

Hampshire County Registry of Deeds
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Hampshire County Registry of Deeds
Mary Olberding, Register
60 Railroad Avenue
Northampton, MA 01060
413-584-3637
www.Masslandrecords.com

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 #:317-0477
 eDEP Transaction #:1345514
 City/Town:WARE

A. General Information

1. Conservation Commission WARE
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
- a. First Name RICHARD b. Last Name BARRY
- c. Organization MINUTEMAN FARM, LLC
- d. Mailing Address 18 MAIN STREET, SUITE 203
- e. City/Town TOWNSEND f. State MA g. Zip Code 01469
4. Property Owner
- a. First Name RICHARD b. Last Name BARRY
- c. Organization MINUTEMAN FARM, LLC
- d. Mailing Address 18 MAIN STREET, SUITE 203
- e. City/Town TOWNSEND f. State MA g. Zip Code 01469
5. Project Location
- a. Street Address EAST MAIN STREET
- b. City/Town WARE c. Zip Code 01082
- d. Assessors 57 e. Parcel/Lot# 114-1
- Map/Plat#
- f. Latitude 42.25842N g. Longitude 72.23553W
6. Property recorded at the Registry of Deed for:
- | a. County | b. Certificate | c. Book | d. Page |
|-----------|----------------|---------|---------|
| HAMPSHIRE | | 14057 | 167 |
7. Dates
- a. Date NOI Filed : 7/7/2021 b. Date Public Hearing Closed: 1/26/2022 c. Date Of Issuance: 2/11/2022

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:
SITE PLAN IN THE WARE MILL YARD PREPARED FOR MINUTEMAN FARM LLC.	R.H. LEMAITRE	ROBERT LEMAITRE, PE, PLS	Final Revision Nov. 15, 2021	1"=20'
PLANTING PLAN PREPARED FOR MINUTEMAN FARM LLC	R.H. LEMAITRE	ROBERT LEMAITRE, PE, PLS	Dec. 6, 2021	1"=20'
NOTICE OF INTENT APPLICATION (REVISED)	KEVIN B. BROOKS	MANY SPRINGS FARM ENVIRONMENTAL CONSULTANTS	Updated Nov. 22, 2021	

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SUPPORTING DOCUMENT PACKAGE INCLUDING: - INCREMENTAL FLOOD STORAGE VOLUME AT SITE OF THE FORMER MILL 5 IN THE WARE MILL YARD REPORT; - INFILTRATION DRAW DOWN CALCULATIONS REPORT; - STORMWATER STANDARD REPORT; - STORMWATER MANAGEMENT REPORT; -SWPPP REPORT -LONG TERM PPP REPORT (AMENDED 12/1/21) -2010 SOIL LOGS REPORT -SEWAGE PUMP CATALOG CUTS DOC; - NORTHEAST REGIONAL CLIMATE CENTER TABLE DOC.;- RUNOFF CALCULATIONS REPORT; PLANTING PLAN REPORT PREPARED FOR MINUTEMAN FARM, LLC

R.H. LEMAITRE
R.H. LEMAITRE

ROBERT LEMAITRE, PE, PLS
ROBERT LEMAITRE, PE, PLS

Received November 22, 2021
Received December 7, 2021

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

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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 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). _____ 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	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	7700		13930	

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	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	<u>-24354</u>	<u>-24354</u>	<u>43551</u>	<u>43551</u>
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
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 checked="" type="checkbox"/> Riverfront Area	<u>34374</u>	<u>34374</u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u>29506</u>	<u>29506</u>		
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>4868</u>	<u>4868</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. <input type="checkbox"/> 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. <input type="checkbox"/> 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

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

c. c/y dredged d. c/y dredged

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.

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9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
- " Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "317-0477"
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

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erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *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")

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upon request; and

3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

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

Special Conditions:

SEE "ORDER OF CONDITIONS - DEP FILE # 317-0477, MINUTEMAN FARM, LLC, EAST MAIN STREET, WARE, MA 01082, PARCEL 57-114-1, PROPOSED REDEVELOPMENT, CONSTRUCTION OF A 7,700 SQ FT BUILDING WITH ASSOCIATED PARKING AND LANDSCAPING (SPECIAL CONDITIONS)"

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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 (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:

Order of Conditions - DEP File # 317-0477
 Minuteman Farm, LLC, East Main Street, Ware, MA 01082
 Parcel 57-114-1
 Proposed Redevelopment
 Construction of a 7,700 sq ft building with associated parking and landscaping

Findings:

The Commission accepts the Applicant's claim the project is exempt from the 310 CMR 10.58 Riverfront section of the Massachusetts Wetlands Regulations as an Historic Mill Complex per 310 CMR 10.58 (6)(k). Per 310 CMR 10.04, *"an Historic Mill Complex means the mill complexes in, but not limited to, Holyoke, Taunton, Fitchburg, Haverhill, Methuen, and Medford in existence prior to 1946 and situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on August 7, 1996. An historic mill complex also means any historic mill included on the Massachusetts Register of Historic Places. An historic mill complex includes only the footprint of the area that is or was occupied by interrelated buildings (manufacturing buildings, housing, utilities, parking areas, and driveways) constructed before and existing after 1946, used for any type of manufacturing or mechanical processing and including associated structures to provide water for processing, to generate waterpower, or for water transportation."* The Applicant has provided information demonstrating the mill building on the subject property did exist prior to August 7, 1946, with the submission of a map of Ware from 1873 showing the mill building existing at that time. Additionally, the applicant submitted a plan recorded at the Registry of Deeds from 1979 showing the footprint of the building. The Applicant provided an overlay of the prior building and impervious areas, as the Historic Mill Complex status extends to parking areas and driveways existing prior to August 7, 1946, providing evidence verifying the existence of the pavement and concrete areas on site in 1996. The Applicant provided the Ware Fire Department reports showing the date of the fire that destroyed the building being September 2, 1996, demonstrating that the building structure existed on August 7, 1996. The proposed project plans demonstrate the proposed improvements are coincident with prior building footprint and prior paved areas and all excess concrete and pavement will be removed resulting in a decrease of impervious area and a revegetation of the riverfront to the extent practicable.

SPECIAL CONDITIONS - APPENDIX A**21. Administration:**

- a. A full copy of this Order shall be always on-site 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.
- e. The work shall conform to the following plans and documents, unless otherwise specified in this Order:
 1. Notice of Intent (NOI) filed by Kevin B. Brooks, Many Springs Farm Environmental Consultants, for Minuteman Farm, LLC, received by the Conservation Commission (Commission) on July 6, 2021, with a revised NOI received by the Commission on November 22, 2021.
 2. Plan set entitled "Site Plan in the Ware Mill Yard prepared for Minuteman Farm LLC", sheets 1-5, dated March 30, 2021, last revision date November 15, 2021, with sheet 6 (Planting Plan), dated December 6, 2021, prepared by R. H. LeMaitre, stamp and signed by Robert LeMaitre, PE, PLS.

3. Incremental Flood Storage Volume at Site of the Former Mill 5 in the Ware Mill Yard report, Infiltration Draw Down Calculations report, Stormwater Standard report, Stormwater Management report, Stormwater Pollution Prevention Plan report, Long Term Pollution Prevention Plan report (amended 12/1/21), 2010 Soil Logs report, Sewage Pump Catalog Cuts documents, Northeast Regional Climate Center Table documents, Runoff Calculations report, prepared for Minuteman Farm, LLC, received by the Commission on November 22, 2021.
4. Planting Plan report prepared for Minuteman Farm, LLC, received by the Commission on December 7, 2021.

22. Pre-Construction Activities:

- a. The *Recording Information* page (the last page) provided with this Order shall be completed and stamped at the Hampshire County Registry of Deeds prior to the start of work and a copy furnished to the Ware Conservation Commission.
- b. Prior to the commencement of any work on site, and in compliance with Condition 10, a sign shall be displayed showing the DEP File Number. This sign shall not be posted on a live tree. It shall be maintained until a Certificate of Compliance Certificate is issued.
- c. 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.
- d. After erosion control measures are installed and prior to the start of construction, the applicant shall request a site inspection from the Conservation Agent to verify control measures are installed properly.

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 reinforced 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.

24. Construction Management:

- a. All equipment shall be operated, parked, and maintained 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. Invasive Species Management:

- a. The applicant shall contract with a landscape contractor familiar with invasive species management to remove invasive plant species listed on the latest Invasive Plant List prepared by Massachusetts Invasive Plant Advisory Group (MIPAG).
- b. An Invasive Plant Removal Plan shall be prepared and presented to the Ware Conservation Agent for review.
- c. Invasive removal shall occur during two (2) additional growing seasons after the first removal.
- d. The applicant shall request a site inspection from the Conservation Agent after the second growing season to ensure proper removal.

