design Practices (e.g. clustered development, reduced frontage setbacks)
 - ☐ Reduced Impervious Area (Redevelopment Only)
 - ☒ Minimizing disturbance to existing trees and shrubs
 - ☐ LID Site Design Credit Requested:
 - ☐ Credit 1
 - ☐ Credit 2
 - ☐ Credit 3
 - ☒ Use of "country drainage" versus curb and gutter conveyance and pipe
 - ☐ Bioretention Cells (includes Rain Gardens)
 - ☒ Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
 - ☐ Treebox Filter
 - ☒ Water Quality Swale
 - ☐ Grass Channel
 - ☐ Green Roof
 - ☒ Other (describe): Diversion Berms
-

Standard 1: No New Untreated Discharges

- ☒ No new untreated discharges
- ☒ Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- ☒ Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation

- ☐ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- ☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- ☒ Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge

- ☐ Soil Analysis provided.
- ☐ Required Recharge Volume calculation provided.
- ☐ Required Recharge volume reduced through use of the LID site Design Credits.
- ☒ Sizing the infiltration, BMPs is based on the following method: Check the method used.
 - ☐ Static
 - ☒ Simple Dynamic
 - ☐ Dynamic Field¹
- ☒ Runoff from all impervious areas at the site discharging to the infiltration BMP.
- ☐ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
 - ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
 - ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
 - ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
 - ☐ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- ☒ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- ☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

¹ 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.



Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

- ☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- ☒ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
 - Provisions for storing materials and waste products inside or under cover;
 - Vehicle washing controls;
 - Requirements for routine inspections and maintenance of stormwater BMPs;
 - Spill prevention and response plans;
 - Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - Pet waste management provisions;
 - Provisions for operation and management of septic systems;
 - Provisions for solid waste management;
 - Snow disposal and plowing plans relative to Wetland Resource Areas;
 - Winter Road Salt and/or Sand Use and Storage restrictions;
 - Street sweeping schedules;
 - Provisions for prevention of illicit discharges to the stormwater management system;
 - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
 - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- ☒ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
 - ☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
 - ☐ is within the Zone II or Interim Wellhead Protection Area
 - ☐ is near or to other critical areas
 - ☐ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
 - ☐ involves runoff from land uses with higher potential pollutant loads.
 - ☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.
 - ☒ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

- ☐ The BMP is sized (and calculations provided) based on:
 - ☐ The ½" or 1" Water Quality Volume or
 - ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- ☐ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- ☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- ☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- ☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted *prior* to the discharge of stormwater to the post-construction stormwater BMPs.
- ☐ The NPDES Multi-Sector General Permit does *not* cover the land use.
- ☐ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- ☒ All exposure has been eliminated.
- ☐ All exposure has *not* been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- ☐ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

- ☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- ☐ Critical areas and BMPs are identified in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- ☐ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
 - ☐ Limited Project
 - ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
 - ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
 - ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
 - ☐ Bike Path and/or Foot Path
 - ☐ Redevelopment Project
 - ☐ Redevelopment portion of mix of new and redevelopment.
- ☒ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- ☐ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
 - Construction Period Operation and Maintenance Plan;
 - Names of Persons or Entity Responsible for Plan Compliance;
 - Construction Period Pollution Prevention Measures;
 - Erosion and Sedimentation Control Plan Drawings;
 - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
 - Vegetation Planning;
 - Site Development Plan;
 - Construction Sequencing Plan;
 - Sequencing of Erosion and Sedimentation Controls;
 - Operation and Maintenance of Erosion and Sedimentation Controls;
 - Inspection Schedule;
 - Maintenance Schedule;
 - Inspection and Maintenance Log Form.
- ☒ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- ☐ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- ☒ The project is **not** covered by a NPDES Construction General Permit.
- ☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- ☐ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted **BEFORE** land disturbance begins.

Standard 9: Operation and Maintenance Plan

- ☒ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
 - ☐ Name of the stormwater management system owners;
 - ☒ Party responsible for operation and maintenance;
 - ☒ Schedule for implementation of routine and non-routine maintenance tasks;
 - ☐ Plan showing the location of all stormwater BMPs maintenance access areas;
 - ☐ Description and delineation of public safety features;
 - ☐ Estimated operation and maintenance budget; and
 - ☐ Operation and Maintenance Log Form.
- ☒ The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
 - ☐ A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
 - ☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

- ☐ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- ☒ An Illicit Discharge Compliance Statement is attached;
- ☐ NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.

7114

Bank of America.

11月20日

57-1/115

8/15/2018

ALLCO FINANCE LIMITED

**PAY TO THE
ORDER OF**

Seven Hundred Twelve and 50/100*

\$712.50

DOLLARS

**Commonwealth of Massachusetts
Dept. of Environmental Protection
PO Box 4062
Boston, MA 02211**

MEMO
Town Application Fees

AUTHORIZED SIGNATURE

"15957EE8007BF :10700057?O: "177200"

ALLCO FINANCE LIMITED

Commonwealth of Massachusetts

Date	Type	Reference
8/15/2018	Bill	Ware Solar

Original Amt.
712.50

Balance Due
712.50

8/15/2018

Discount

Check Amount

Payment

712.50


712.50

7114

Allco Finance Ltd Che Town Application Fees

712.50

7116

Bank of America.  8/15/2018

57-1/115

ALLCO FINANCE LIMITED

PAY TO THE ORDER OF Town of Ware


Twenty Thousand Seven Hundred Fifty-Nine and 50/100*****


\$ **20,759.50

DOLLARS

MEMO Town Application Fees

Town of Ware
126 Main Street
Ware, MA 01082
United States





Security Features. Details on back.

⑈007116⑈ ⑆011500010⑆ 394008334555⑈

7116

ALLCO FINANCE LIMITED		8/15/2018	
Town of Ware			
Date	Type	Reference	
8/15/2018	Bill	Ware Solar	
	Original Amt.	Balance Due	Payment
	20,759.50	20,759.50	20,759.50
		Check Amount	20,759.50

Allco Finance Ltd Che Town Application Fees

20,759.50

Larry Rusiecki

From: Brad Wilson <brad.wilson@ecosrenewable.com>
Sent: Monday, August 20, 2018 12:33 AM
To: Larry Rusiecki; Shawn Cantwell
Subject: Check for Town of Ware
Attachments: Ware Solar - Development Area v2.pdf

Hi Larry and Shawn-

When you visit the Town of Ware offices with the check that we sent, you may want to have this breakdown of what the check is meant to cover:

- 1) Conservation Commission Fee: \$737.50
- 2) Variance Application Fee: \$250
- 3) Special Permit Tier 1 Fee: \$250
- 4) Special Permit Review Initial Fee: \$750
- 5) Special Permit Fee for 938,600 square feet: \$18,772 (this is the total 978,600 square feet minus the initial 40,000 square feet)

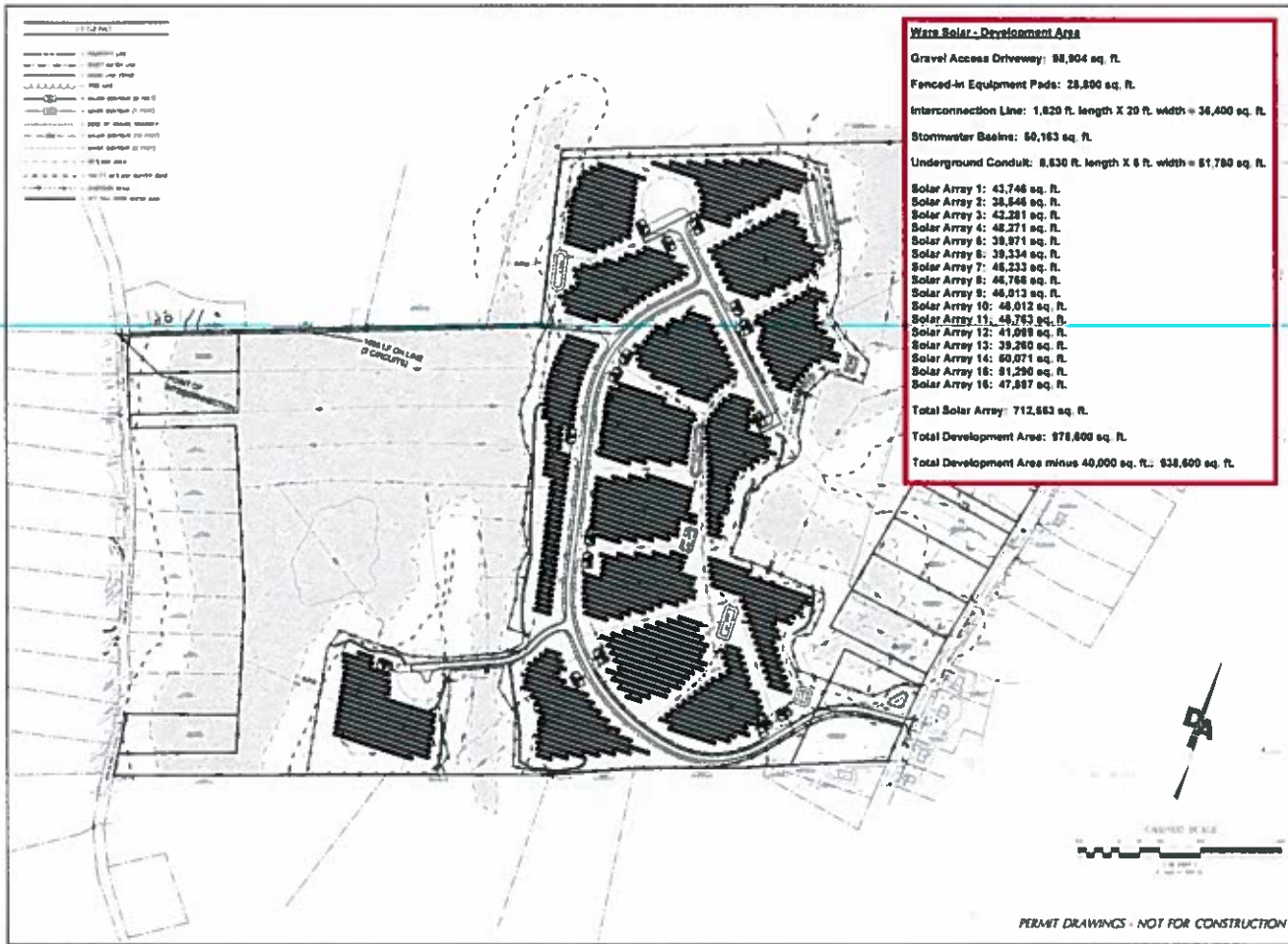
TOTAL: \$20,759.50

A PDF that shows how the square footage was calculated is attached. Ruben and Judi in the Planning Department were already sent a copy of this PDF last week.

