



Town of Sutton
Planning Department
4 Uxbridge Road
Sutton, Massachusetts 01590
508-865-8729
<https://www.suttonma.org/planning-board>

APPLICATION FOR SPECIAL PERMIT (III.A. OR VI)

APPLICANT & PROPERTY OWNER INFORMATION

NAME Matthew Kaliszewski
STREET 90 Armsby Rd. CITY/TOWN Sutton
STATE MA ZIP 01590 PHONE 508-728-3361 EMAIL Kaliszewskim@gmail.com

NAME, ADDRESS & CONTACT INFO OF PROPERTY OWNER (if different from Applicant)

SITE INFORMATION:

STREET AND NUMBER 90 Armsby Rd.
ZONING DISTRICT R-1 ASSESSOR'S MAP 17 LOT #(S) 79 DEED INFO BOOK 67877 PAGE 267
LOT SIZE 1.84 ac FRONTAGE 251.25
CURRENT USE Single family residence

PROJECT/PLAN INFORMATION:

PLAN TITLE Proposed Garage Conservation Site Plan - 90 Armsby Rd
PREPARED BY (name/address/contact info) Margaret Bacon, Allen Engineering, 508-381-3212 x 110
margaret@allen-ea.com
DATE PREPARED 4/3/2023 REVISION DATE(S) 5/16/2023, 6/5/2023
APPLICABLE SPECIAL PERMIT SECTION (Select from III.A. Use Table or VI.) V.A.

ATTACH PROJECT DESCRIPTION

APPLICANT'S SIGNATURE Matthew Kaliszewski DATE 8/4/2023
PROPERTY OWNER'S SIGNATURE (if not Applicant) _____ DATE _____

PROJECT DESCRIPTION

Requesting to build a detached, two car garage in a previously disturbed area. Proposed activity is within 200' Riverfront area and Zone A Flood Zone.

Per the plan, garage would be built with flood vents in the foundation to allow water to flow through the garage in the event of a 100 year flood. Flood Plain Calculations on the plan show a negligible impact the water level in the event of a 100 year flood.

Sutton Conservation Commission issued an Order of Conditions on June 16, 2023. This was filed with the Registry of Deeds in Book 69288, Page 130 on 6/22/2023.



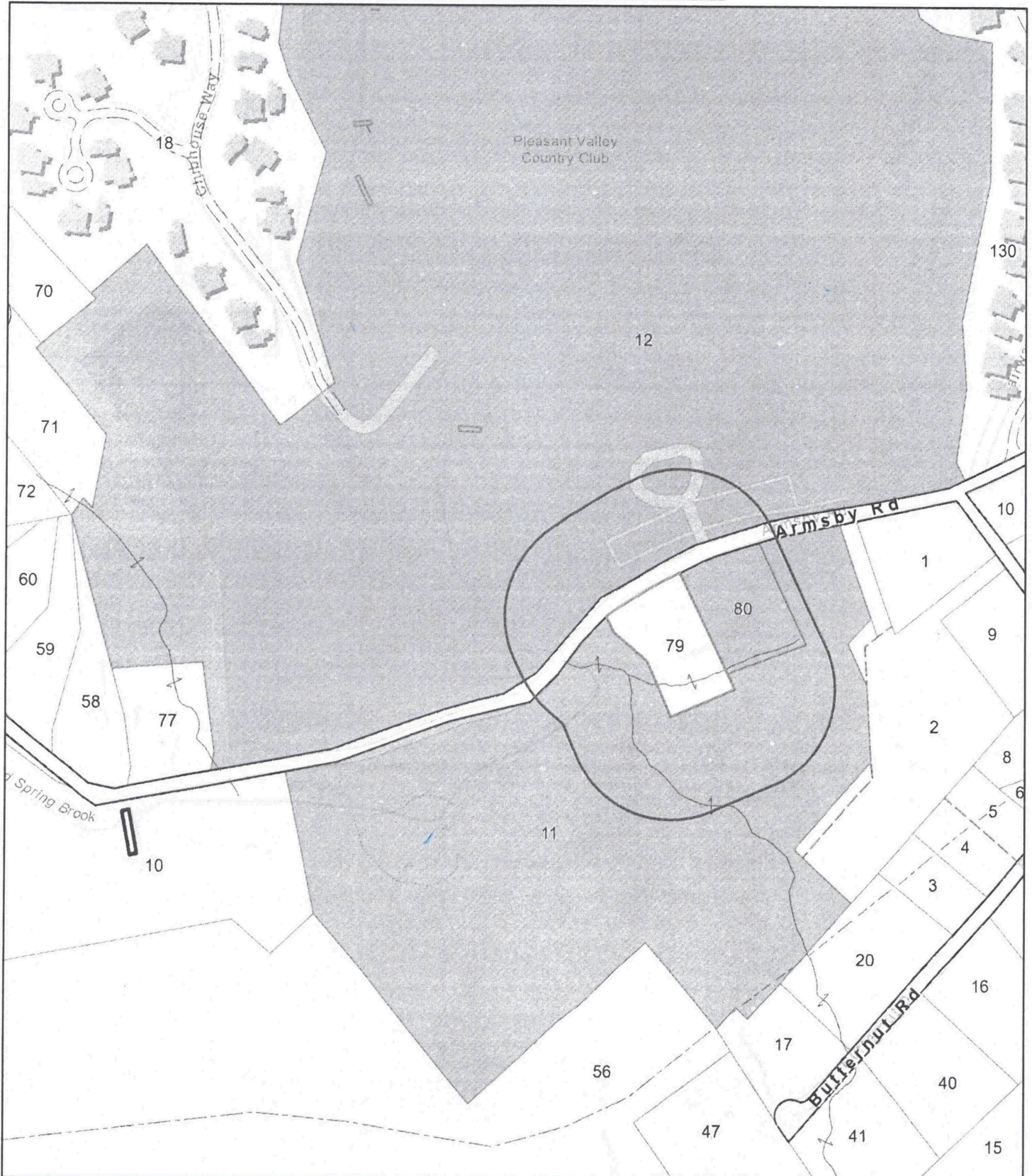
Town of Sutton, MA

1 inch = 400 Feet



www.cai-tech.com

March 21, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

90 Armsby Road – Sutton MA

Avoidance and Minimization Requirement under the Sutton Wetlands Protection Bylaw

