



## TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648

May 3, 2021

J & P Engineering Services  
30 Mountain View Drive  
Belchertown, MA 01007

Re: Order of Conditions for DEP# 317-471, 12 Coldbrook Drive (Lot 14-9-34)

Dear Applicant:

Enclosed please find the Order of Conditions, which is herewith issued. This Order of Conditions is subject to a ten-day appeal period. Questions regarding appeals should be made during the ten-day by directly contacting the Department of Environmental Protection, 436 Dwight Street, 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. This appeal period consists of workdays, excluding holidays, from the date on which DEP receives its copy of this Order.

Please note the "Special Conditions" included within this Order.

This Order of Condition shall be recorded in the Hampshire Registry of Deeds before any work can be done under this Order. The recording information must be submitted to the Conservation Commission as proof of this action prior to the start of work or within 30 days from the Date of Issuance. For details, see General Condition 9.

Upon completion of the proposed project, please submit WPA Form 8A, Request for Certificate of Compliance, to the Ware Conservation Commission to close out the DEP file number. If you have any questions regarding this matter, please feel free to contact me at the above number.

Sincerely,

Nicole Croteau  
Conservation Administrator

cc: DEP Western Region  
File DEP: 317-471



## TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648

## FRIENDLY REMINDER BEFORE ANY WORK CAN BEGIN ON A 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 recorded at the Registry of Deeds before work has commenced. THIS IS THE APPLICANT'S RESPONSIBILITY.
3. Proof of recording with Book and Page numbers must be sent to:  
Town of Ware  
Conservation Commission  
126 Main Street  
Ware, MA 01082
4. Before work can start, the DEP file number MUST BE DISPLAYED AT THE SITE

### SIGN DIMENSION REQUIREMENTS:

Not less than 2 square feet or more than three square feet in size;  
And must bear the words:

MASSACHUSETTS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FILE NUMBER: 317-[your file number]

or

MA DEP  
FILE NUMBER:  
317-[your file number]

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

Provided by MassDEP:  
 MassDEP File #:317-0471  
 eDEP Transaction #:1276878  
 City/Town:WARE

**A. General Information**

1. Conservation Commission      WARE

2. Issuance      a.  OOC      b.  Amended OOC

3. Applicant Details

a. First Name	TODD	b. Last Name	MARION
c. Organization	MRT DEVELOPMENT, LLC		
d. Mailing Address	749 NEW LUDLOW ROAD		
e. City/Town	SOUTH HADLEY	f. State	MA
		g. Zip Code	01075

4. Property Owner

a. First Name	TODD	b. Last Name	MARION
c. Organization	MRT DEVELOPMENT, LLC		
d. Mailing Address	749 NEW LUDLOW ROAD		
e. City/Town	SOUTH HADLEY	f. State	MA
		g. Zip Code	01075

5. Project Location

a. Street Address	12 COLDBROOK DRIVE (OLD LOT 29)		
b. City/Town	WARE	c. Zip Code	01082
d. Assessors Map/Plat#	14	e. Parcel/Lot#	9-34
f. Latitude	42.25849N	g. Longitude	72.29598W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
HAMPSHIRE		8986	42

7. Dates

a. Date NOI Filed : 3/30/2021	b. Date Public Hearing Closed: 4/14/2021	c. Date Of Issuance: 5/3/2021
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8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PLAN ENTITLED: "MRT DEVELOPMENT, LOT 29 COLDBROOK DRIVE, WARE, MA."	PAUL CAMPAGNA, 972	REGISTERED SANITARIAN	Signature Date 3/11/2021, scale 1"=40'	PLAN DATE 2/28/21, APPROVED 4/14/21

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act  
 Following the review of the 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:

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

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

2. Commission hereby finds the project, as proposed, is:

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 interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.

c.  The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 25  
 a. linear feet

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet

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8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet

9. <input type="checkbox"/> Riverfront Area	<u>                    </u>	<u>                    </u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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10.  Designated Port Areas      Indicate size under Land Under the Ocean, below

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

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

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

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

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

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

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

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

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21.  Land Subject to Coastal Storm Flowage

\_\_\_\_\_ a. square feet    \_\_\_\_\_ b. square feet

22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings

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

The following conditions are only applicable to Approved projects

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

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"  
[or 'MassDEP']  
File Number : "317-0471"

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order(the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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- BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with



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- 
- all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
  - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
  - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
  - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

**Special Conditions:**

SEE DOCUMENT TITLED: "APPENDIX A, ORDER OF CONDITIONS, DEP FILE # 317-471, PARCEL ID: 14-9-34, 12 COLDBROOK DRIVE, WARE, MA, SPECIAL CONDITIONS."