Thanks!
Brad

Brad Wilson
(612) 460-8605
brad.wilson@ecosrenewable.com

Ecos Energy | www.ecosrenewable.com
222 South 9th Street, #1600
Minneapolis, MN 55402



DA DOCKET ASSOCIATES
 Civil Engineering & Planning
 100 Water Street, Suite 100
 Waverley, MA 01908
 Phone: 508.888.1000
 www.docketassociates.com

Overall Site Plan

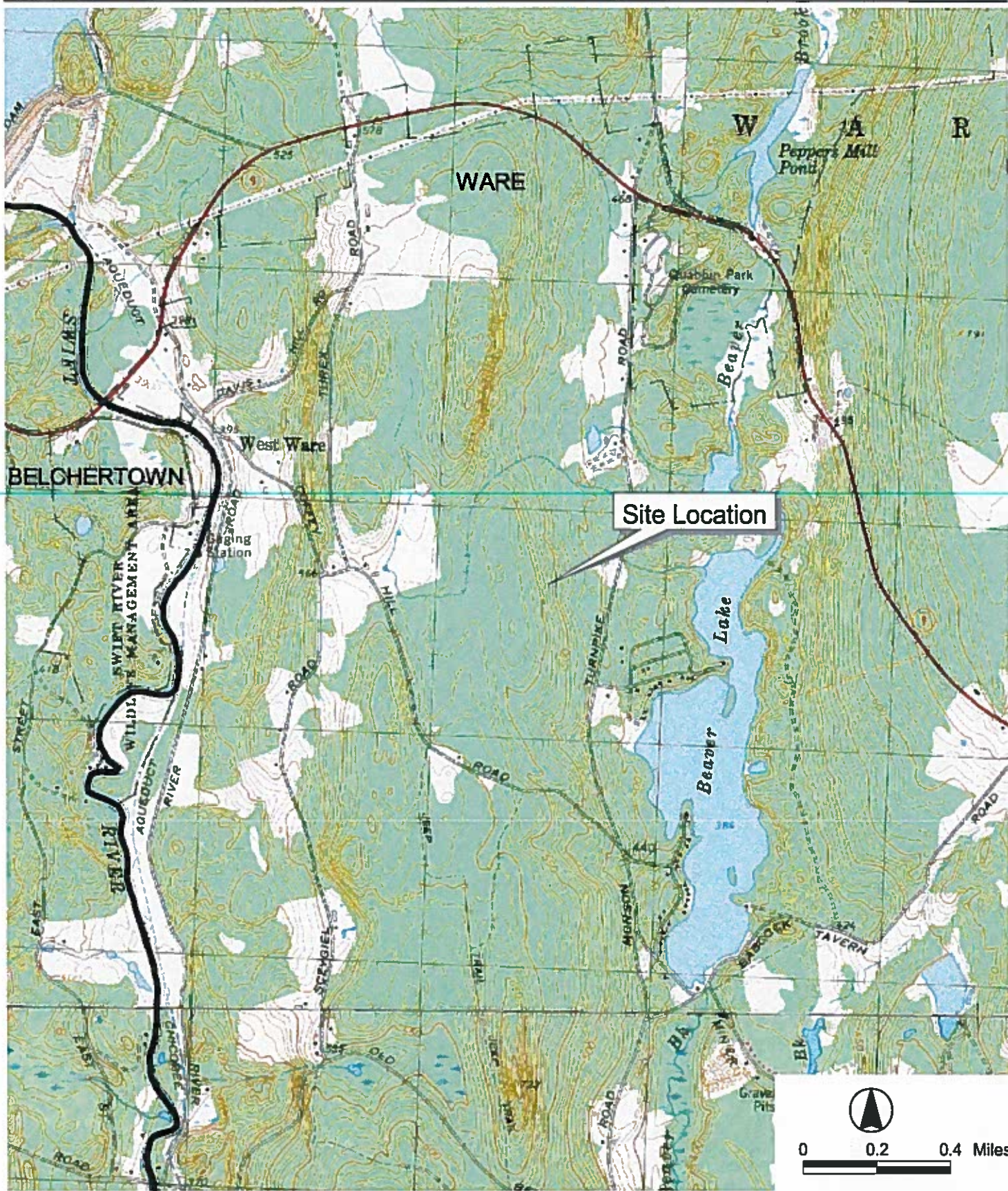
Ecoss Energy, LLC
 Solar Development
 1000 Tanglewood Road
 Waverley, MA



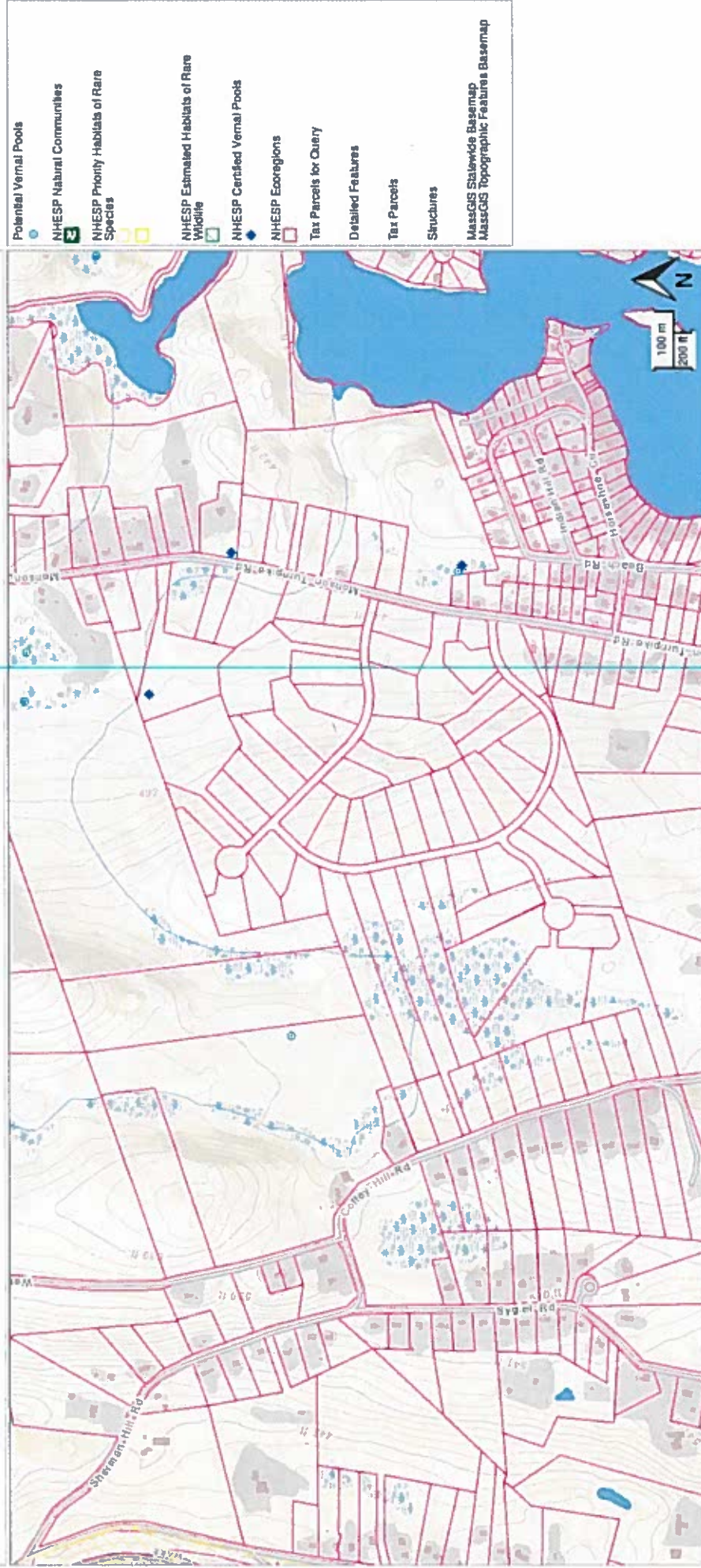
C-22
 1 of 21

Notice of Intent Figures

- Figure 1 – Site Location Map
 - Figure 2 – Massachusetts Natural Heritage Map
 - Figure 3 – FEMA Flood Insurance Rate Map
 - Figure 4 – Aerial View
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munson turnpike NHESP



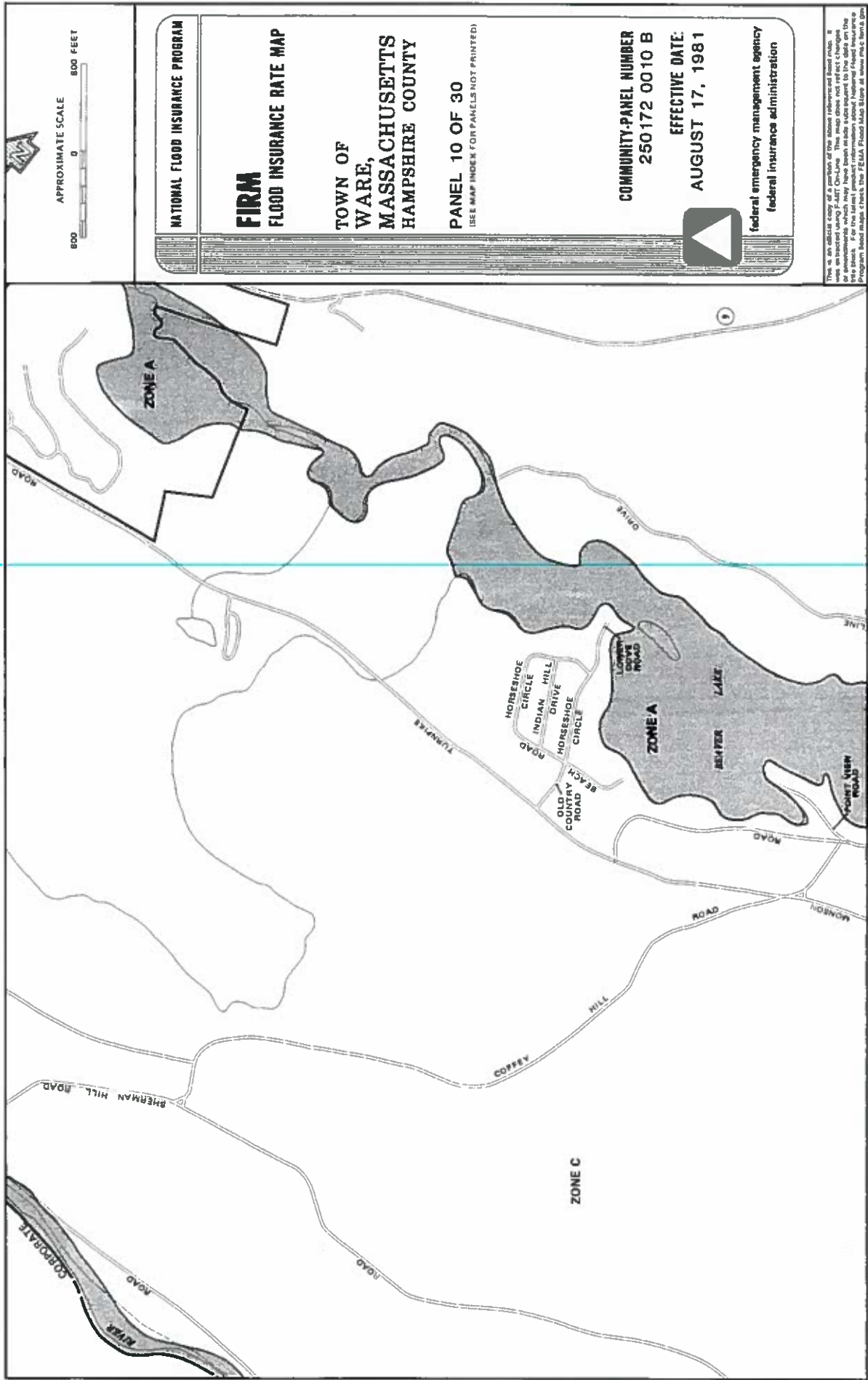




Figure 1: Aerial view of Project Site

Attachment A

Abutter Notification

- Abutter Notification
 - Certified Abutters List
-

NOTIFICATION TO ABUTTERS UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

The applicant, Ecos Energy, LLC. Has filed a Notice of Intent (NOI) with the Ware Conservation Commission under the Wetland Protection Act seeking approval of the delineated wetland resource areas on the property located off Monson Turnpike Road.

Wetland resources have been delineated on properties identified by the Ware Assessor's office as: Map 20 Lots 1-11 through 1-59, in Ware Massachusetts. The NOI is being filed to request that the Ware Conservation Commission review the site improvements associated with the proposed Photovoltaic Solar Array Project located on Monson Turnpike Road as they relate to these previously confirmed wetland resource areas.

Copies of the NOI may be examined at the Ware Conservation Commission office located in the Ware Town Hall located at 126 Main Street in Ware, Massachusetts. For more information, you may also call the Ware Conservation Commission at (413) 967-9648 x 113. Hard copies of this NOI may also be viewed at the office of Doucet & Associates, Inc. 123 Union Street – Suite 302, Easthampton, MA 01027, who submitted the request.

Notice of the Public Hearing, including its date, time and place, will be published in the *Ware River News* at least 5 days in advance, and will be posted in the Ware Town Hall not less the 48 hours in advance of the hearing.

You may also contact the Department of Environmental Protection Western Regional Office at (413) 784-1100 for more information about this application or the Wetland Protection Act.



TOWN OF WARE
BOARD OF ASSESSORS
126 MAIN STREET, TOWN HALL, SUITE G
WARE, MASSACHUSETTS 01082-1336
TEL: (413) 967-9648X179 FAX: (413) 967-4227

August 13, 2018

Zoning Board of Appeals
Planning Board
126 Main Street
Ware, MA 01082

RE: Gusto Enterprises LLC
Yorkshire Estate

Dear Board Members:

Listed on the attached sheet are the record owners of Real Property within 300' of the boundary of all parcels owned by Gusto Enterprises LLC requested by Brad Wilson for the purpose of a Special Permit and Variance.