Pursuant to Section 12-5(B) of the Sutton Wetlands Protection Bylaw (Bylaw), applicants must satisfactorily demonstrate to the Commission in the form of a written narrative that all probable impacts to Wetland Resource Area's (WRA), their Adjacent Upland Resource Area's (AURA), and stated Public Interests have been avoided to the maximum extent possible. The written narrative must describe what steps were taken to avoid impacts to WRA's and their AURA's. Narratives should be comprised of three parts: 1) Existing Conditions; 2) Proposed Conditions with description of specific Impacts to WRA's; and 3) Mitigation to comply with the Bylaw if impacts cannot be avoided. At a minimum, applicants must consider and address the following:

1) Impact Avoidance

a) Whether the primary proposed activity is water-dependent or whether it requires access to wetland WRA's and/or their AURA's as a central element of its primary purpose (e.g., a dock or pier); **The proposed construction activities are not water dependent. To minimize areas of disturbance and impervious areas, the proposed garage location has been designed in a previously disturbed area.**

b) Whether any areas within the same property or other properties owned or controlled by the applicant could be used to achieve the project purpose without altering the natural character of any WRA's or their AURA's; **Due to existing topography and various wetland resource areas that inhabit about 50% of this parcel, there are no other practicable locations that could accommodate a garage.**

c) Whether any other properties reasonably available to, but not currently owned or controlled by the applicant could be used to achieve the project purpose while avoiding WRA and/or AURA alterations. A property is reasonably available if, in whole or in part, it can be acquired without excessive cost, taking individual circumstances into account, or, in the case of property owned or controlled by the same entity, group of affiliated entities, or local, state or federal government, may be obtained without excessive hardship; **The Applicant does not have any reasonable access to any adjoining parcels that could be used for the proposed garage that would be outside the Riverfront Area and Flood Plain.**

d) Whether alternative designs, layouts or technologies could be used to avoid WRA's or their AURA's, or impacts to the stated Public Interests on subject property or whether the project purpose could be achieved on other property that is reasonably available and would avoid WRA's or their AURA's; **There are minimal areas on this lot that would be outside any Bufferzone, Flood Plain or Riverfront area. Access through adjoining parcels is not an option.**

e) Whether the applicant has made any attempts (and if so what they were) to avoid alterations to WRA's and their AURA's by overcoming or removing constraints imposed by zoning, infrastructure, parcel size or the like; **Access through adjoining parcels is not an option.**

f) Whether the feasible alternatives that would not alter the natural character of any WRA or AURA on the subject property or on property that is reasonably available, if incorporated into the proposed project, would adversely affect the stated Public Interests of the Bylaw. **There are no other feasible alternatives that would minimize impacts. The preferred location would be considered a disturbed area, that accommodates parking now.**

2) Impact Minimization: For any impact to WRA's or their AURA's that cannot be avoided, the applicant must satisfactorily demonstrate to the Commission in the written narrative that the impacts to any WRA or AURA's functions and values have been reduced to the maximum extent possible. At a minimum, applicants must consider and address the following issues:

a) Whether the proposed project is necessary at the proposed scale or whether the scale of the activity or alteration could be reduced and still achieve the project purpose; **The Applicant is requesting to build a small two-car garage in a previously disturbed area that area. This is allowed per zoning.**

b) Whether the proposed project is necessary at the proposed location or whether another location within the site could achieve the project purpose while resulting in less impact to the WRA's and their AURA's; **The location for the proposed garage and driveway are the most practicable and least intrusive of all alternatives considered. Due to topography, zoning requirements and to minimize impacts to the Riverfront area the preferred location was chosen in an effort to minimize areas of disturbance and impervious areas.**

c) Whether there are feasible alternative designs, layouts, densities or technologies, that would result in less impact to the WRA's and their AURA's while still achieving the project purpose; and

It is our opinion that there are no other economically feasible alternatives that would result in less impact to the Riverfront Area.

d) Whether reduction in the scale or relocation of the proposed project to minimize impact, along with appropriate mitigation, will keep the proposed project in compliance with the Bylaw. **It is our opinion, on this lot, that there are no other economically feasible alternatives, than what is proposed or locations that would result in less impact to the Riverfront Area.**

3) Mitigation for Unavoidable Impacts: For impacts to WRA's that cannot be avoided, mitigation is required to offset impacts that may be deemed as Adverse per Section 12-3 of the Bylaw. The term Adverse is defined as: "In the context of Impact: in the opinion of the Conservation Commission, an Activity or Alteration to a Resource Area which, by its area, scope, or duration appears to represent more than a minimal change (i.e. Significant) to the characteristics, Functions or Values to the stated Public Interests." The Conservation Commission does not dictate the extent or form mitigation must be. It is up to the applicant to propose in what form and extent mitigation will be. The Commission will review each proposal on a site-specific, case-by-case basis. Notwithstanding the above, and as a general guide, the following forms of mitigation have been accepted by the Commission in the past:

- Invasive species eradication (requires a general mapping of invasives on-site);
- Cleanup of junk (requires a general mapping);
- Permanent Conservation Restriction(s);
- Creation of permanent, vegetated buffers where lawn exists, especially next to waterbodies & waterways;
- Infiltration of stormwater before reaching a WRA or AURA (infiltrate all stormwater within LOD);
- General water quality improvement projects;
- Wildlife Habitat preservation and/or enhancements;
- Combination of the above

Clean up junk / debris that is within the Riverfront Area on this parcel.