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

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

**2. The Conservation Commission hereby (check one that applies):**

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

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

2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b.  APPROVES the proposed work, subject to the following additional conditions.

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

2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

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

SEE DOCUMENT TITLED: "APPENDIX A, ORDER OF CONDITIONS, DEP 317-471, PARCEL ID 14-9-34, 12 COLDBROOK DRIVE, WARE, MA."



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**E. Signatures**

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

May 3, 2021  
 1. 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.

5  
 2. Number of Signers

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

Signatures: [Signature]  
[Signature]  
[Signature]

[Signature]  
[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

May 3, 2021  
 Date

**F. Appeals**

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

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

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

Appendix A  
Order of Conditions  
DEP File # 317-471  
Parcel ID: 14-9-34, 12 Coldbrook Drive, Ware, MA

## Special Conditions

21. 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.

22. Pre-Construction Activities:

- a. The form provided (pg.13 of 13) 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. Prior to the start of construction, an inspection shall be conducted to ensure proper erosion controls measures are installed according to plan/approval.

23. 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, adequate and stable erosion controls cited in the Notice of Intent, or as specified by the Conservation Commission 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 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 reenforced, as necessary.
- g. An adequate stockpile of siltation control materials shall be always on site for emergency or routine replacement and shall include materials to repair or replace *straw* bales, stakes, silt fencing and any other devices used for the purpose of siltation controls.

[Continue to next page]

24. 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 #23B. 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 #24C, 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.

25. 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, straw, 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.

26. Special Conditions as Approved at Meeting(s):

- a. Permanent bounds shall be installed at the limit of work as shown on the plan and demarcated on an As-built Plan required for a Certificate of Compliance. Alternatives to permanent bounds must be approved by Conservation Commission. This Condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance. Please refer to the attached plan prepared by J & P Engineering Services, Belchertown, MA, entitled: "MRT Development, Lot 29, Coldbrook Drive, Ware, MA, dated 28FEB21, stamped by Paul Campagna, Registered Sanitarian No 972., and dated 3/11/2021."

**\*Your Order of Conditions expires exactly three (3) years from the date of issuance.**

**In order to request an extension, you must submit the request in writing to the Conservation office AT LEAST 30 days prior to expiration. See General Condition #5 on page 5 of this Order.**

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

Provided by MassDEP:  
MassDEP File #:317-0471  
eDEP Transaction #:1276878  
City/Town:WARE

(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.

**G. Recording Information**

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

WARE  
Conservation Commission

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

To:

WARE  
Conservation Commission

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

12 COLDBROOK DRIVE (OLD LOT 29)  
Project Location

317-0471  
MassDEP File Number

Has been recorded at the Registry of Deeds of:

<u>County</u>	<u>Book</u>	<u>Page</u>
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for:

Property Owner TODDMARION

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

<u>Book</u>	<u>Page</u>
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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