26. 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 runoff.
- 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.
- e. After completion of construction, the applicant shall submit the following to the WCC:
 - 1. A completed Request for Certificate of Compliance - WPA Form 8A
 - 2. A letter from a Registered Professional Engineer certifying compliance with the Order of Conditions detailing any deviation that exist and their potential effect on the project. A statement that work is in "substantial compliance" with no detailing of deviation will not be accepted.
 - 3. An As-Built Plan stamped and signed by a Registered Professional Engineer or Land Surveyor showing post-construction conditions including elevations, a tabular summary of the incremental volume impact to Bordering Land Subject to Flooding (BLSF), confirmation of removal of impervious surfaces and plantings within the restored riverfront areas.
 - 4. A summary of the Invasive Plant Removal operation.

27. Perpetual Conditions:

- a. Annual Reports confirming compliance with the Stormwater Operation and Maintenance Plan shall be submitted to the Ware Conservation Commission.
- b. No additional alteration within the Riverfront Area shall occur without the filing of a new Notice of Intent to the Ware Conservation Commission.
- c. All plantings are to be maintained for the life of the project. Any plantings that die during the lifetime of the project shall be replaced with a species of equal size at the time of death and quality unless, in the opinion of the Conservation Agent, an alternative option is deemed sufficient. Refer to Plan Page 6 of the approved set of plans listed below.
- d. The existing monitoring wells on site shall be maintained. The contractor can reestablish the well heads after removal of the concrete and pavement or in the worst case pay for new wells to be installed if damaged beyond repair. The latter would require input from the environmental engineer that specified their original installation.



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:
317-0477
MassDEP File #
1345514
eDEP Transaction #
Ware
City/Town

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.

February 11, 2022

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.

4

2. Number of Signers

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

Applicant: Minuteman Farm LLC, East Main Street, Ware, MA, Parcel 57-114-1

[Signature]
Signature

Mark Swett
Printed Name

[Signature]
Signature

Peter Topor
Printed Name

[Signature]
Signature

Dennis COTE
Printed Name

[Signature]
Signature

Kristin Rosenbeck
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

February 14, 2022
Date

Date

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:317-0477

eDEP Transaction #:1345514

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:

EAST MAIN STREET

Project Location

317-0477

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner RICHARD BARRY

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:

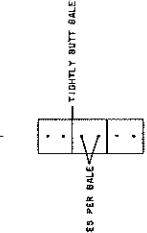
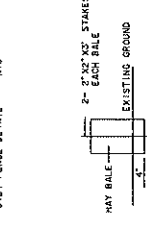
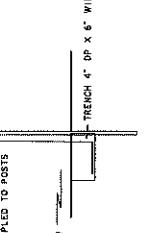
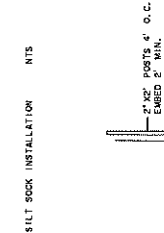
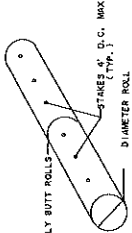
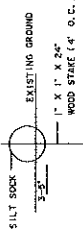
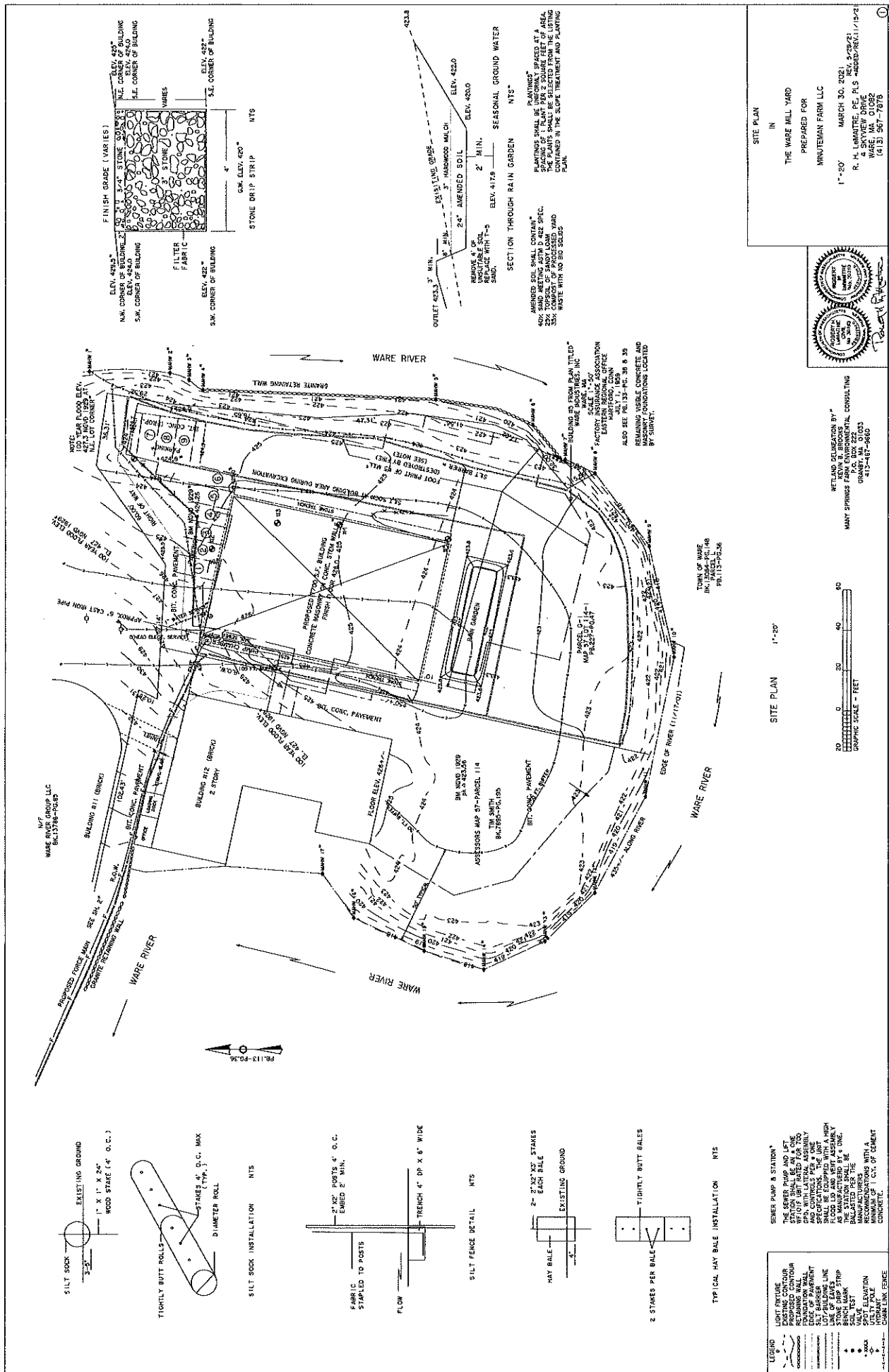
Document Number

□ **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 #:317-0477
eDEP Transaction #:1345514
City/Town:WARE

Signature of Applicant

Rev. 4/1/2010



LEGEND

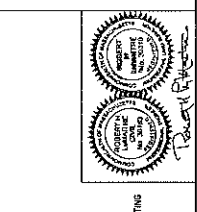
- Light outline: PROPOSED CONTOUR
- Medium outline: REMAINING WALL
- Dark outline: EDGE OF PAVEMENT
- Stippled area: LOT BUILDING LINE
- Circle with dot: BRUSH MARK
- Circle with cross: VALVE
- Circle with triangle: UTILITY
- Circle with square: CONCRETE

SEWER PUMP & STATION

STATION SHALL BE AS SHOWN ON THE PROPOSED CONTOUR. THE STATION SHALL BE 4\"/>

SITE PLAN
IN
THE WARE MILL YARD
PREPARED FOR
MINUTEMAN FARM LLC

1"=20'
MARCH 30, 2021
R. H. LAMONTAGNE, P.E., P.L.S. REV. 5-29-21
MINUTEMAN FARM LLC
WARE, MA 01092
(413) 967-7878



WETLAND DELINEATION BY
MANY SPRINGS FARM ENVIRONMENTAL CONSULTING
COUNTY MAP 01033
413-487-8660

TOWN OF WARE
BKG. PARCEL # 146
PB. 113-PL236

AMENDED SOIL SHALL CONTAIN:
40% SAND (ASTM D 422 SPEC.)
50% SILT (ASTM D 422 SPEC.)
10% CLAY (ASTM D 422 SPEC.)
THE PLANTS SHALL BE SELECTED FROM THE LISTING
AND PLANTED IN THE SLOPE TREATMENT AND PLANTING
PLAN.
WASTE WITH NO SOIL SOLID