4) Requirements at Limit of Disturbance: Mostly referring to the permanent Limit of Disturbance (LOD), the Conservation Commission requires some form of permanent marker to memorialize, on-site, what has been approved on the plan-of-record. The following is *required* in every instance:

- Conservation signage \pm 50' and where there is a turn in the LOD;

**90 ARMSBY ROAD, SUTTON MA
NOI - PROPOSED GARAGE**

**TOWN OF SUTTON'S BYLAW
SECTION 7.9 ALTERNATIVE ANALYSIS**

Evaluation of Alternatives- *“Practical alternatives to locate the project outside these areas must be investigated and shall one or more prove feasible the plan must be amended to relocate or redesign such activities accordingly.”*

Practicable and Substantially Equivalent Economic Alternatives

The existing residential lot consists of 1.84 Ac +/- (80,176 sf +/-) lawn area, forested uplands and wetlands. Almost half of the parcel, 32,000 sf, would be considered a wetland resource area (AURA, Riverfront and estimated Flood Plain). The proposed activities include construction of a two car garage in an existing disturbed area. The proposed garage is in an area that is currently used for parking. All of the proposed activities are within the outer 200' Riverfront Area.

Approximate construction impacts to Resource Areas include:

0-50' Buffer Zone	0 SF
50'-100' Buffer Zone (AURA)	0 SF
0-100' Riverfront Area	0 SF
100'-200' Riverfront Area	1,032 SF +/-
Estimated 100 Year Flood	1,032 SF +/-

Preferred Alternative

The preferred alternative is in a previously disturbed area. The area currently has a gravel drive and some paved areas. Most of the vegetation in this area that will be impacted due to this project is a relatively young growth (white pines). Due to site constraints and to minimize impacts to wetland resource areas, the preferred alternative is the only practicable location for a garage.

No Build Alternative

This alternative would not fit the needs of the owner. They currently use the proposed garage area now for parking.

Other Alternatives

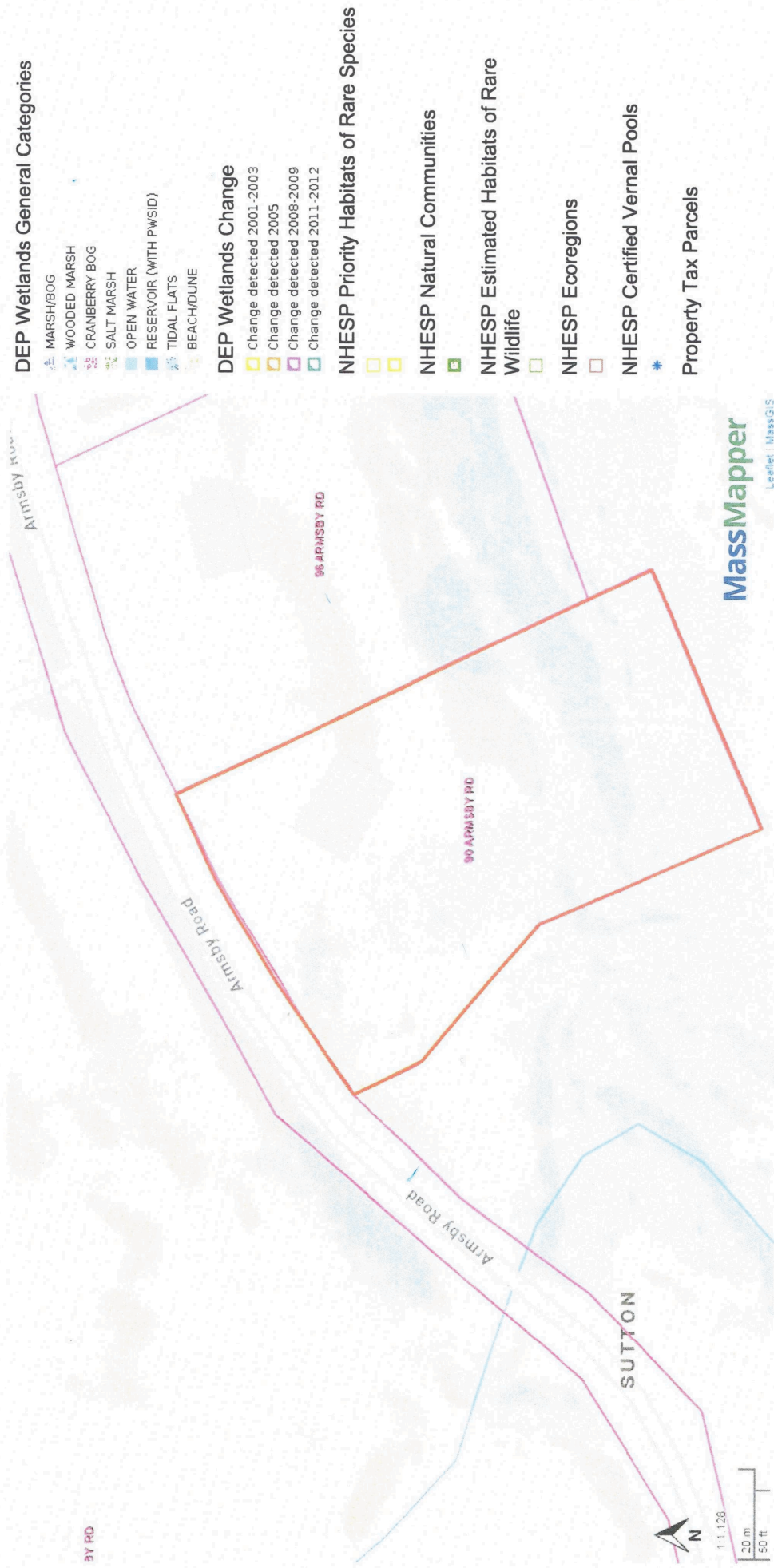
The areas adjacent to the house, and outside of the resource areas are not practicable for a garage. Due to zoning requirements, topography and the existing septic system location, a garage adjacent to the house's driveway is not feasible. The preferred alternative is the only practicable alternative for this parcel. Due to site constraints, topography, zoning and wetlands there is no other practicable alternative suitable and economically feasible on this parcel that could accommodate a garage and minimize impacts to the Riverfront Area.