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

Provided by MassDEP:  
MassDEP File #:317-0471  
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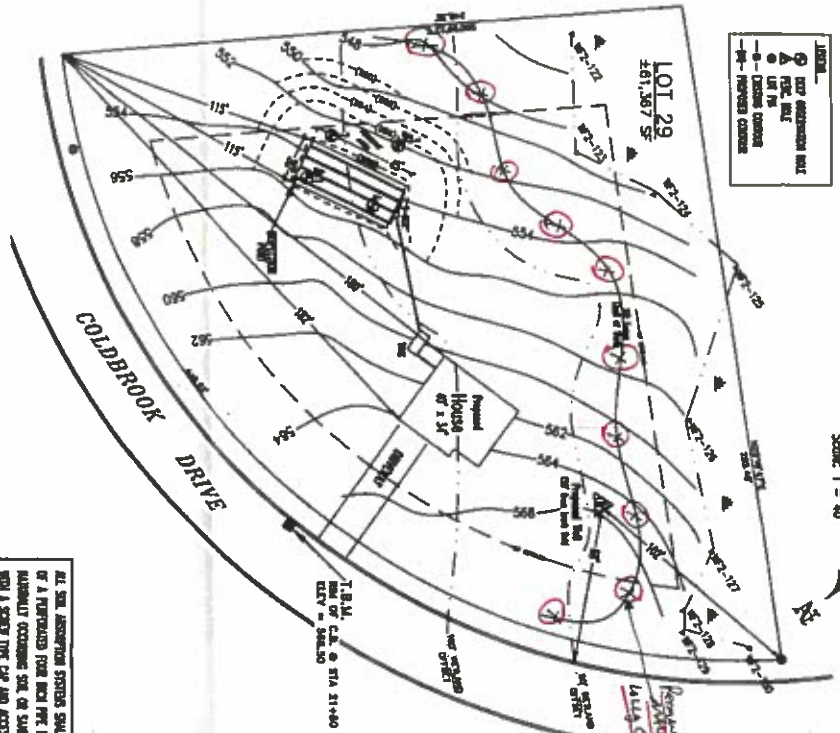
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Signature of Applicant

Rev. 4/1/2010

# SEPTIC SYSTEM LAYOUT

Scale: 1" = 40'



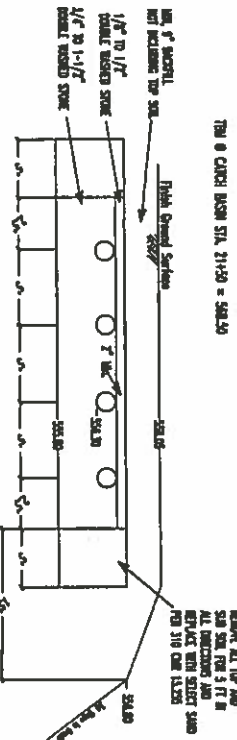
- 1" - 4" SANDSTONE BLOCK
- 2" - 4" PIPE
- 3" - 4" SANDSTONE BLOCK
- 4" - 8" SANDSTONE BLOCK
- 5" - 8" SANDSTONE BLOCK
- 6" - 8" SANDSTONE BLOCK
- 7" - 8" SANDSTONE BLOCK
- 8" - 8" SANDSTONE BLOCK
- 9" - 8" SANDSTONE BLOCK
- 10" - 8" SANDSTONE BLOCK
- 11" - 8" SANDSTONE BLOCK
- 12" - 8" SANDSTONE BLOCK
- 13" - 8" SANDSTONE BLOCK
- 14" - 8" SANDSTONE BLOCK
- 15" - 8" SANDSTONE BLOCK
- 16" - 8" SANDSTONE BLOCK
- 17" - 8" SANDSTONE BLOCK
- 18" - 8" SANDSTONE BLOCK
- 19" - 8" SANDSTONE BLOCK
- 20" - 8" SANDSTONE BLOCK

## NOTES

- 1) SPICE TANK SHALL HAVE HOLES AND GROUT BOX.
- 2) GROUT TO SHALL HAVE AN EXISTING TRENCH WITH AND 6" SAND BELOW GROUT BOX.
- 3) ACCESS MANHOLES TO SPICE TANK SHALL BE 3" DIA. GROUT PITS SHALL BE 18" DIA. AND 3' DEEP.
- 4) 20' DEEP IN PITS FOR NON-VENTER SPICES TRENCHES ARE TO BE COVERED WITH BRICKS.
- 5) NO OTHER TRENCHES OR MANHOLES.
- 6) ALL TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 7) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 8) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 9) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 10) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 11) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 12) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 13) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 14) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 15) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 16) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 17) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 18) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 19) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.
- 20) TRENCHES SHALL BE 18" WIDE AND 3' DEEP.

## CROSS SECTION OF LEACHING BED @ PIPE END

DO NOT SCALE



ESTIMATED AVERAGE DAILY FLOW BASED ON 1995 TITLE 5 REGULATIONS LEACHING SYSTEM IS TO CONSIST OF A 20 FT. X 45 FT. LEACHING BED, WITH 4 DISTRIBUTION LINES, WITH A MINIMUM OF 6 INCHES OF STONE THROUGHOUT BED.