I certify the attached Abutters List to be true and complete to the best of my knowledge.

Respectfully,

Theodore P. Balicki

Theodore P. Balicki
Chairman

TPB/laj

Enclosure

Town of Ware
Abutters List

Subject Parcel ID:

Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
19-0-23	82 COFFEY HILL RD	GLOBAL SIGNAL ACQUISITIONS I	CROWN CASTLE USA INC	PBM 331-4017 WASHINGTO	MCMURRAY	PA	15317
19-0-24	COFFEY HILL RD	KOKOSKI FRANK W JR		99 COFFEY HILL RD	WARE	MA	01082
19-0-29	97 COFFEY HILL RD	BRODEUR KAREN L		97 COFFEY HILL RD	WARE	MA	01082
19-0-33	63 COFFEY HILL RD	SUPCZAK LORI A L	SUPCZAK MICHAEL	63 COFFEY HILL RD	WARE	MA	01082
19-0-41	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-42	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-43	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-44	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-45	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-46	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-0-47	COFFEY HILL RD	COFFEY HILL PROPERTIES LLC		5 DUNHAMTOWN RD	BRIMFIELD	MA	01010
19-22-1	80 COFFEY HILL RD	DEMERS ROBERT E	KUSCHKA GINGER L	80 COFFEY HILL RD	WARE	MA	01082
19-22-2	COFFEY HILL RD	MARTONE JOANNE &	PAQUETTE LESTER J SR	24 WINTER ST	WEST BROOKFIELD	MA	01585-0268
19-23-10	94 COFFEY HILL RD	VISS VLADIMIR	VISS KRISTINE J	94 COFFEY HILL RD	WARE	MA	01082
19-23-12	88 COFFEY HILL RD	BEAUDRY JAMES A		88 COFFEY HILL RD	WARE	MA	01082
19-23-16	86 COFFEY HILL RD	RIGGENBACH RONALD J	RIGGENBACH JUDY C	86 COFFEY HILL RD	WARE	MA	01082
19-23-17	84 COFFEY HILL RD	BEAULIEU GUY P	CROWLEY SANDRA M	84 COFFEY HILL RD	WARE	MA	01082
19-23-5	102 COFFEY HILL RD	FLUEGGE ANN M		102 COFFEY HILL RD	WARE	MA	01082
19-23-6	100 COFFEY HILL RD	POLAK DANIEL J	POLAK JENNIFER R	100 COFFEY HILL RD	WARE	MA	01082
19-23-7	98 COFFEY HILL RD	BRITT HEATHER L	BRASTER PETER	98 COFFEY HILL RD	WARE	MA	01082
19-23-9	96 COFFEY HILL RD	KUSNIERZ JOSHUA A	KUSNIERZ CARRIE A	96 COFFEY HILL RD	WARE	MA	01082
19-29-1	93 COFFEY HILL RD	EICHSTAEDT KURT H	GEWINNER WENDY R	93 COFFEY HILL RD	WARE	MA	01082
20-0-2	MONSON TURNPIKE RD	HAYWARD JAMES N		89 SARGENT ST	BELCHERTOWN	MA	01007
20-0-3	170 MONSON TURNPIKE RD	MORRIN JOHN J	MORRIN DEBORAH A	170 MONSON TURNPIKE RD	WARE	MA	01082
20-0-4	174 MONSON TURNPIKE RD	PEPE EDWARD W	PEPE ANNE L	174 MONSON TURNPIKE RD	WARE	MA	01082
20-0-6	120 MONSON TURNPIKE RD	HEBERT MICHAEL A	HEBERT DONNA M	120 MONSON TURNPIKE RD	WARE	MA	01082
20-0-7	124 MONSON TURNPIKE RD	KEEGAN GARRETT	KEEGAN DEBRA	124 MONSON TURNPIKE R	WARE	MA	01082
20-2-1	MONSON TURNPIKE RD	MITCHELL JOHN AND ROBERTS C		30 AMY LANE	EAST LONGMEAD	MA	01028
20-2-2	MONSON TURNPIKE RD	HAYWARD JAMES N		89 SARGENT ST	BELCHERTOWN	MA	01007
20-2-3	MONSON TURNPIKE RD	WARE TOWN OF		126 MAIN ST	WARE	MA	01082
20-2-4	166 MONSON TURNPIKE RD	LAMADELEINE BONNIE		166 MONSON TURNPIKE RD	WARE	MA	01082
20-2-5	MONSON TURNPIKE RD	PLMCO REALTY TRUST INC		PO BOX 109	JEFFERSON	MA	01522
20-2-6	MONSON TURNPIKE RD	WARE TOWN OF		126 MAIN ST	WARE	MA	01082
20-6-1	61 COFFEY HILL RD	DANE ERIC R		61 COFFEY HILL RD	WARE	MA	01082
26-0-1	105 MONSON TURNPIKE RD	OUIMETTE GERARD A	OUIMETTE PATRICIA L	105 MONSON TURNPIKE RD	WARE	MA	01082
26-0-10	118 MONSON TURNPIKE RD	MC MANUS ROGER LEE		118 MONSON TURNPIKE RD	WARE	MA	01082
26-0-2	101 MONSON TURNPIKE RD	LEMON ARTHUR	LEMON PAULINE M	101 MONSON TURNPIKE RD	WARE	MA	01082
26-10-4	116 MONSON TURNPIKE RD	PIETROWSKI MICHAEL G	PIETROWSKI DIANA L	116 MONSON TURNPIKE RD	WARE	MA	01082
26-10-6	110 MONSON TURNPIKE RD	CALKIN SCOTT P	CALKIN SHARON L	110 MONSON TURNPIKE RD	WARE	MA	01082
26-10-7	112 MONSON TURNPIKE RD	BURWELL SALLY A		PO BOX 163	BELCHERTOWN	MA	01007

Town of Ware
Abutters List

Subject Parcel ID:

Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
26-1-13	111 MONSON TURNPIKE RD	GOODROW CHRISTOPHER J	GOODROW KAYLEIGH M	111 MONSON TURNPIKE RD	WARE	MA	01082
26-2-1	MONSON TURNPIKE RD	QUABBIN SUNRISE CO OP INC		51 MONSON TNPk RD	WARE	MA	01082
46-15-22	41 COFFEY HILL RD	FONTAINE EUGENE A	FONTAINE SUSAN J	41 COFFEY HILL RD	WARE	MA	01082
48-0-17	176 MONSON TURNPIKE RD	PLANT ALAN R	KRAINSKI-PLANT JENNIFE	176 MONSON TURNPIKE RD	WARE	MA	01082
48-0-18	178 MONSON TURNPIKE RD	DINEEN KEVIN A SR	DINEEN TINA M	178 MONSON TURNPIKE RD	WARE	MA	01082
48-0-19	180 MONSON TURNPIKE RD	FINNE SCOTT	FINNE HOLLIE	180 MONSON TURNPIKE RD	WARE	MA	01082
48-0-20	182 MONSON TURNPIKE RD	STOCKDALE GEORGE	STOCKDALE SHERRY	182 MONSON TURNPIKE RD	WARE	MA	01082
48-0-21	184 MONSON TURNPIKE RD	JACKSON BRIANNA L		184 MONSON TURNPIKE RD	WARE	MA	01082
48-0-29	7 BEACH RD	NOWAKOWSKI JAMES R JR		7 BEACH RD	WARE	MA	01082
48-0-30	BEACH RD	CARDAROPOLI ATTILIO	CARDAROPOLI ROSE MAR	35 WILLOW CIR	LONGMEADOW	MA	01106
48-0-31	3 BEACH RD	BERTE JR PETER J	BERTE BETTY J	233 BRAEBURN RD	EAST LONGMEADOW	MA	01028
48-0-32	1 BEACH RD	LUKASIK DAVID F	LUKASIK PAMELA J	1 BEACH RD	WARE	MA	01082
48-15-1	181 MONSON TURNPIKE RD	SCOTT MEGAN K	SCOTT BRENT D	181 MONSON TURNPIKE RD	WARE	MA	01082
48-15-2	185 MONSON TURNPIKE RD	JOSLIN-MURPHY TARA L	COTE JOSEPH P	185 MONSON TURNPIKE RD	WARE	MA	01082
48-15-3	189 MONSON TURNPIKE RD	BLISS ROBERT R	BLISS ANNE M	189 MONSON TURNPIKE RD	WARE	MA	01082
48-15-4	195 MONSON TURNPIKE RD	PHOENIX SUSANNE S	DULUDE MARK A	195 MONSON TURNPIKE RD	WARE	MA	01082
48-15-5	199 MONSON TURNPIKE RD	OUIMETTE DEREK A		105 MONSON TURNPIKE RD	WARE	MA	01082
48-15-8	211 MONSON TURNPIKE RD	RIOS DAILLA		211 MONSON TURNPIKE RD	WARE	MA	01082

Parcel Count:

58

End of Report

82 COFFEY HILL RD	19-0-23	COFFEY HILL RD	19-0-47	96 COFFEY HILL RD	19-23-9
GLOBAL SIGNAL ACQUISITIONS IV LLC	LUC: 014	COFFEY HILL PROPERTIES LLC	LUC: 130	KUSNIERZ JOSHUA A	LUC: 101
CROWN CASTLE USA INC		5 DUNHAMTOWN RD		KUSNIERZ CARRIE A	
PBM 331-4017 WASHINGTON RD		BRIMFIELD, MA 01010		96 COFFEY HILL RD	
MCMURRAY, PA 15317				WARE, MA 01082	
COFFEY HILL RD	19-0-24	80 COFFEY HILL RD	19-22-1	93 COFFEY HILL RD	19-29-1
KOKOSKI FRANK W JR	LUC: 713	DEMERS ROBERT E	LUC: 101	EICHSTAEDT KURT H	LUC: 101
99 COFFEY HILL RD		KUSCHKA GINGER L		GEWINNER WENDY R	
WARE, MA 01082		80 COFFEY HILL RD		93 COFFEY HILL RD	
		WARE, MA 01082		WARE, MA 01082	
97 COFFEY HILL RD	19-0-29	COFFEY HILL RD	19-22-2	MONSON TURNPIKE RD	20-0-2
BRODEUR KAREN L	LUC: 017	MARTONE JOANNE &	LUC: 130	HAYWARD JAMES N	LUC: 130
97 COFFEY HILL RD		PAQUETTE LESTER J SR		89 SARGENT ST	
WARE, MA 01082		24 WINTER ST		BELCHERTOWN, MA 01007	
		WEST BROOKFIELD, MA 01585-0266			
63 COFFEY HILL RD	19-0-33	94 COFFEY HILL RD	19-23-10	170 MONSON TURNPIKE RD	20-0-3
SUPCZAK LORI A L	LUC: 101	VISS VLADIMIR	LUC: 101	MORRIN JOHN J	LUC: 101
SUPCZAK MICHAEL		VISS KRISTINE J		MORRIN DEBORAH A	
63 COFFEY HILL RD		94 COFFEY HILL RD		170 MONSON TURNPIKE RD	
WARE, MA 01082		WARE, MA 01082		WARE, MA 01082	
COFFEY HILL RD	19-0-41	88 COFFEY HILL RD	19-23-12	174 MONSON TURNPIKE RD	20-0-4
COFFEY HILL PROPERTIES LLC	LUC: 130	BEAUDRY JAMES A	LUC: 101	PEPE EDWARD W	LUC: 101
5 DUNHAMTOWN RD		88 COFFEY HILL RD		PEPE ANNE L	
BRIMFIELD, MA 01010		WARE, MA 01082		174 MONSON TURNPIKE RD	
				WARE, MA 01082	
COFFEY HILL RD	19-0-42	86 COFFEY HILL RD	19-23-16	120 MONSON TURNPIKE RD	20-0-6
COFFEY HILL PROPERTIES LLC	LUC: 130	RIGGENBACH RONALD J	LUC: 101	HEBERT MICHAEL A	LUC: 101
5 DUNHAMTOWN RD		RIGGENBACH JUDY C		HEBERT DONNA M	
BRIMFIELD, MA 01010		86 COFFEY HILL RD		120 MONSON TURNPIKE RD	
		WARE, MA 01082		WARE, MA 01082	
COFFEY HILL RD	19-0-43	84 COFFEY HILL RD	19-23-17	124 MONSON TURNPIKE RD	20-0-7
COFFEY HILL PROPERTIES LLC	LUC: 130	BEAULIEU GUY P	LUC: 101	KEEGAN GARRETT	LUC: 101
5 DUNHAMTOWN RD		CROWLEY SANDRA M		KEEGAN DEBRA	
BRIMFIELD, MA 01010		84 COFFEY HILL RD		124 MONSON TURNPIKE RD	
		WARE, MA 01082		WARE, MA 01082	
COFFEY HILL RD	19-0-44	102 COFFEY HILL RD	19-23-5	MONSON TURNPIKE RD	20-2-1
COFFEY HILL PROPERTIES LLC	LUC: 130	FLUEGGE ANN M	LUC: 101	MITCHELL JOHN AND ROBERTS CONSTRUCTION LLC	LUC: 130
5 DUNHAMTOWN RD		102 COFFEY HILL RD		30 AMY LANE	
BRIMFIELD, MA 01010		WARE, MA 01082		EAST LONGMEADOW, MA 01028	
COFFEY HILL RD	19-0-45	100 COFFEY HILL RD	19-23-6	MONSON TURNPIKE RD	20-2-2
COFFEY HILL PROPERTIES LLC	LUC: 130	POLAK DANIEL J	LUC: 101	HAYWARD JAMES N	LUC: 130
5 DUNHAMTOWN RD		POLAK JENNIFER R		89 SARGENT ST	
BRIMFIELD, MA 01010		100 COFFEY HILL RD		BELCHERTOWN, MA 01007	
		WARE, MA 01082			
COFFEY HILL RD	19-0-46	98 COFFEY HILL RD	19-23-7	MONSON TURNPIKE RD	20-2-3
COFFEY HILL PROPERTIES LLC	LUC: 130	BRITT HEATHER L	LUC: 101	WARE TOWN OF	LUC: 930
5 DUNHAMTOWN RD		BRASTER PETER		126 MAIN ST	
BRIMFIELD, MA 01010		98 COFFEY HILL RD		WARE, MA 01082	
		WARE, MA 01082			