NOTICE OF INTENT
LOCUS

90 ARMSBY RD
SUTTON, MA



90 Armsby Road Sutton, Ma



National Flood Hazard Layer FIRMette



71°44'30"W 42°59'12"N



71°43'53"W 42°58'46"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
Zone
- Future Conditions 1% Annual Chance Flood Hazard
Zone X
- Area with Reduced Flood Risk due to Levee. See Notes.
Zone X
- Area with Flood Risk due to Levee
Zone E

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard
Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard
Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

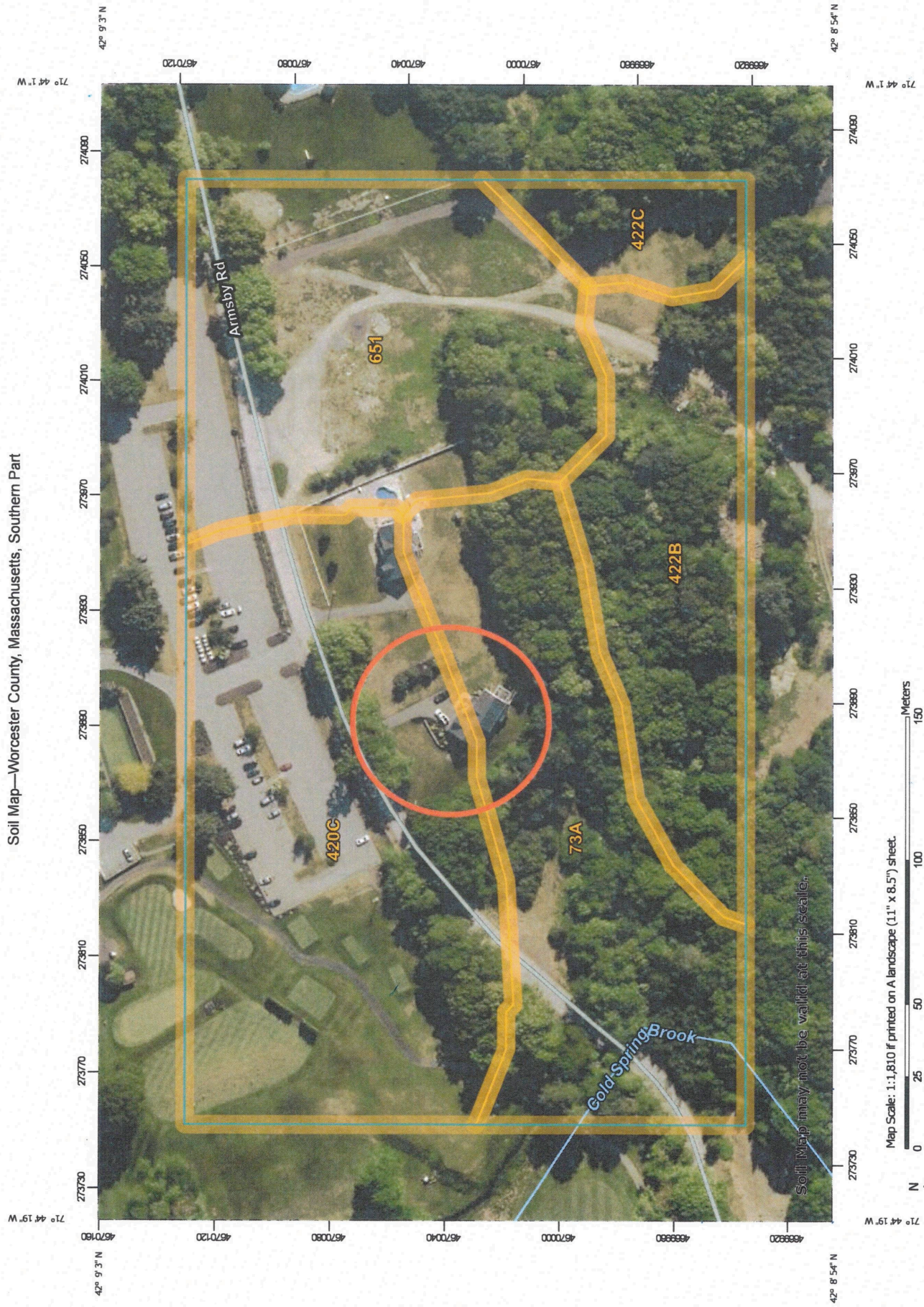
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/5/2022 at 9:06 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Soil Map—Worcester County, Massachusetts, Southern Part