DESIGN CALCULATIONS:

SOIL CLASS II -- 20 MGD./IN = 0.63 GAL./FT<sup>2</sup>

BOTTOM AREA: 20' x 45' = 900 FT<sup>2</sup>

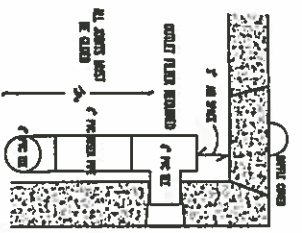
SIDE AREA: NOT ALLOWED IN BEDS

TOTAL = 900 FT<sup>2</sup> = 477 GALLONS CAPACITY

477 GAL. DESIGN > 440 GAL. REQUIRED

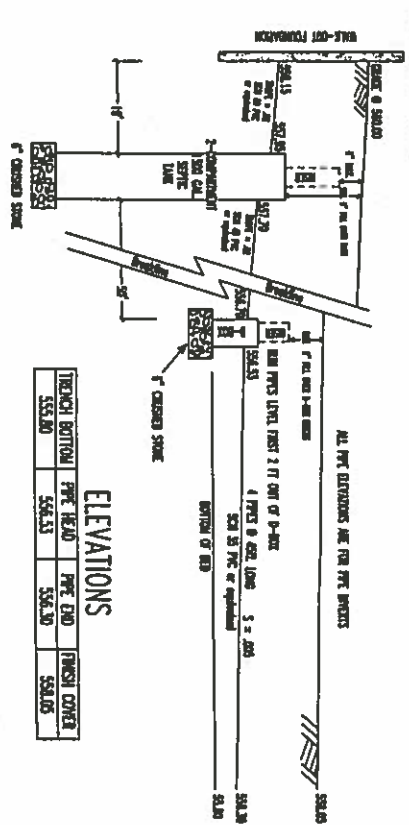
## GAS BAFFLE DETAIL

DO NOT SCALE



# SEPTIC SYSTEM PROFILE

Scale: 1" = 10'



TRENCH BOTTOM	PIPE HEAD	PIPE END	FINISH COVER
558.80	564.53	564.30	564.05

## SITUATION:

NEW CONSTRUCTION OF 545 AT LOT 29, COLDBROOK DRIVE.

4 BEDROOM DWELLING, NO GARAGE GRINDER.

PERC RATE AT HOLE 1 OF 20 MINUTES PER INCH. DOP = 44" TO BOTTOM

PERC TEST DATE: 09/29/13

BOARD OF HEALTH WITNESS: MATT BOW

SOIL EVALUATOR: NEIL JACKSON, CERTIFIED MAY, 1998

4 BEDROOMS @ 110 GAL. TOTAL = 440 GAL.

## DESIGN CALCULATIONS:

ESTIMATED AVERAGE DAILY FLOW BASED ON 1995 TITLE 5 REGULATIONS LEACHING SYSTEM IS TO CONSIST OF A 20 FT. X 45 FT. LEACHING BED, WITH 4 DISTRIBUTION LINES, WITH A MINIMUM OF 6 INCHES OF STONE THROUGHOUT BED.

DESIGN CALCULATIONS:

SOIL CLASS II -- 20 MGD./IN = 0.63 GAL./FT<sup>2</sup>

BOTTOM AREA: 20' x 45' = 900 FT<sup>2</sup>

SIDE AREA: NOT ALLOWED IN BEDS

TOTAL = 900 FT<sup>2</sup> = 477 GALLONS CAPACITY

477 GAL. DESIGN > 440 GAL. REQUIRED

SYSTEM TO BE CONSTRUCTED IN COMPLIANCE WITH 310 CMR 15.000

## MRT DEVELOPMENT

SCALE	DRAWING REVISION	DESIGNED BY
AS NOTED	MRT-Coldbrook 29.dwg	NMJ
DATE: 28FEB21		HOP
APPROVED BY:		

Lot 29, Coldbrook Drive  
Ware, MA

SCALE: 1" = 10'

VERT. 1" = 2'

Red Seal  
Original  
SEP 27 9:11 Final Approved from 1/1/12  
3/1/2021