166 MONSON TURNPIKE RD LUC: 101 LAMADELEINE BONNIE 166 MONSON TURNPIKE RD WARE MA 01082	20-2-4	111 MONSON TURNPIKE RD LUC: 101 GOODROW CHRISTOPHER J GOODROW KAYLEIGH M 111 MONSON TURNPIKE RD WARE, MA 01082	26-1-13	3 BEACH RD LUC: 101 BERTE JR PETER J BERTE BETTY J 233 BRAEBURN RD EAST LONGMEADOW, MA 01028	48-0-31
MONSON TURNPIKE RD LUC: 130 PLMCO REALTY TRUST INC PO BOX 109 JEFFERSON, MA 01522	20-2-5	MONSON TURNPIKE RD LUC: 132 QUABBIN SUNRISE CO OP INC 51 MONSON TNPK RD WARE, MA 01082	26-2-1	1 BEACH RD LUC: 101 LUKASIK DAVID F LUKASIK PAMELA J 1 BEACH RD WARE, MA 01082	48-0-32
MONSON TURNPIKE RD LUC: 930 WARE TOWN OF 126 MAIN ST WARE MA 01082	20-2-6	41 COFFEY HILL RD LUC: 101 FONTAINE EUGENE A FONTAINE SUSAN J 41 COFFEY HILL RD WARE, MA 01082	46-15-22	181 MONSON TURNPIKE RD LUC: 101 SCOTT MEGAN K SCOTT BRENT D 181 MONSON TURNPIKE RD WARE, MA 01082	48-15-1
61 COFFEY HILL RD LUC: 018 DANE ERIC R 61 COFFEY HILL RD WARE MA 01082	20-6-1	175 MONSON TURNPIKE RD LUC: 101 PLANT ALAN R KRAINSKI-PLANT JENNIFER A 175 MONSON TURNPIKE RD WARE, MA 01082	48-0-17	185 MONSON TURNPIKE RD LUC: 101 JOSLIN-MURPHY TARA L COTE JOSEPH P 185 MONSON TURNPIKE RD WARE MA 01082	48-15-2
105 MONSON TURNPIKE RD LUC: 101 OUIMETTE GERARD A OUIMETTE PATRICIA L 105 MONSON TURNPIKE RD WARE MA 01082	26-0-1	178 MONSON TURNPIKE RD LUC: 101 DINEEN KEVIN A SR DINEEN TINA M 178 MONSON TURNPIKE RD WARE, MA 01082	48-0-18	189 MONSON TURNPIKE RD LUC: 101 BLISS ROBERT R BLISS ANNE M 189 MONSON TURNPIKE RD WARE, MA 01082	48-15-3
118 MONSON TURNPIKE RD LUC: 101 MC MANUS ROGER LEE 118 MONSON TURNPIKE RD WARE, MA 01082	26-0-10	180 MONSON TURNPIKE RD LUC: 101 FINNE SCOTT FINNE HOLLIE 180 MONSON TURNPIKE RD WARE, MA 01082	48-0-19	195 MONSON TURNPIKE RD LUC: 101 PHOENIX SUSANNE S DULUDE MARK A 195 MONSON TURNPIKE RD WARE, MA 01082	48-15-4
101 MONSON TURNPIKE RD LUC: 013 LEMON ARTHUR LEMON PAULINE M 101 MONSON TURNPIKE RD WARE, MA 01082	26-0-2	182 MONSON TURNPIKE RD LUC: 101 STOCKDALE GEORGE STOCKDALE SHERRY 182 MONSON TURNPIKE RD WARE, MA 01082	48-0-20	199 MONSON TURNPIKE RD LUC: 101 OUIMETTE DEREK A 105 MONSON TURNPIKE RD WARE, MA 01082	48-15-5
116 MONSON TURNPIKE RD LUC: 101 PIETROWSKI MICHAEL G PIETROWSKI DIANA L 116 MONSON TURNPIKE RD WARE, MA 01082	26-10-4	184 MONSON TURNPIKE RD LUC: 101 JACKSON BRIANNA L 184 MONSON TURNPIKE RD WARE, MA 01082	48-0-21	211 MONSON TURNPIKE RD LUC: 101 RIOS DAILLA 211 MONSON TURNPIKE RD WARE, MA 01082	48-15-8
110 MONSON TURNPIKE RD LUC: 101 CALKIN SCOTT P CALKIN SHARON L 110 MONSON TURNPIKE RD WARE, MA 01082	26-10-6	7 BEACH RD LUC: 101 NOWAKOWSKI JAMES R JR 7 BEACH RD WARE, MA 01082	48-0-29		
112 MONSON TURNPIKE RD LUC: 101 BURWELL SALLY A PO BOX 163 BELCHERTOWN, MA 01007	26-10-7	BEACH RD LUC: 131 CARDAROPOLI ATTILIO CARDAROPOLI ROSE MARIE 36 WILLOW CIR LONGMEADOW, MA 01106	48-0-30		

Attachment B

Notice of Intent Narrative

- Notice of Intent Narrative
 - Introduction
 - Stormwater Management
 - Proposed Wetland Replacement Methodology
 - Erosion and Sediment Control/Limit of Work
 - Regulatory Compliance
 - Summary
 - Literature Cited
-

Attachment B

Notice of Intent Narrative

Introduction

The Ware Solar Project (the "Project") is an 8-megawatt ("MW") ground-mounted photovoltaic solar electricity generation facility being proposed for construction and operation in the Town of Ware, MA (the "Town") by Ecos Energy, LLC ("Ecos"). This narrative accompanies the Project's applications for a Special Permit and Variance, and it supports those applications by highlighting relevant information about the Project's location, design, benefits, and impacts.

Project Owner - Ecos Energy, LLC is a Minnesota-based limited liability company that specializes in the development and operation of utility-scale ground-mounted solar energy facilities. Ecos is a private company owned by a single individual. Ecos has been developing and operating utility-scale solar projects since 2009. Ecos prefers to operate with a lean but effective development and operations team with only 7 employees.

Despite the relatively small size of the company, Ecos has successfully developed and commissioned 22 utility-scale solar projects, totaling over 49 MW. Ecos has developed projects in different locations around the country, including Minnesota, Indiana, Georgia, California, Vermont, Massachusetts, and Connecticut. Ecos is fairly unique amongst utility-scale solar developers in that Ecos retains its projects to own and operate rather than "flipping" them to different owners after construction.

Property Description – The Project is proposed for construction on a portion of an existing collection of parcels within the Town of Ware known as the "Yorkshire Estates" subdivision between Coffey Hill Road and Monson Turnpike Road. The Yorkshire Estates parcels total 140.2 acres (the "Project Site") and they are zoned Rural Residential (RR). The Yorkshire Estates subdivision was designed several years ago as a planned residential development, but those plans never materialized.

The Project Site is currently vacant, and it is fully wooded, undeveloped, and unimproved without any structures. The Project site contains a number of jurisdictional wetland areas, which have been formally delineated. The Project Site is surrounded by other vacant land, as well as a number of developed residential parcels. Ecos has an agreement to purchase the entirety of the Project Site from current landowners (Gusto Enterprises LLC) if the Project receives its Town approvals. An aerial view of the Project Site is shown in Figure 4.

Project Description – The Project is a proposed 8.0 MW ground-mounted photovoltaic ("PV") solar electricity generation facility located within an approximately 57-acre portion of a 140.2-acre collection of parcels of in the town of Ware, Massachusetts. Project utilizes crystalline silicon PV solar modules to convert solar radiation to electricity. Through a grid interconnection, that electricity would be placed onto the distribution circuit of a local electric utility (National Grid ("NGrid")) and would be sold to utility customers under a long-term purchase agreement ("PPA").

The Project is simple in its design and construction, and it consists of only a few major elements. The primary component of the Project is an array of PV solar modules. These

modules perform the work of converting solar radiation into direct-current ("DC") electricity. These modules are of the crystalline silicon variety, which is the most common type of solar module and widely used on top of homes, on top of businesses, and within other ground-mounted solar projects across Massachusetts.

The Project is designed to use a higher-wattage variety of crystalline silicon solar module widely known as "mono PERC." The solar cells used in a mono PERC module have a dark black color, as opposed to the blue color seen in the more common polysilicon variety of solar module. The 8 MW generating array for the Project is split into 16 distinct 500 kilowatt ("kW") sub-arrays.

The modules are positioned above the ground and held in place by a steel and aluminum racking system. The racking system groups the modules into multiple rows that run west to east. The racking system orients the modules facing directly south at a tilt angle of 15 degrees. The racking system is "fixed-tilt," meaning that the modules are held in a fixed position and do not move during the course of a day; there are no moving parts or pieces within the racking system.

The racking system is planned to be supported above the ground by galvanized steel h-beams that embedded in circular concrete "ballast" footings. These footings are designed to rest upon the existing ground surface and will not require sub-surface installation. The h-beams are designed to allow for 36 inches of clearance between the ground surface and the lowest edge of the solar modules. In this arrangement, the solar modules will reach a maximum height of approximately 7 to 8 feet above the ground surface at their highest edge. While ballast mounting slightly increases the amount of impervious surface added by the Project, it greatly reduces impacts to the Project Site during install, and it also greatly simplifies both installation and end-of-life decommissioning.

The majority of the Project footprint is comprised of the rows of racking and modules in the 16 sub-arrays. Solar modules are connected via underground collection wiring to a central 500-kW dc-to-ac inverter, located at an equipment pad for each sub-array. The equipment pads are located between each sub-array and the Project's gravel access driveway. There will be 16 of these equipment pads. Each equipment pad will house the inverter, switchboard, transformer, video security, and communications/monitoring equipment for its associated sub-array.

Underground cabling will connect the transformer outputs of each equipment pad in a "loop" arrangement to a single overhead three-phase utility line in the northern portion of the Project Site. From here, the overhead line will run approximately 1,800 feet to the southwest where it will ultimately interconnect to the existing NGrid circuit that runs along Coffey Hill Road. A set of pole-mounted utility equipment will provide metering and grid protection functions for the interconnection at this location.

The Project also includes a 20-foot wide gravel private access driveway that runs throughout the project within the existing platted right-of-way and provides access to each sub-array. This driveway will be maintained by the Project owner for the life of the Project. This driveway will have a single secure gated and locked entrance off of Monson Turnpike Road, and it includes three separate vehicle turnaround areas.