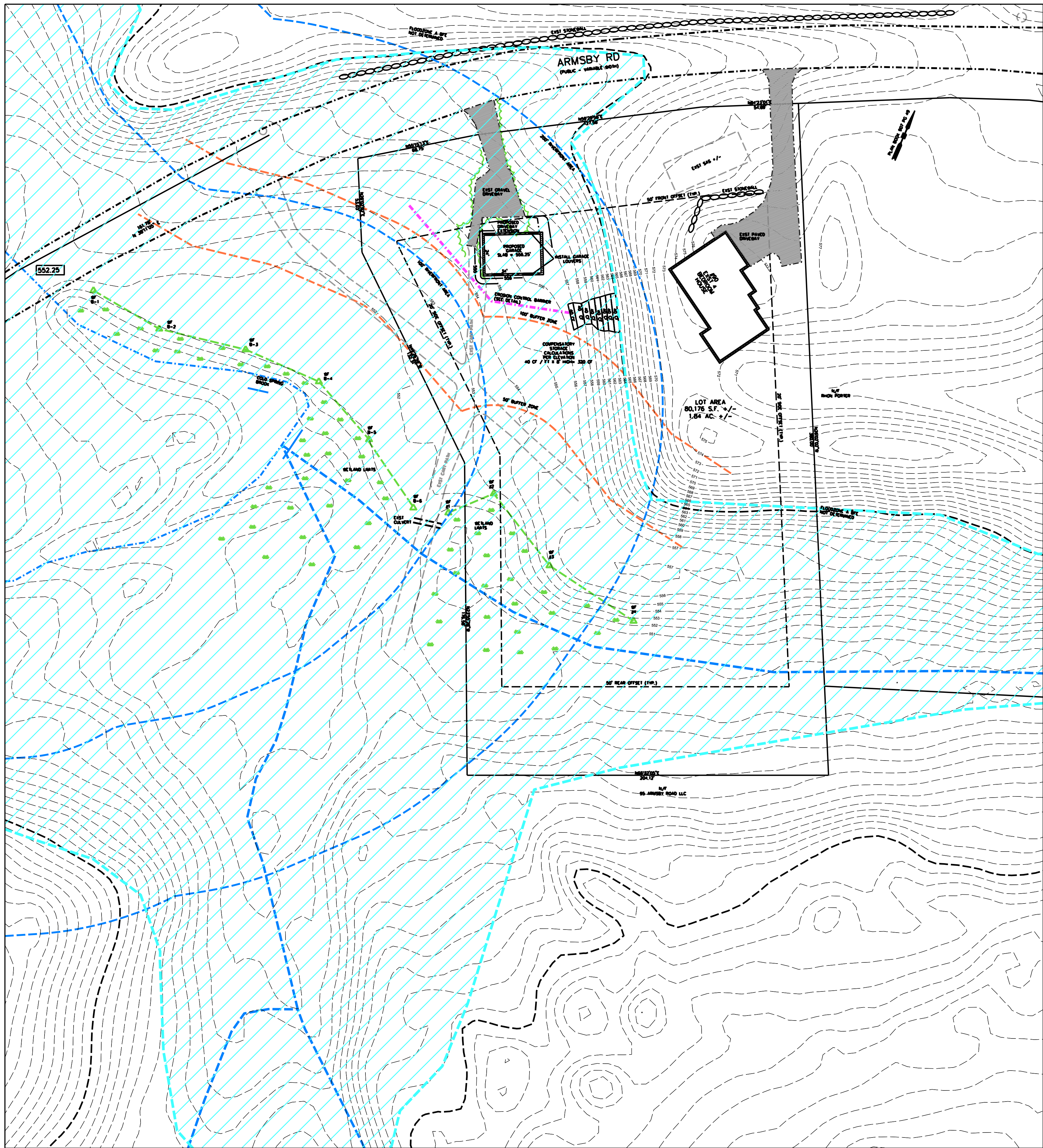


Map Scale: 1:1,810 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

Map Unit Legend

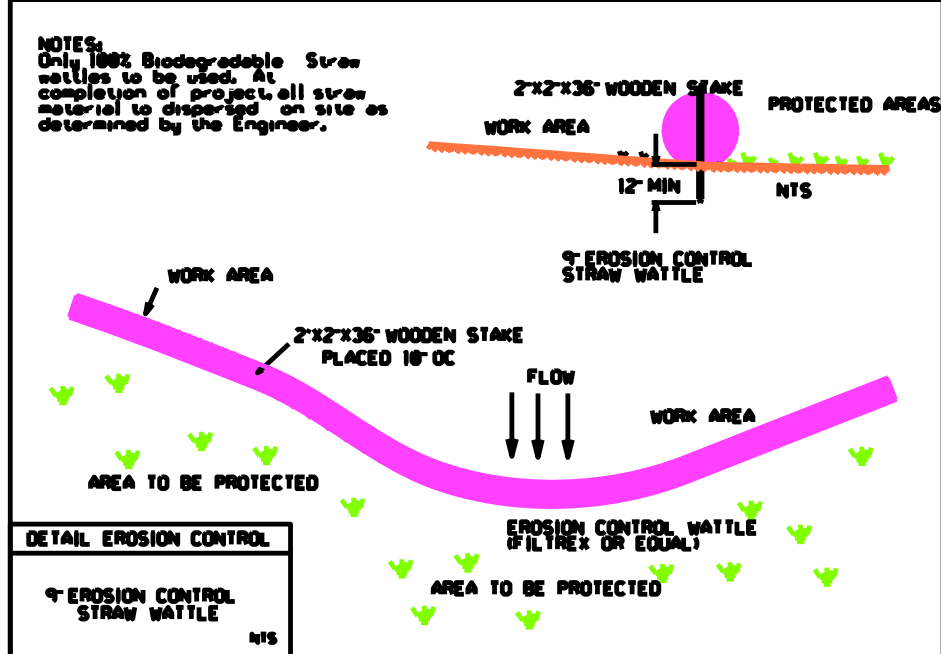
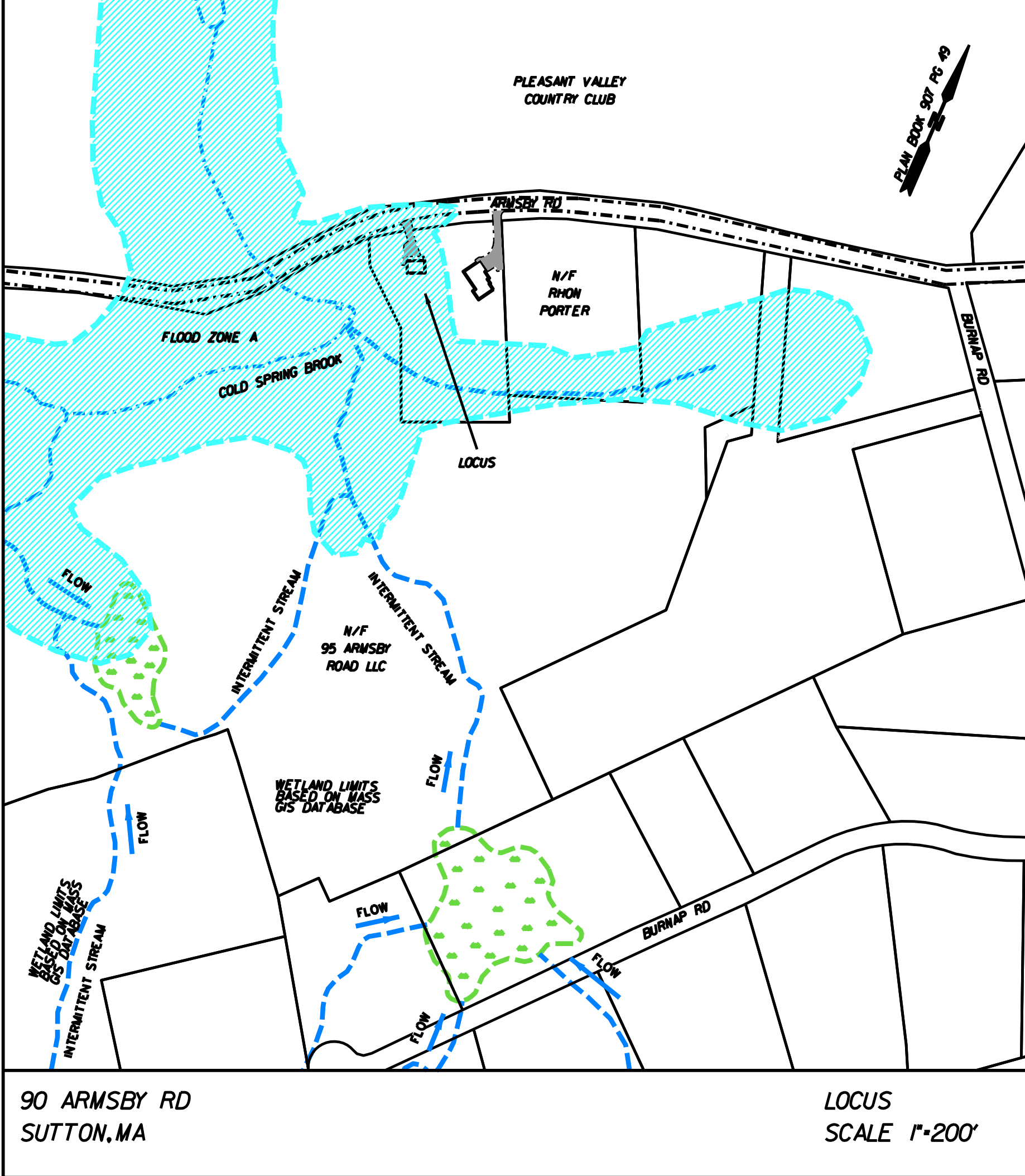
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
73A	Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony	3.6	22.9%
420C	Canton fine sandy loam, 8 to 15 percent slopes	5.2	32.9%
422B	Canton fine sandy loam, 0 to 8 percent slopes, extremely stony	2.6	16.0%
422C	Canton fine sandy loam, 8 to 15 percent slopes, extremely stony	0.7	4.2%
651	Udorthents, smoothed	3.8	24.0%
Totals for Area of Interest		15.9	100.0%



LEGEND	
EXISTING CONTOURS	---
PROPOSED CONTOURS	---
BENCH MARK	●
PROPOSED ELEVATIONS	100x0
SPOT ELEVATIONS (exst)	100x0
WETLANDS	
OVERHEAD WIRE	---
WETLAND LIMITS	---
BUFFER ZONE	---
RIVERFRONT ZONE	---

WETLAND RESOURCE AREA IMPACTS	
BWV IMPACTS	0 SF
100 YR FLOOD	1032 SF
0-100 RIVERFRONT	0 SF
100-200 RIVERFRONT	1032 SF
TOTAL RIVERFRONT IMPACTS	1032 SF
TOTAL RIVERFRONT ON PARCEL	36,224 SF +/-