SECTION THROUGH RAIN GARDEN
NTS

REMOVE 4\"/>

2\"/>

ELEV. 417.8
ELEV. 420.0
ELEV. 422.0

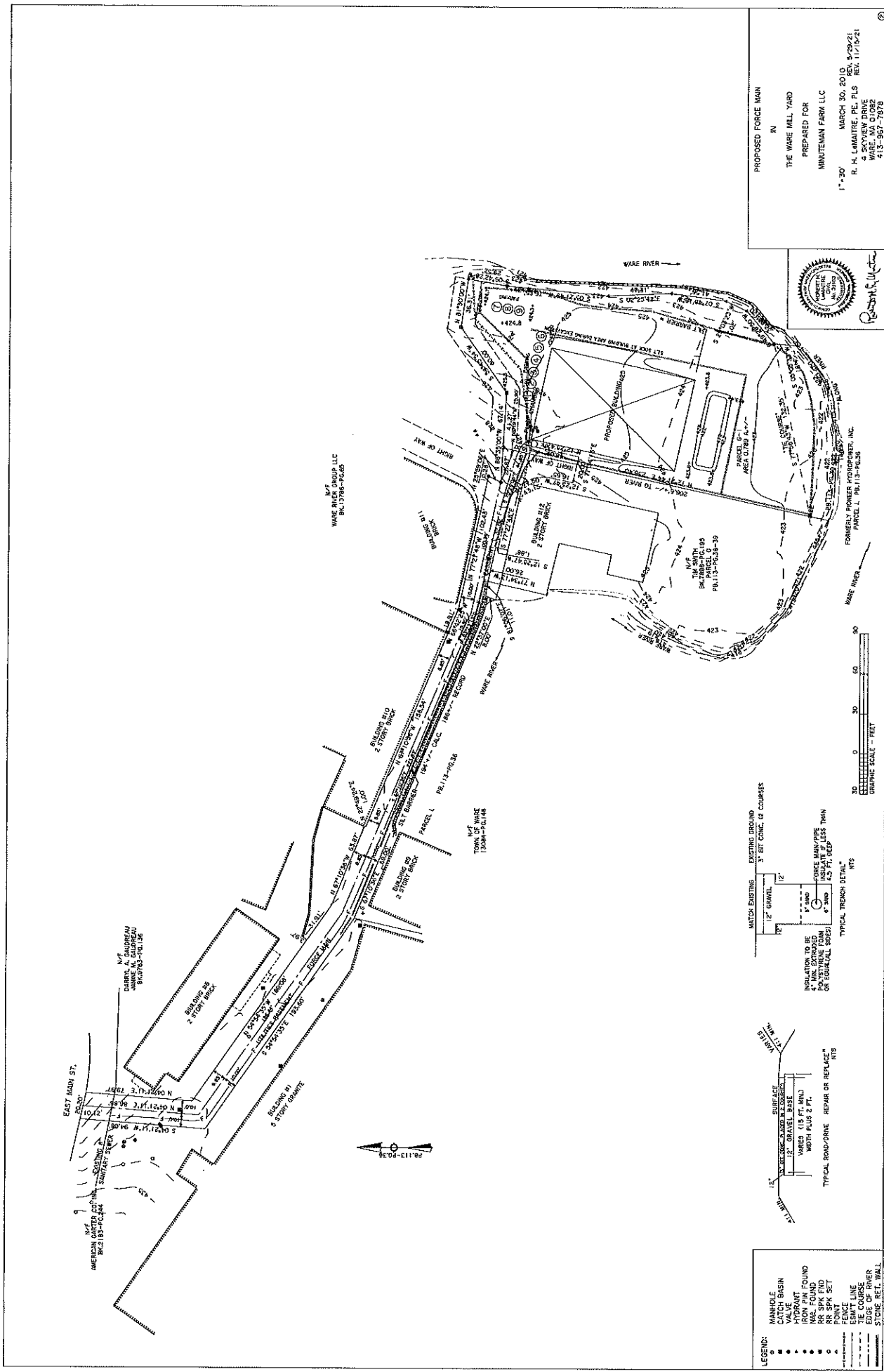
FINISH GRADE (VARIES)
ELEV. 420.0
N.W. CORNER OF BUILDING
S.W. CORNER OF BUILDING
ELEV. 422\"/>