At this time, the Project does not include plans for the solar modules sub-arrays to be surrounded by perimeter fencing. Based on past experience with numerous other solar facilities, Ecos does not anticipate a security benefit in fencing the modules arrays. The module arrays will not contain any exposed wiring connections or other sensitive equipment. However, each equipment pad will be surrounded by 8-foot high chain link fencing, and each pad will be

gated and locked. The entire site (including the module sub-arrays) will be monitored by a robust series of infrared, motion-sensitive video security cameras that will immediately alert the Project operator to any unauthorized personnel.

An approximately 57-acre area of existing wooded land on the Project Site will be cleared and stumped prior to installation of the Project infrastructure. The remaining 83 acres of the Project Site will be left as-is. Once Project construction is complete, the entire area will be seeded with a low- and slow-growing native vegetation seed mix, giving the entire Project area a green vegetated appearance. The Project area will be mowed approximately every 4-6 weeks during the spring and summer seasons.

A number of stormwater retention basins have been carefully designed for the Project so that all stormwater flow requirements are met or exceeded once the Project is completed. These basins account for all additional impervious surface added by the Project and ensure that no more stormwater flows off from the site than under current conditions.

Once operational, the Project is expected to have a useful life of up to 35 years.

Roadway - This Application is being filed for approval of construction of the proposed 20-wide gravel roadway, Solar PV Array infrastructure and related stormwater BMP's.

The roadway has been carefully planned and designed to minimize the impact to existing onsite wetland resource areas while maintain the general lines and grades of the previously approved subdivision. The following are highlighted examples of some measures considered in the development of the plan set:

- The proposed wetland crossings associated with the gravel roadway is located at the most narrow point possible. This largely minimized the proposed impacts to wetland resource areas.
- The proposed roadway layout was chosen specifically to minimize impacts to wetland resources and match the subdivision plan layout that was previously approved by the Town of Ware Planning Board and Department of Public Works.
- The roadway cross section at the proposed wetland crossing has been minimized through use of rip rap and gabion wall structures with culverts (matched previously approved). The proposed cross section, while achieving the absolute minimum required by the Ware Planning Board, significantly minimizes impacts to wetlands resources that would otherwise be expected with conventional earth grading at this roadway section.
- A Sedimentation and Erosion Control Plan has been developed and is included in the attached plan set. Also included is an Operation and Maintenance Plan developed for the purpose of monitoring the long term performance of the proposed Stormwater BMP's.
- As mitigation for the impacts proposed to wetlands, it is proposed to construct new wetlands at a ratio greater than the required 1 to 1.

Based on these factors, it is our opinion that the Ware Conservation Commission may permit the proposed project through issuance of an Order of Conditions. The following sections discuss this proposal in more detail and are intended to demonstrate compliance of this project with the Wetland Protection Act.

Stormwater Management

The enclosed Stormwater Management Report includes discussion of the critical aspects of stormwater management for this project including: existing and proposed site conditions, floodplain designation, natural heritage mapping, wetland resource areas, stormwater management plan, best management practices, compliance with MADEP Stormwater Management Standards, detailed drainage calculations with exhibits, and control of stormwater quality and quantity.

Proposed Wetland Replacement Methodology

Installation of Siltation/Erosion Control Measures

Siltation measures comprised of (1) silt fence between the existing BVW and the proposed area of wetland replacement, and (2) an erosion control barrier comprised of silt fence and haybales along the outer limits of the proposed wetland replacement area will be installed and maintained. The erosion control barrier of haybales and silt fence will remain throughout construction and until all areas have been stabilized by vegetation. The single row of silt fence between the existing BVW and the replacement area will remain in place throughout establishment of the wetland restoration area and will be removed once the restoration area has been stabilized.

Preparation of Replacement Area and Interception of Surficial Hydrology

Preparing an area for wetland creation will involve the following activities: removal of existing vegetation, stockpiling of topsoil, excavation to appropriate sub-grades, and introduction of organic soils. Successful establishment of the appropriate surficial wetland hydrology is proposed to be achieved by reducing the existing surficial elevations, and intercepting ground water within the adjacent BVW. Following removal of the existing vegetation, the replacement area will be excavated to a sub-grade elevation approximately one-foot below the proposed final elevations.

Introduction of Hydric Soil

The wetland replacement areas will be back-filled with approximately 1-foot of hydric soil (soils from the impacted area and, if necessary, a mixture of peat or high organic content soil with the topsoil excavated from the site). Final grades and microtopography are proposed to be similar to those within the adjacent BVW.

Re-Vegetation of Replacement Area

Wetland soil and plants from the area of alteration will be excavated along with the upper 1-foot of soil, with roots and plants as an intact mass. Place intact and upright soil and plants in wetland replacement area to approximate finished grade. Plants and soil should be handled only once. Equipment traffic in replacement area is to be minimized with no traffic on wetland

soils already placed. After replanting of the existing wetlands plantings, areas within the replication area that have not received vegetation shall be planted with red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), coast pepperbush (*Clethra alnifolia*), spicebush (*Lindera benzoin*), highbush blueberry (*Vaccinium corymbosum*), and winterberry holly (*Ilex verticillata*). Trees within the restoration area will be placed approximately fifteen feet on center; shrubs should be spaced approximately fifteen feet on center. Trees within the restoration area will be planted randomly or in clumps, rather than rows, to mimic natural conditions but will not exceed the maximum spacing described above. The species chosen for planting at the site include species that are all native and indigenous to Massachusetts, and none are considered invasive. The species selections are based on observation of their occurrence on-site or in nearby wetland areas and/or their reported tolerance of flooding and drought conditions. The plantings will be containerized stock obtained from a local nursery. Compatible, similar species will be chosen as substitutes if planned species are unavailable, subject to prior approval from the Ware Conservation Commission.

Performance Standards and Monitoring

Work must comply with 310 CMR 10.55 (4)(b)6) – 75% re-establishment within two growing seasons.

Prior beginning of the replication procedures, a Wetlands Professional and the Ware Conservation Commission shall be notified, in writing, at least seventy-two hours prior to any work commencing.

The aforementioned procedures shall be established and the wetlands professional shall be monitoring the soil excavation, soil placement and plantings to ensure proper methods are being practiced. Also, a progress report shall be supplied to the Ware Conservation Commission and MA DEP within two weeks of the completion.

At the end of the first and second growing season a progress report of the relative success or failure of the replication efforts shall be conducted by a wetland professional and submitted to the Ware Conservation Commission and DEP.

Either at the end of the first growing season or the second growing season, if the success rate is not expected to be or is not 75%, active planting of replacement areas will be required.

Erosion and Sediment Control/Limit of Work

The applicant proposes to implement an erosion control program that will function to demarcate the limit-of-work and protect the adjacent wetland resource areas from sedimentation during the proposed activities. The plan for the control of potential impacts to the adjacent wetland resource area is based in part on guidelines contained in the *Massachusetts Erosion & Sedimentation Control Guidelines for Urban and Suburban Areas* and BMP's contained within

the Massachusetts Non-point source Management Manual. Situation barriers composed of fabric filter fence will be installed down gradient of the proposed work.

Regulatory Compliance

The *Massachusetts Wetlands Protection Act* (M.G.L.c.131, s.40) and its implementing Regulations (310 CMR 10.00) set forth the specific performance standards for work within BVW. An explanation of the pertinent performance standards and the proposed project's compliance with these standards is as follows:

Bordering Vegetated Wetland

The regulations at 310 CMR 10.55 (4)(b) state that the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of BVW when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

(1) *The surface of the replacement area to be created ("the replacement area") shall be equal to that area that will be lost ("the lost area"):*

Under this NOI, the Applicant proposes to alter a total of approximately 3,899 S.F. of BVW for the construction of the roadways. This area of permanent alteration of BVW will be replaced with a total of 7,263 s.f. of dedicated wetland replacement in nearby areas for mitigation, resulting in a 1.86 ratio of wetland replacement to permanent alteration for the roadway impacts.

(2) *Ground water and surface elevation area shall be approximately equal to that of the lost area:*

Successful establishment of the appropriate surficial wetland hydrology will be achieved by reducing existing surficial elevation and intercepting the ground water. This will be accomplished by reducing elevations within the replacement areas as needed to achieve proper hydrology.

(3) *The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area:*

The location of the proposed wetland replacement areas were chosen based on the ability to:

- 1.) Provide wetlands replacement without clearing existing trees and shrubs to create such an area and
- 2.) locate replacement area in the same general vicinity as the BVW to be impacted.

(4) *The replacement area shall have an unrestricted hydraulic connection to the same wetland water body or waterway associated with the lost area:*

The replacement area shall have an unrestricted hydraulic connection to the same wetland system associated with the BVW to be altered.

- (5) *The replacement area shall be located within the same general area of the water body or the reach of the waterway as the lost area:*

The proposed wetland replacement areas are located in the same general vicinity and relationship to water bodies as the areas proposed to be altered.

- (6) *At least 75% of the surface of the replacement area shall be established with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods.*

The success of the proposed wetland replacement activities will be monitored bi-annually for two years by a qualified wetland scientist to ensure that at least 75% of the replacement area has been reestablished with indigenous wetland plant species. Exposed soil within the replacement areas will be seeded with a wetland mix immediately following the creation of the Wetland Replacement Area.

- (7) *The replacement are shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR. 10.00:*

Creation of the wetland resource areas complies with all other General Performance Standards for resource areas located on the site.

Summary

The project has been carefully designed to prevent and minimize site disturbance, protect wetlands, and conform to pertinent performance standards enumerated in Massachusetts Wetlands Protection Act (M.G.L. c.131, s40) and its implementing Regulations (310 CMR 10.00). In order to minimize impacts to regulated areas, alternate site layouts and configurations were considered and evaluated. Once a site layout was chosen, further measures were designed to assure that wetland impacts for this project are at the minimum possible.

Based on these factors, it is our opinion that the Ware Conservation Commission may permit the proposed project through issuance of an Order of Conditions.

Literature Cited

Massachusetts Department of Environmental Protection Stormwater Management Standards and Guidelines, Department of Environmental Protection

Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES)

Massachusetts Wetlands Protection Act (M.G.L.c. 1131, § 40), www.state.ma.us/dep

Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00), www.state.ma.us/dep

Attachment C Record Files – Order of Conditions

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- Site Record File dated March 15, 2006 - WPA Form 4B – Order of Resource Area Delineation with associated documentation as received from the Town of Ware Conservation Commission
 - Site Record File dated December 4, 2006 – WPA Form 5 – Order of Conditions as received from the Town of Ware Conservation Commission and recorded at the Registry of Deeds
 - Site Record file Alternatives Analysis – Yorkshire Estates – MassDEP File No. 317-0350
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TOWN OF WARE

Conservation Commission

Town Hall, 126 Main St., Ware, Massachusetts 01082-1386

Tel. 413-967-9648 ext. 114 Fax 413-967-9627

*THE CONSERVATION COMMISSION IS THE OFFICIAL AGENCY SPECIFICALLY
CHARGED WITH THE PROTECTION OF A COMMUNITY'S NATURAL RESOURCES*

March 15, 2006

**DOUCETT & ASSOCIATES, INC.
251 NORTHAMPTON STREET, SUITE B
EASTHAMPTON, MA 01027**

**RE: ORDER OF RESOURCE AREA DELINEATION
NOI DEP# 317-343**

To Whom It May Concern:

Enclosed please find the Order of Resource Area Delineation, which is herewith issued. This Order is **subject to a ten-day appeal period**. During the ten days, you may appeal the Order of Conditions by contacting the Department of Environmental Protection, 436 Dwight St., Springfield, MA 01101, (413) 784-1100.

Please be aware that work may not begin on this project until the ten-day appeal period has expired. The ten-day appeal period consists of workdays, excluding holidays, from the date on which DEP receives its copy of this Order.

You are also **required to record this Order in the Hampshire County Registry of Deeds before any work can be done under this Order**. The recording information (see page 7 of this Order) must be submitted to the Conservation Commission as proof of this action prior to the start of work or within twenty days.

Thank you for your cooperation.

Very truly yours,

Maggie Sorel

Maggie Sorel
Building Department Assistant

cc: DEP

BEFORE ANY WORK CAN BEGIN ON PROJECT

1. AFTER AN ORDER OF CONDITIONS HAS BEEN ISSUED, WORK MAY NOT BEGIN UNTIL THE APPEAL PERIOD OF TEN BUSINESS DAYS HAS PASSED *or* IF AN APPEAL HAS BEEN FILED, UNTIL DEP HAS ACTED.
2. THE COMPLETED ORDER OF CONDITIONS MUST BE FILED IN THE REGISTRY OF DEEDS BEFORE WORK HAS COMMENCED.