- CONSTRUCTION SEQUENCE
- DEP FILE - POSTED
 - EROSION CONTROL INSTALLED
 - PRECONSTRUCTION MEETING WITH CONSERVATION AGENT
 - CLEARING AND GRUBBING WITHIN PROPOSED CONSTRUCTION AREA
 - CONSTRUCTION OF GARAGE & DRIVEWAY
 - FINAL GRADING
 - CERTIFICATE OF COMPLIANCE REQUEST ONCE SITE IS STABLE



R-1 ZONING (STANDARD LOTS)	
REQUIRED	
MIN. LOT AREA	80,000 S.F.
MIN. FRONTAGE	250'
OFF SETS	
FRONT OFFSET	50'
SIDE OFFSET	20'
REAR OFFSET	50'

FLOOD PLAIN CALCULATIONS	
WATERSHED SIZE	2,100 ACRES
ESTIMATED FLOOD PLAIN AREA AND VOLUME SOUTH OF ARMSBY ROAD IN VICINITY OF GARAGE	350,000 SF 2,100,000 CF
PROPOSED PERMANENT FILL FROM THE PROP. GARAGE	40 CF/FT 320 CF TOTAL
ESTIMATED % OF FILL	320 CF FILL / 2,100,000 CF FLOODPLAIN = .000152%
	40SF / 350,000 SF / FT = .000114%

REVISION	DESCRIPTION	DATE
#1	MODIFY GARAGE SIZE	5/16/2023
#2	INCLUDE FLOOD PLAIN CALCULATIONS	6/5/2023

PROPOSED GARAGE
CONSERVATION SITE PLAN
FOR SHEET 1 OF 1
MATTHEW AND CATHERINE KALISZEWSKI
90 ARMSBY RD
SUTTON, MA 01590
DATE: APRIL 3, 2023 SCALE: 1" = 20'

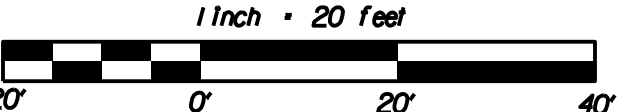
CIVIL SITE ENGINEERING LLC
10 RIVER ROAD
UXBRIDGE, MA 01569
508-799-0018
SITE PLANNING SEPTIC DESIGN WETLANDS

DESIGNED BY: BCV REVIEWED BY: MEB PROJ: S22197.DCN

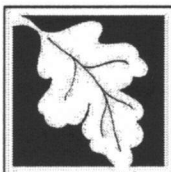


CONTRACTOR WILL
NOTIFY DIG SAFE
PRIOR TO CONSTRUCTION

PLAN BOOK 907 PLAN 49
DEED BOOK 67877 PAGE 267
OWNER MATTHEW & CATHERINE KALISZEWSKI
ASSESSORS MAP # 17 LOT # 79
LOCUS 90 ARMSBY RD
LOT # 3
ZONE RI



4



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:
303-0984

MassDEP File #

eDEP Transaction #
Sutton

City/Town

A. General Information

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

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



1. From: Sutton
Conservation Commission
2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Matthew & Caterine

Kaliszewski

a. First Name

b. Last Name

c. Organization

90 Armsby Road

d. Mailing Address

Sutton

MA

01590

e. City/Town

f. State

q. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

- ### 5. Project Location:

90 Armsby Road

Sutton, MA

a. Street Address

b. City/Town

Map 17

Parcel 79

c. Assessors Map/Plat Number

d. Parcel/Lot Number

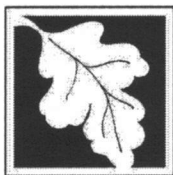
Latitude and Longitude, if known:

42Nd8m58.0662s

71Wd44m13.9626s

d. Latitude

e. Longitude



Massachusetts Department of Environmental Protection
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Worcester
 a. County Worcester b. Certificate Number (if registered land) 267
 67877
 c. Book 267 d. Page 06-16-23
 7. Dates: 04-26-23 06-07-23 06-16-23
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
 8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Proposed Garage Conservation site plan
 a. Plan Title Civil Site Eng. LLC b. Signed and Stamped by Margaret E. Bacon PE 45403
 b. Prepared By June 5, 2023 c. Signed and Stamped by 1"=20'
 d. Final Revision Date June 5, 2023 e. Scale 1"=20'
 f. Additional Plan or Document Title June 5, 2023 g. Date June 5, 2023

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☒ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>1,032</u> a. square feet	<u>1,032</u> b. square feet	<u>-</u> c. square feet	<u>-</u> d. square feet
Cubic Feet Flood Storage	<u>'negligible'</u> e. cubic feet	<u>-</u> f. cubic feet	<u>-</u> g. cubic feet	<u>-</u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>1,032</u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u>0</u> c. square feet	<u>-</u> d. square feet	<u>-</u> e. square feet	<u>-</u> f. square feet
Sq ft between 100-200 ft	<u>1,032</u> g. square feet	<u>1,032</u> h. square feet	<u>-</u> i. square feet	<u>-</u> j. square feet



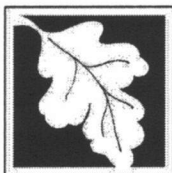
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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <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> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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:
303-0984
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B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 6/16/2026 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 303-0984 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
- (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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

-
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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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 Sutton Conservation Commission hereby finds (check one that applies):
 - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.	
 - b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Sutton Wetlands Protection Bylaw	Article 12
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached findings of Fact and Special Order of Conditions - pages 10a - 10h.