STONE DRIP STRIP
4\"/>

STONE
FILTER
PAVING
FINISH

100 YEAR FLOOD ELEV.
N.W. CORNER OF BUILDING
N.E. CORNER OF BUILDING
S.W. CORNER OF BUILDING
S.E. CORNER OF BUILDING

Approved Plans 01032022 - DEP 317-0477

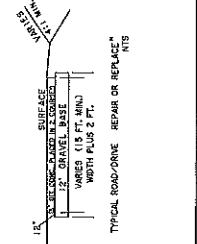
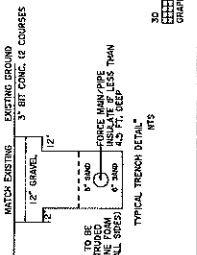


PROPOSED FORCE MAIN
IN
THE WARE MILL YARD
PREPARED FOR
MINKITEMAN FARM LLC
R. H. LAMAITRE, PE, PLS
4 SKYVIEW DRIVE
WARE, MA 01082
1" = 30'
MARCH 30, 2010
REV. 5/29/21
REV. 1/17/24

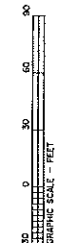
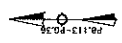


Robert R. Lamaitre

Approved Plans 01/26/2022 - DEP 917-9477

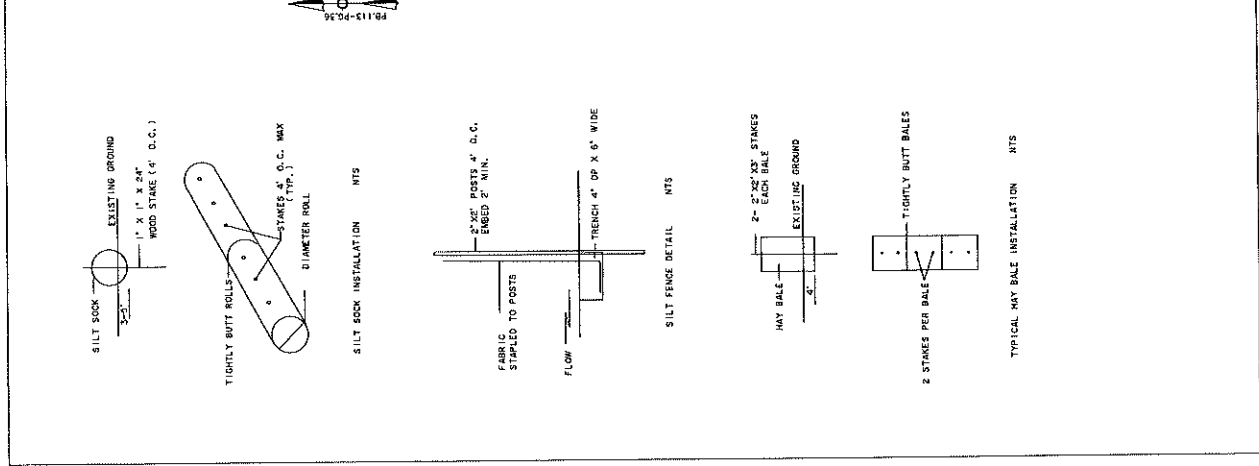
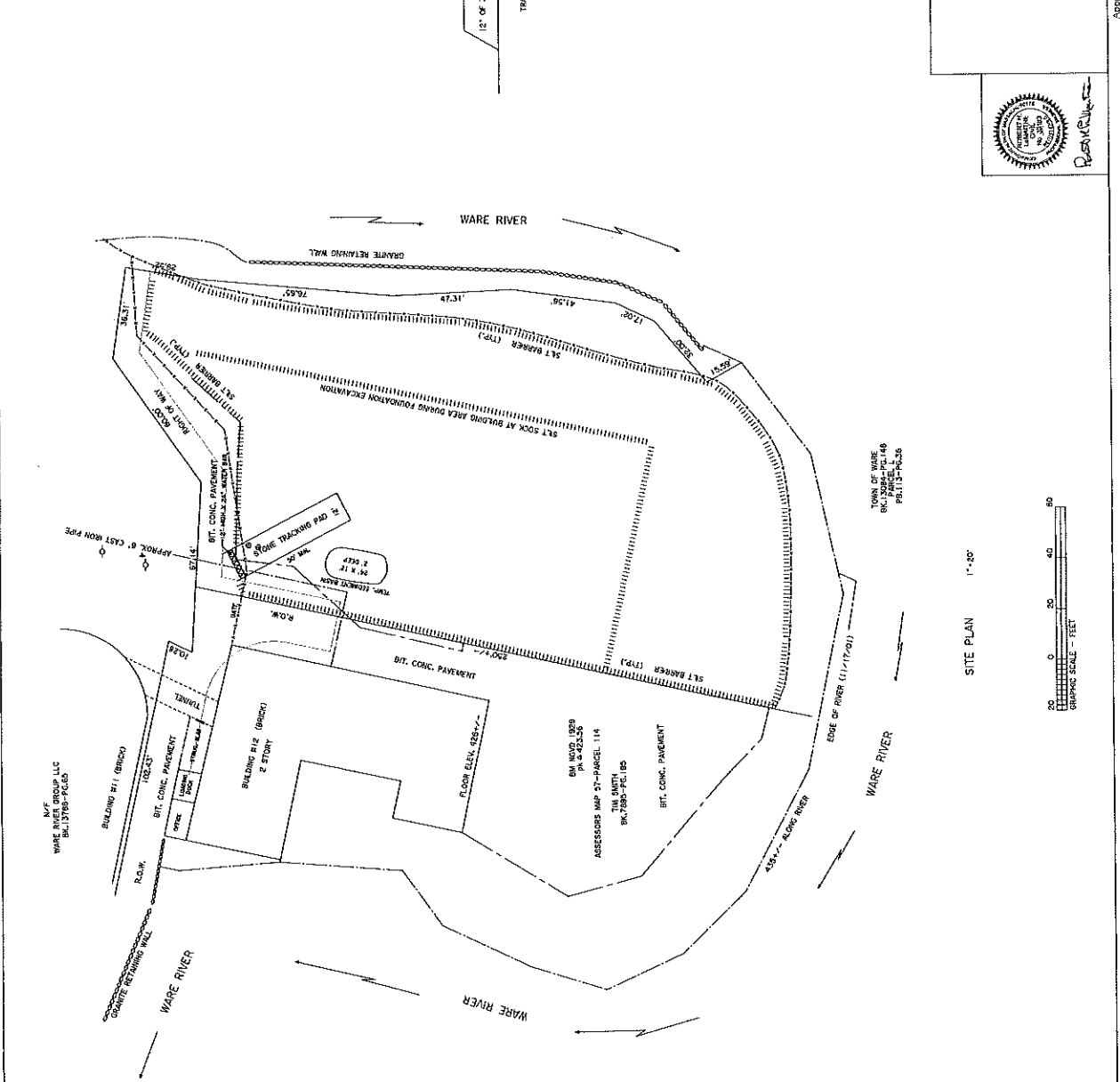


- LEGEND:
- MANHOLE
 - BURN
 - VALVE
 - HYDRANT
 - IRON PIN FOUND
 - RR SPX FID
 - RR SPX SET
 - FENCE LINE
 - EMBANKMENT
 - 12\"/>



SEDIMENT BASIN SHALL BE MONITORED AFTER EACH STORM EVENT AND CLEANED AS NEEDED. OTHER STORM CATCHERS AND OTHER STORM COLLECTION DEVICES SHALL BE PROVIDED AS NECESSARY TO PREVENT SILTATION AND CREEPS THROUGH.

NOTE: THE CONTRACTOR MAY TRACKING PAD FOR PERFORMING THE UNIT MUST HAVE AN MINIMUM 30" AND BE PROVEN TO BE DURABLE.



EROSION CONTROL PLAN
IN
THE WARE MILL YARD
PREPARED FOR
MINUTEMAN FARM LLC
1" x 20" NOVEMBER 15, 2021
R. H. LEMAITRE, P.E., PLS
4 SOUTHWEST DRIVE
DUNN, MISSISSIPPI 39024
(601) 967-7878



Approved Plans 01/25/2022 - DEP-317-0477

SITE PLAN 1" = 20'