THIS IS THE APPLICANT'S RESPONSIBILITY

PROOF OF RECORDING WITH BOOK AND PAGE NUMBER MUST BE SENT TO THE CONSERVATION COMMISSION at 126 Main Street, Ware, MA 01082

-
3. BEFORE WORK CAN START, THE DEP FILE NUMBER MUST BE DISPLAYED AT THE SITE

SIGN DIMENSION REQUIREMENTS:
NOT LESS THAN TWO SQUARE FEET OR MORE
THAN THREE SQUARE FEET IN SIZE

MUST BEAR THE WORDS:

**MASSACHUSETTS DEPARTMENT
OF ENVIRONMENTAL PROTECTION
FILE NUMBER: 317-343**

or

**MA DEP
FILE NUMBER 317-343**



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

WARE CONCOM 2006-ANRAD-001

DEP File Number:

317-343

Provided by DEP

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☒ **Bordering Vegetated Wetlands**

2. ☒ **Other Resource Area(s), specifically:**

WPA 1B (100-133)-(200-243) as intermittent

b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ **Bordering Vegetated Wetlands**

2. ☐ **Other Resource Area(s), specifically:**

c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ **Bordering Vegetated Wetlands**

2. ☐ **Other Resource Area(s), specifically:**

3. The boundaries were determined to be inaccurate because:



WPA Form 4B – Order of Resource Area Delineation 317-343

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

Provided by DEP

C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

SEE CONDITIONS # 15-20

**GUSTO ENTERPRISES
MONSON TURNPIKE ROAD and COFFEY HILL ROAD
WARE, MA 01082**

SPECIAL CONDITIONS ON ANRAD

**DEP FILE# 317-343
MAP 20 LOT 1 AND 16 ADDITIONAL LOTS**

Tom Hogan of Doucet and Associates, Inc., on behalf of John Guasto of Gusto Enterprises, filed an Abbreviated Notice of Resource Area Delineation, with the Ware Conservation Commission on January 31, 2006.

The Ware Conservation Commission conducted a site inspection on March 4, 2006. The Ware Conservation Commission opened the Public Hearing for said project on March 08, 2006, at which time an Order of Conditions was granted.

The Vote was as follows:

J.Chabot	MOTION TO APPROVE BVW WETLAND FLAGS AS SHOWN ON TABLE 1, PAGE 22 OF ANRAD APPLICATION AND PLAN DATED 1/26/06, ACCEPT INTERMITTENT STREAM STATUS PARALLELL TO MONSON TURNPIKE ROAD WETLAND FLAGS 1B-100 thru 1B-133 EAST and 1B-200 thru 1B-243 WEST.
M.Swett	SECOND ALL IN FAVOR

The hearing closed on March 08, 2006. Based on the field and plan review, the Commission has identified the following Special Conditions for the project.

15. Administration:

- a) A full copy of this Order shall be on-site at all times while activities regulated by this Order are being performed.
- b) The Ware Conservation Commission is the Issuing Authority of this Order of Conditions; valid extensions and Certificates of Compliance may only be issued by the Commission.
- c) During the Construction phase of this project the on-site foreman, directing engineer, and designated construction manager shall have copies of this permit at the site, familiarize themselves with the conditions of this permit, and adhere to its conditions.
- d) Prior to the issuance of a Certificate of Compliance, the Owner of the property covered by this Order of Conditions or their successor(s) in title shall have primary responsibility for the maintenance of all erosion controls: siltation controls; drainage systems regulated by this Order of Conditions.

16. Pre-Construction Activities:

- a) The form provided (pg.7) with this Order shall be completed and stamped at the Hampshire County Registry of Deeds and a copy furnished to the Ware Conservation Commission.
- b) Prior to the commencement of construction, the applicant/owner shall inform the Conservation Commission in writing of the name(s) and business phone number(s) of the project supervisor(s) who will be responsible for insuring performance of all sedimentation and erosion control measures.
- c) Applicant must notify the Ware Conservation Commission when hay bales are in place.

17. Erosion Control and Siltation Prevention:

- a) The applicant/owner, his successors or assignees shall employ the best available management practices.
- b) Prior to any earth moving activity, a row of double staked, tightly bound and butted hay bales backed by filter fabric fencing that is entrenched at a minimum depth of 4 inches or two rows of staked hay bale filter (end to end) shall be placed down gradient of all work areas, along the limit of activity between all disturbed areas and resource area. This shall also define the limit of work
- c) The contractor shall be responsible for monitoring and maintaining siltation controls in a state of good repair until all disturbed areas have been stabilized, or until a determination by the Commission stating that control measures are no longer needed. The applicant shall make all diligent efforts to minimize the area extent of open, disturbed or exposed soil surfaces.
- d) During all phases of construction, all disturbed or exposed soil surfaces shall be brought final finished grade and stabilized. Temporary stabilization shall include hay, straw or mulch.
- e) Any runoff from disturbed surfaces shall be directed through erosion control barriers or sediment reducing measures prior to entering any sensitive areas.
- f) All areas of Construction shall be inspected at the close of each construction day. Erosion and siltation controls and control structures shall be monitored at that time and maintained, repaired, or reinforced as necessary.
- g) An adequate stockpile of siltation control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace hay bales, stakes, silt fencing and any other devices used for the purpose of siltation controls.

18. Construction Management:

- a) All equipment shall be operated parked and maintained so as to limit alterations of those areas clearly identified on the plans and demarcated in the field by the flagging and construction/siltation barriers installed pursuant to Condition #20 B. No equipment shall enter or cross such areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
 - b) All waste products, grubbed stumps, slash, construction materials, etc., shall be deposited at least 100 feet from the resource areas identified on the plans referenced in this Order. The waste products shall be removed from the site.
 - c) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone.
 - d) Any stored fuel, oil, or other pollutants on site that are kept out of the areas listed in Condition #21 C, shall be contained in tightly sealed containers that are clearly labeled.
 - e) No materials shall be disposed of into the resource area and/or the buffer- zone. All contractors including, concrete suppliers, painters, and plasterers, shall be informed that the cleaning of equipment is prohibited in areas where the wash water will drain directly into said areas.
-
- f) All site work shall be stabilized at the close of each workday and prior to anticipated adverse weather conditions.

19. Post-Construction Activities:

- a) Landscaping shall occur as soon as possible to provide permanent stabilization of disturbed area surfaces. As proposed in the Notice of Intent Narrative use of heavier grass such as ryes are to be used in order to assist in slowing down of water run off.
- b) If the season or adverse weather conditions do not allow the establishment of vegetation, temporary mulching with crushed stone, hay, wood chips or other methods shall be provided.
- c) A minimum of 4 inches of topsoil shall be placed in areas to be re-vegetated and its surface smoothed to the specified grades.
- d) Continued maintenance of the area in a manner, which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the owner of recorded property.

20. Work outside this Order of Conditions:

- a) Any additional work within the buffer zone to jurisdictional areas will require an additional filing of either a Request for Determination of Applicability or a Notice of Intent seeking the approval from the Ware Conservation Commission.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WARE CONCOM 2006-ANRAD-001

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

317-343

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

Provided by DEP

C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

1. ☐ The project is not subject to the Stormwater Policy.
2. ☐ The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Request for Determination of Applicability or Notice of Intent prior to any work because:

3. ☐ Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4. ☐ The Buffer Zone contains existing slopes greater than an average of 15%.
5. ☐ Buffer Zone contains estimated rare wildlife habitat.¹
6. ☐ The site borders an Outstanding Resource Water.²

Stormwater

7. ☐ The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

8. ☐ The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # _____ :

b. Standard # _____ :

9. ☐ Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. ☐ The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. ☐ Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



WPA Form 4B – Order of Resource Area Delineation

317-343

Provided by DEP

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

D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

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.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office.

E. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WARE CONCOM 2006-ANRAD-001

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

317-343

Provided by DEP

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

F. Signatures and Notary Acknowledgement

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

4
1. Number of Signers

[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested on

Date

Date

MARCH 15, 2006

Notary Acknowledgement

Commonwealth of Massachusetts County of

HAMPSHIRE

On this 8th of

MARCH
Month

2006
Year

Before me, the undersigned Notary Public,
personally appeared

ABOVE MEMBERS OF WARE
CONSERVATION COMMISSION
Name of Document Signer

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

KNOWN PERSONALLY

Description of evidence of Identification

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

As member of

WARE
City/Town

Conservation Commission

Place notary seal and/or any stamp above

Margaret D. Sorel
Signature of Notary Public
Margaret D. Sorel
Printed Name of Notary Public
September 12, 2008
My Commission Expires (Date)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

317-343

Provided by DEP

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

G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order 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 6 of this form shall be submitted to the Conservation Commission listed below.

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 DEP File Number

Has been recorded at the Registry of Deeds of:

 County

 Book

 Page

for:

 Property Owner

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

 Book

 Page

In accordance with the Order of Conditions issued on:

 Date

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

 Instrument Number

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

 Document Number

 Signature of Applicant

**AFTER RECORDING OOC AT THE
 HAMPSHIRE REGISTRY OF
 DEEDS, FILL OUT ALL INFO ON
 THIS FORM AND RETURN TO
 WARE CONCOM ASAP.**



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

A. Request Information

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



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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

Project Location

Mailing Address

City/Town

State

Zip Code

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. DEP File Number:

B. Instructions

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

- ☐ Superseding Order of Conditions
☐ Superseding Determination of Applicability
☐ Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), 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

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.
 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.
-



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
DEP Regional Addresses
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Mail transmittal forms and DEP payments, payable to:

Commonwealth of Massachusetts
Department of Environmental Protection
Box 4062
Boston, MA 02211

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: 413-784-1100
Fax: 413-784-1149

Adams
Agawam
Amherst
Amherst
Ashfield
Becket
Belchertown
Bernardston
Blandford
Brimfield
Buckland
Cherlemont
Cheshire
Chester
Chesterfield
Chicopee
Clarksburg

Coleen
Conway
Cummington
Dalton
Deerfield
Easthampton
East Longmeadow
Egremont
Erving
Florida
Gill
Goshen
Granby
Granville
Great Barrington
Greenfield
Hadley

Hampden
Hancock
Hartfield
Hawley
Heath
Hinsdale
Holland
Holyoke
Huntington
Lanesborough
Lee
Lenox
Leverett
Leyden
Longmeadow
Ludlow
Middlefield

Monroe
Montague
Montgomery
Montgomery
Monson
Mount Washington
New Ashford
New Marlborough
New Salem
North Adams
Northampton
Northfield
Orange
Otis
Palmer
Pelham
Peru

Pittsfield
Plainfield
Richmond
Rowe
Russell
Sandwich
Savoy
Shelburne
Shelburne
Shutesbury
Southampton
South Hadley
Southwick
Springfield
Stockbridge
Sunderland
Tolland

Tyringham
Ware
Ware
Warwick
Washington
Wendell
Westfield
Westhampton
West Springfield
West Stockbridge
Whately
Wilbraham
Williamsburg
Williamstown
Windsor
Worthington

DEP Central Region
827 Main Street
Worcester, MA 01605
Phone: 508-792-7650
Fax: 508-792-7621
TDD: 508-767-2788

Action
Ashburnham
Ashby
Athol
Auburn
Ayer
Barns
Bellingham
Berlin
Blackstone
Bolton
Boxborough
Boylston
Brookfield

Charlton
Clinton
Devens
Douglas
Dudley
Dunstable
East Brookfield
Fitchburg
Gardner
Grafton
Groton
Harvard
Hardwick
Holden
Hopkinton

Hopkinton
Hubbardston
Hudson
Holliston
Lancaster
Leicester
Leominster
Littleton
Lunenburg
Marlborough
Meynard
Medway
Mendon
Milford

Milbury
Millville
New Braintree
Northborough
Northbridge
North Brookfield
Oakham
Oxford
Pepperell
Pelham
Phillipston
Princeton
Royalston

Rutland
Shirley
Shrewsbury
Southborough
Southbridge
Spencer
Sterling
Stow
Sturbridge
Sutton
Templeton
Townsend
Tyngsborough
Upton

Uxbridge
Warren
Webster
Westborough
West Boylston
West Brookfield
Westford
Westminster
Winchendon
Worcester

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: 508-946-2700
Fax: 508-947-6557
TDD: 508-946-2795

Ablington
Acushnet
Aquinnah
Attleboro
Avon
Barnstable
Berkley
Bourne
Brewster
Bridgewater
Brookline
Carver
Chatham
Chilmark

Dartmouth
Dennis
Dighton
Duxbury
Eastham
East Bridgewater
Easton
Edgartown
Fairhaven
Fall River
Falmouth
Foxborough
Franklin

Freetown
Gosnold
Halifax
Hanover
Hanson
Hartwich
Kingston
Lakeville
Mansfield
Marion
Marshfield
Mashpee

Mattapoisett
Middleborough
Nantucket
New Bedford
North Attleborough
Norton
Norwell
Oak Bluffs
Orleans
Pembroke
Plainville
Plymouth
Plympton

Provincetown
Raynham
Rehoboth
Rochester
Rockland
Sandwich
Scituate
Seekonk
Sharon
Somerset
Stoughton
Swansea
Taunton

Tisbury
Truro
Wareham
Wareham
Westport
West Bridgewater
Westport
West Tisbury
Whitman
Wrentham
Yarmouth

DEP Northeast Region
One Winter Street
Boston, MA 02108
Phone: 617-554-8500
Fax: 617-556-1049
TDD: 617-574-6868

Amesbury
Andover
Arlington
Ashland
Bedford
Belmont
Beverly
Billerica
Boston
Bosford
Braintree
Brookline
Burlington
Cambridge
Canton
Carlisle

Chelmsford
Chelsea
Cohasset
Concord
Danvers
Dedham
Dover
Dracont
Essex
Everett
Frammingham
Georgetown
Gloucester
Groveland
Hamilton
Haverhill

Hingham
Holbrook
Hull
Ipswich
Lawrence
Lexington
Lincoln
Lowell
Lynn
Lynnfield
Malden
Manchester-By-The-Sea
Marblehead
Medfield
Medford
Melrose

Merrimac
Methuen
Middleton
Mills
Milton
Nahant
Natick
Needham
Newbury
Newburyport
Newton
Norfolk
North Andover
North Reading
Norwood
Peabody

Quincy
Randolph
Reading
Revere
Rockport
Rowley
Salem
Salisbury
Saugus
Sharborn
Somerville
Stonham
Sudbury
Swampscott
Tewksbury
Topsfield

Wakefield
Walpole
Wareham
Wareham
Wayland
Wellesley
Wenham
West Newbury
Weston
Westwood
Waymouth
Wilmington
Winchester
Winthrop
Woburn



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

DEP File Number:

317-350



2006 00035047

Bk: 8982Pg: 267 Page: 1 of 11

Recorded: 12/18/2006 10:18 AM

A. General Information

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



From: WARE

1. Conservation Commission

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

3. To: Applicant:

JOHN

a. First Name

GUASTO

b. Last Name

GUSTO ENTERPRISES, LLC

c. Company

2340 LOUIS KOSSUTH AVENUE

d. Mailing Address

RONKONKOMA

e. City/Town

NY

f. State

11779

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Monson Turnpike and Coffey Hill Road

a. Street Address

20

c. Assessors Map/Plat Number

Latitude and Longitude, if known (note:
electronic filers will click for GIS locator):

WARE

b. City/Town

Lot 1 (including 16 additional lots)

d. Parcel/Lot Number

N42 15'51"

e. Latitude

W72 19'3"

f. Longitude

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

HAMPSHIRE

a. County

8296

c. Book

b. Certificate (if registered land)

292

d. Page

7. Dates: 08-23-2006

a. Date Notice of Intent Filed

11-08-2006

b. Date Public Hearing Closed

12-04-2006

c. Date of Issuance

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

Site Location map, MA Natural Heritage Map, FEMA Flood Insurance MAP

a. Plan Title

Doucet & Associates, Inc.

b. Prepared By

10-10-2006

d. Final Revision Date

c. Signed and Stamped by

1"=100'

e. Scale

f. Additional Plan or Document Title

g. Date



WPA Form 5 – Order of Conditions

317-350

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

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|---|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

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

Approved subject to:

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

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	3,899 a. square feet		4,558 c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

DEP File Number:

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B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd 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. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



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

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 317-350 "



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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

SEE ATTACHED CONDITIONS

If you need more space for additional conditions, select box to attach a text document ☒

**GUSTO ENTERPRISES, LLC
WARE, MA 01082**

SPECIAL CONDITIONS

DEP FILE# 317-350

Doucet & Associates, Inc., filed a Notice of Intent on behalf of John Guasto, Gusto Enterprises, LLC, with the Ware Conservation Commission on August 23, 2006. The proposed project is a wetland crossing by roadway in association with a proposed residential subdivision; located on Monson Turnpike and Coffey Hill Road in Ware.

The Ware Conservation Commission performed a site visit on September 09, 2006 and October 07, 2006.

The hearing opened on October 11, 2006 and was continued to October 25, 2006 and November 08, 2006. On November 08, 2006, the Commission voted to issue the Orders of Condition.

The hearing closed on November 08, 2006. Based on the field and plan review, the Commission has identified the following Special Conditions for the project.

18. Administration:

- a) A full copy of this Order shall be on-site at all times while activities regulated by this Order are being performed.
- b) The Ware Conservation Commission is the Issuing Authority of this Order of Conditions; valid extensions and Certificates of Compliance may only be issued by the Commission.
- c) During the Construction phase of this project the on-site foreman, directing engineer, and designated construction manager shall have copies of this permit at the site, familiarize themselves with the conditions of this permit, and adhere to its conditions.
- d) Prior to the issuance of a Certificate of Compliance, the Owner of the property covered by this Order of Conditions or their successor(s) in title shall have primary responsibility for the maintenance of all erosion controls: siltation controls; drainage systems regulated by this Order of Conditions.

19. Pre-Construction Activities:

- a) The form provided (pg.7) with this Order shall be completed and stamped at the Hampshire County Registry of Deeds and a copy furnished to the Ware Conservation Commission.

- b) Prior to the commencement of construction, the applicant/owner shall inform the Conservation Commission in writing of the name(s) and business phone number(s) of the project supervisor(s) who will be responsible for insuring performance of all sedimentation and erosion control measures.
- c) Applicant must notify the Ware Conservation Commission when hay bales are in place.

20. Erosion Control and Siltation Prevention:

- a) The applicant/owner, his successors or assignees shall employ the best available management practices.
- b) Prior to any earth moving activity, a row of double staked, tightly bound and butted hay bales backed by filter fabric fencing that is entrenched at a minimum depth of 4 inches or two rows of staked hay bale filter (end to end) shall be placed down gradient of all work areas, along the limit of activity between all disturbed areas and resource area. This shall also define the limit of work
- c) The contractor shall be responsible for monitoring and maintaining siltation controls in a state of good repair until all disturbed areas have been stabilized, or until a determination by the Commission stating that control measures are no longer needed. The applicant shall make all diligent efforts to minimize the area extent of open, disturbed or exposed soil surfaces.
- d) During all phases of construction, all disturbed or exposed soil surfaces shall be brought final finished grade and stabilized. Temporary stabilization shall include hay, straw or mulch.
- e) Any runoff from disturbed surfaces shall be directed through erosion control barriers or sediment reducing measures prior to entering any sensitive areas.
- f) All areas of Construction shall be inspected at the close of each construction day. Erosion and siltation controls and control structures shall be monitored at that time and maintained, repaired, or reinforced as necessary.
- g) An adequate stockpile of siltation control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace hay bales, stakes, silt fencing and any other devices used for the purpose of siltation controls.

21. Construction Management:

- a) All equipment shall be operated parked and maintained so as to limit alterations of those areas clearly identified on the plans and demarcated in the field by the flagging and construction/siltation barriers installed pursuant to Condition #20 B. No equipment shall enter or cross such areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.

- b) All waste products, grubbed stumps, slash, construction materials, etc., shall be deposited at least 100 feet from the resource areas identified on the plans referenced in this Order. The waste products shall be removed from the site.
- c) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone.
- d) Any stored fuel, oil, or other pollutants on site that are kept out of the areas listed in Condition #21 C, shall be contained in tightly sealed containers that are clearly labeled.
- e) No materials shall be disposed of into the resource area and/or the buffer- zone. All contractors including, concrete suppliers, painters, and plasterers, shall be informed that the cleaning of equipment is prohibited in areas where the wash water will drain directly into said areas.
- f) All site work shall be stabilized at the close of each workday and prior to anticipated adverse weather conditions.

22. Post-Construction Activities:

- a) Landscaping shall occur as soon as possible to provide permanent stabilization of disturbed area surfaces. As proposed in the Notice of Intent Narrative use of heavier grass such as ryes are to be used in order to assist in slowing down of water run off.
- b) If the season or adverse weather conditions do not allow the establishment of vegetation, temporary mulching with crushed stone, hay, wood chips or other methods shall be provided.
- c) A minimum of 4 inches of topsoil shall be placed in areas to be re-vegetated and its surface smoothed to the specified grades.
- d) Continued maintenance of the area in a manner, which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the owner of recorded property.

23. Work outside this Order of Conditions:

- a) Any additional work within the buffer zone to jurisdictional areas will require an additional filing of either a Request for Determination of Applicability or a Notice of Intent seeking the approval from the Ware Conservation Commission.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

a. Municipal Ordinance or Bylaw

b. 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.

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

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document ☐



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E. Issuance

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

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

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

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.

12-4-06

1. Date of Issuance

4

2. Number of Signers

Signatures

Maria K...
Michelle Mc...
...
...

Notary Acknowledgement

Commonwealth of Massachusetts County of

HAMPSHIRE

On this 8th of

November
Month

2006
Year

Before me, the undersigned Notary Public,
personally appeared

MEMBERS WARE CONSERVATION COMM.
Name of Document Signer

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

KNOWN PERSONALLY

Description of evidence of identification

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

As member of

WARE
City/Town

Conservation Commission

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on

Date

Margaret D. Sorel

Signature of Notary Public

Margaret D. Sorel

Printed Name of Notary Public

09-12-2008

My Commission Expires (Date)

☒ by certified mail, return receipt requested, on

12-4-06
Date



WPA Form 5 – Order of Conditions

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

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

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

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

Alternatives Analysis
Yorkshire Estates
MADEP File No. 317-0350

An Alternatives Analysis was conducted in order to determine a design that minimized wetland resource area impacts from the Yorkshire Estates project while also maintaining the viability of the project from design, safety, and economic standpoints. The most significant alternatives are as follows:

Alternative #1: No Build

The subject land was sold by the Town of Ware at auction in the summer of 2005. The applicant purchased the land with the intent and understanding that this land could be developed within the constraints of the governing regulations and by-laws. The no-build scenario is not an economically feasible alternative for this land. It was purchased by the Applicant at auction from the Town and the Applicant must develop the land in order to realize a return on the investment he has made into this previously Town owned land.

Alternative #2: Preliminary Subdivision Plan – Full Buildout

The Preliminary Subdivision Plans, which were reviewed and approved by the Town of Ware Planning Board and Department of Public Works via the preliminary subdivision review process, included two additional roadways with direct and indirect wetlands impacts. The Preliminary Subdivision Plan represented a design that allowed the project to maximize capital return on the applicant's investment, while also staying within the allowable resource area impacts and maintaining recommended engineering design practices. The Town of Ware issued comments on the plan, the most critical of which was the concern regarding the number of cul-de-sacs and overall roadway length.

Alternative #3: Definitive Subdivision Plan – Reduced Buildout

The definitive subdivision plans, as submitted with this NOI, constitute the culmination of a rigorous and iterative process in developing various concept drawings for this project. The roadways have been designed to maintain the safety of vehicular traffic while only incurring one wetlands crossing. At the expense of reducing the total number of residential lots included in the final design, the owner took into account the comments received from the Town of Ware during the Preliminary Subdivision Process and agreed to eliminate the following two roadways in order to reduce the amount of wetlands impacts:

- o Roadway with a cul-de-sac off of Monson Turnpike Road that incurred additional wetlands impacts and created additional residential lots. This roadway was eliminated and replaced with two shared driveways in order to minimize the wetlands impacts in this area.
- o Roadway extending to the northeast from approximate Roadway A station 12+25. The road layout paralleled the wetland boundary in this area and created additional residential lots. This road and the additional lots would have resulted in additional residential facilities located permanently within the wetlands buffer zone and also would have required roadway work within the wetland buffer zone.

Conclusion of Alternatives Analysis:

After careful consideration of the pros and cons associated with the various alternatives, it was decided that Alternative #3 was the most acceptable. This included making concessions by reducing the overall number of lots and as a result the overall impacts of the project in order to comply with the requests of the Town and to go forward with a design that appeared to be agreeable to all parties.

ATTACHMENTS



ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

Amherst Office
15 Research Drive
Amherst, Massachusetts 01002
Tel 413.258.0202 Fax 413.258.1092

September 5, 2017

Tom Hogan, P.E.
Doucet & Associates
123 Union Street, Suite 302
Easthampton, MA 01027

**Re: Wetland Delineation Memo
Monson Turnpike Road
Ware, MA
SWCA Project #: 43202**

Dear Tom:

SWCA Environmental Consultants (SWCA) conducted a site visit at Monson Turnpike Road in Ware, Massachusetts on August 2, August 3, August 8, August 15, and August 30, 2017. As requested by Doucet & Associates, Inc. (Doucet), SWCA Professional Wetland Scientist (Meredith Borenstein #2118) and (Colleen Puzas, WPIT #325376) investigated the site to confirm the presence or absence of jurisdictional wetland areas within 200-feet of the proposed developable area as shown on Sheet C-4 Erosion and Sedimentation Control Plan. Figure 1. Wetland Delineation Map depicts the boundaries of the wetland features and watercourses that were surveyed. SWCA has separately provided Doucet with the electronic shapefiles of these features.

The proposed 150-acre project area consists forested wetlands and uplands. There is a certified vernal pool located on the northwest corner of the site. See Figure 2. NHESP. The property is located between Monson Turnpike Road to the east and Coffey Hill Road to the west. Residential houses and an unnamed perennial stream are located to the northwest of the project site. Except for delineated wetland features, the remainder of the parcel consists of an upland forest on an undulating landscape with several small hills.

During the site investigation, SWCA performed a wetland delineation using a multiple parameter method approach following the Massachusetts Wetlands Protection Act (WPA) Regulations at 310 CMR 10.00 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0) (Environmental Laboratory, 2012). SWCA marked the wetland boundaries in the field with solid pink plastic flagging tape labeled with an alpha-numeric designation (i.e., A-101, A-102, etc.), and then surveyed the flag points with GPS equipment capable of sub-meter accuracy.

The resource areas identified by SWCA during the site investigation include the following:

Bordering Vegetated Wetland (BVW): BVW has a 100-foot Buffer Zone

- Wetland AB: Flags associated with Wetland AB consist of A1 to A93, AA1 to AA42, B1 to B22, and B100 to B151. Flag B151 connects to Flag B22. Wetland AB is comprised of intermittent stream channels, forested and emergent wetland areas, and borders an offsite unnamed perennial stream.
- Wetland CDF: Flags associated with Wetland CDF consist of C1 to C14, D1 to D96, DD100 to DD125, and F1 to F63. Wetland CDF is a forested wetland/hillside seep with an understory comprised of ferns, intermittent stream channels, and is intermixed with upland islands delineated out with flags E1 to E28. To

enclose some of the upland and wetland series, connecting points include: D-96 connects to D-32, E28 connects to D15, and E1 connects to D30. A culvert is present near Flag D1.

- Wetland H: Flags associated with Wetland H are H1 to H109. Wetland H is comprised of a hillside seep, an intermittent stream, and forested wetland area.
- Wetland G: Flags associated with Wetland G are G1 to G9. A culvert is present near Flag G9 and Wetland G is a forested wetland area located along Monson-Turnpike Road.

Bank: Bank has a 100-foot Buffer Zone.

- Bank STA and STB: Bank flags associated with the intermittent stream include STA-1 to STA-12 and STB-1 to STB-13. The stream channel was identified within Wetland AB and was only delineated within the proposed crossing area. The stream continues north and south.
- Bank STC and STD: Bank flags associated with the intermittent stream include STD-1 to STD-9 and STC-1 to STC-8. The stream channel was identified within Wetland CDF and was only delineated within the proposed crossing area. The stream continues northwest and southeast.

Mean Annual Highwater (MAHW)/ Bank: MAHW/Bank is the start of the 200-foot Riverfront Area

- An unnamed perennial stream is located slightly off property on the western side of the site. Here it was flagged as follows: MA-100 to MA-124. The Bank of the stream channel was well defined in this location; therefore, the MAHW flags were placed at the top of Bank. The stream flows to the north and eventually onto the subject site in the northwest corner of the property. Because the northwest corner of the property is entirely composed of wetlands, the perennial stream bank was not flagged in this location.

All wetlands are presumed to be federally jurisdictional per the Clean Water Act, unless the U.S. Army Corps of Engineers rules differently. Any proposed work within wetlands, within 100 feet of wetlands, or within the 200-foot Riverfront Area which starts at the Bank of the unnamed perennial stream and extends 200-feet out, will require filing a Notice of Intent or a Request for a Determination of Applicability with the Town of Ware Conservation Commission and Massachusetts Department of Environmental Protection. Doucet may wish to file for a Determination of Applicability or an Abbreviated Notice of Resource Area Determination to confirm the jurisdictional wetlands on this site.

If you have any questions about this material, please do not hesitate to contact our office.

Sincerely,

SWCA Environmental Consultants



Meredith Borenstein, PWS

Wetland Scientist



Colleen Puzas, WPIT

Environmental Specialist- Wetland Scientist

ATTACHMENTS:

Figure 1. Wetland Delineation Map

Figure 2. NHESP

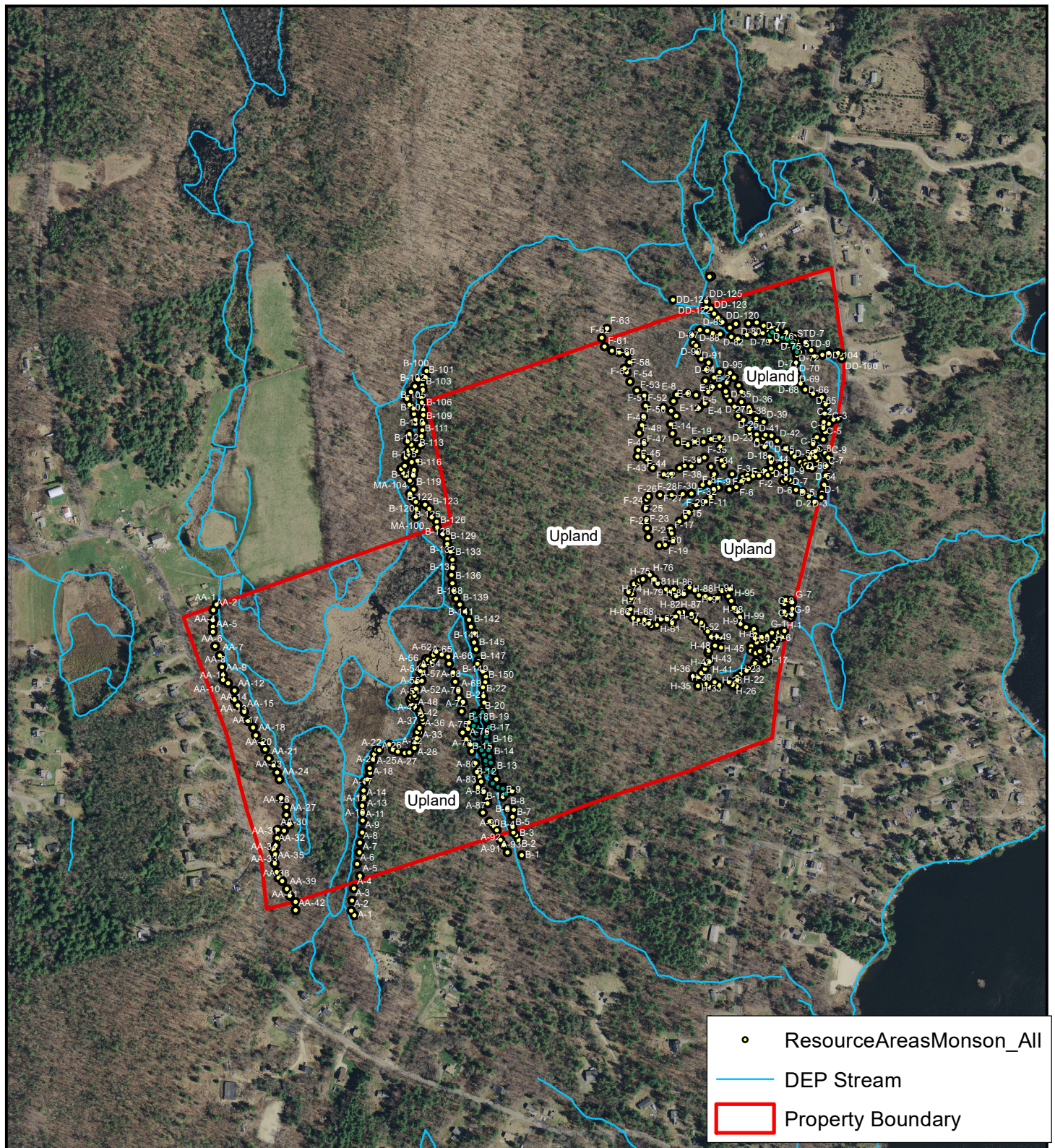


Figure 1.
Wetland Delineation Map

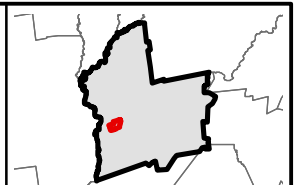
Doucet & Associates Inc.
Monson Turnpike Road
Ware, MA

05 Sep 2017
SWCA Project No.: 43202

Data Source: Office of Geographic
Information (MassGIS)

DEP Wetlands 1:12,000

0 445 890
Feet



Latitude 42°15'56.3"N
Longitude 72°18'48.6"W

SWCA
ENVIRONMENTAL CONSULTANTS

Xref: P:\1700-001\wg\working_drawings\174-001.dwg

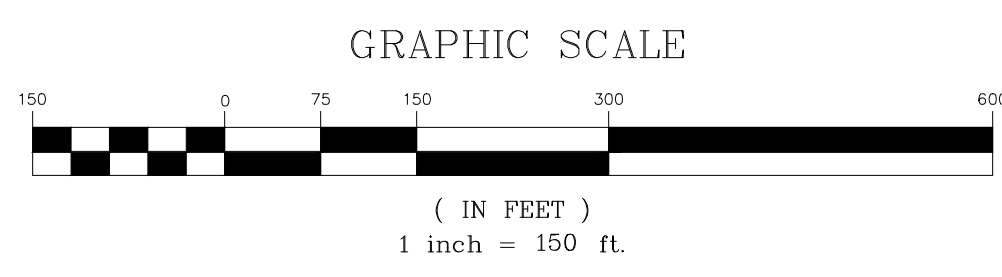
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Last Modified: Aug 11, 17 - 14:57
Plot Date/Time: Aug 21, 17 - 09:48:11

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WETLANDS FROM GUSTO SUBDIVISION
PERMITTING DOCUMENTS

SWCA WETLANDS 8/17/17



APPROVAL BLOCK	
CHAIRMAN	DATE

	A	B	C
1	WETLAND IMPACT AND MITIGATION SUMMARY		
2	WETLAND'S IMPACT LOCATION	PROPOSED WETLAND'S IMPACT	PROPOSED WETLAND'S REPLICATION
3	PROPOSED COMMON DRIVEWAY LOTS 38 & 40	426 SF	568 SF
4	PROPOSED COMMON DRIVEWAY LOTS 41 & 42	221 SF	850 SF
5	PROPOSED DRIVEWAY CROSSING LOT 37	265 SF	409 SF
6	PROPOSED CROSSING FOR ROADWAY C	3,899 SF	4,558 SF
7	TOTALS	4,811 SF	6,385 SF

PERMIT DRAWINGS - NOT FOR CONSTRUCTION

DA DOUCET & ASSOCIATES
Civil Engineering & Planning
123 Union Street - Suite 301
Easthampton, MA 01027
Phone: (413) 203-2349
www.doucetengineers.com

NO.	DATE	REVISION	APP.
6			
5			
4			
3			
2			
1			

WETLANDS
EXHIBIT

Ecos Energy
Mixed Use Subdivision
MONSON TURKPIKE RD & COFFEY HILL RD
WARE, MASSACHUSETTS

Scale: 1" = 100'
Designed: TJH
Drawn: JBB
Reviewed: TJH
Date: 8/2/2017

SHEET
EXHIBIT
1 OF 1
Project No:
1700-011