Sutton Conservation Commission



Order of Conditions-Special Conditions under Article 12, the Sutton Wetlands Protection Bylaw

<u>Applicant Name:</u>	Matthew & Catherine Kaliszewski
<u>Owner Name:</u>	Same
<u>Project Address:</u>	90 Armsby Road
<u>Map, Parcel:</u>	Map 17, Parcel 79
<u>DEP File #:</u>	303-0984

Findings of Fact

Matthew & Catherine Kaliszewski (Applicant) submitted a Notice of Intent (NOI) for the above-referenced property (Property) via Civil Site Engineering, L.L.C., (Margaret Bacon representing). The application was received on April 27, 2023. The public hearing was opened on May 17, 2023 and closed on June 7, 2023. Voting Conservation Commission (Commission) members included William Wence (Chair), Michael McGovern (Vice-Chair), James Marran, Timothy Thompson, and Robin Jacques with Jared Duval as an Alternate, non-voting member. The final vote was to APPROVE WITH SPECIAL CONDITIONS for the proposed project, 5-0. Motion: R. Jacques. Second: M. McGovern.

Background

The location is 90 Armsby Road, a 1.84 acre parcel of land on the south side of Armsby Road. The lot has frontage on Armsby Road and is enveloped along with the neighbor at 96 Armsby Road by forest. There is a single-family house built in 2014 on the Property.

Current Proposal

To construct a garage and asphalt driveway. The proposed work is within the 200' Riverfront area as well as Bordering Land Subject to Flooding (BLSF, a.k.a. 100-year floodplain).

Wetland Resource Areas

Resource Areas under M.G.L. 131, §40, 310CMR 10.00 and covered under Article 12 present on or in close vicinity to the site:

- River (Cold Spring Brook) w/ 200' Riverfront Area (RFA)
- Inland Bank associated with Cold Spring Brook
- Land Under Waterbodies & Waterways associated with Cold Spring Brook
- Bordering Vegetated Wetland associated with Cold Spring Brook
- Bordering Land Subject to Flooding

Resource Areas covered under Article 12 only present on-site:

- 100' AURA associated with the BVW and Bank.
- 200' AURA associated with the RFA of Cold Spring Brook. The AURA and RFA occupy the same space.

In addition to the Presumptions of Significance (Presumptions) for Resource Area stated above in WPA Form 5- Order of Conditions also covered by Article 12, the following Presumptions under Article 12 are found to be applicable to the Resource Areas found at the subject Property:

- Protection of Recreational Activities
- Protection of Aesthetics

Proposed Impacts

All of the proposed work is within the 200' Riverfront Area and BLSF.

Approval

The plan was approved under the provisions of 310CMR 10.00 and under the Bylaw in that **no significant adverse impact** to the Resource Areas and Public Interests in M.G.L. c.131, §40, 310CMR 10.00, and Article 12 will occur if:

- a. The site plan is strictly followed;
- b. The stated construction sequence is strictly adhered to;
- c. Any other site-specific special conditions outlined below are strictly adhered to.

It was the decision of the Commission that the location and scale of the proposed project was necessary to fulfill the primary project purpose. As part of the Commission's decision-making process, it took into consideration that:

- The proposed garage will have a negligible impact on flood storage capacity, per analysis by Margaret Bacon, P.E. An engineering analysis was provided to the Commission in support of this opinion, and the Commission agreed that floodplain compensation was not necessary under 310 CMR 10.57(4)(a)1.

- Requiring compensatory flood storage would result in cutting of undisturbed forest.
- There are no practical alternative areas for the project.
- The area for the proposed garage is previously disturbed with gravel and adjacent to a cart path.
- No work is proposed within the 100' Buffer Zone for BVW.

Further, as designed and approved, there will be no significant adverse impacts to the Public Interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c.131, §40), its Regulations (310 CMR 10.00) and the Sutton Bylaw (Article 12).

Plans

The approved plan of record is titled "Notice of Intent Plan – Existing & Demolition" by GRAZ Engineering, L.L.C., stamped and signed by Paul F. Grasewicz, P.E. # 35306 with a final revision date of June 5, 2023.

Pre Construction

General

1. All General Conditions found in WPA Form 5- Order of Conditions are considered part of these Special Conditions under Article 12.
2. The **Findings of Fact** are incorporated as a Special Condition and given equal status as a Special Condition(s) of this Order.
3. All work shall be performed in accordance with the site plan set 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.
4. **Violation of any condition stated herein may result in Enforcement Action or revocation of the Order.**
5. **Work may be immediately halted** on the site if a Conservation Commissioner, an Agent of the Commission, or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Order of Conditions.
6. In accordance with WPA Form 5, the following must occur in association with this Order:
 - a. The Sutton Conservation Commission ('Commission') must be notified that the Order has been recorded with the Registry of Deeds or the Land Court for the district in which the land is located *not later than 10 days from the mailing date of this Order*.
 - b. No activity shall commence until the Order has been recorded and the 10-day appeal period has passed.
 - c. **This document shall be included in all construction contracts**, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements.

7. The Applicant shall supply:
 - a. **Name(s), address, and telephone number(s) of the person(s) responsible** on site for compliance with this Order.
8. The Project Supervisor must:
 - a. **Be given a copy of the Order Of Conditions**
 - b. **Keep a copy of this Order and the Approved Plan on site at all times, while work is being conducted.**
 - c. Be made aware that they are responsible for compliance with this Order and may be held jointly responsible for any violations and the penalties under law for said violations.
9. Construction schedule/ project sequencing:
 - a. **The Applicant shall submit to the Commission a schedule of major events in the Project (i.e. construction schedule);**
 - b. If changes in the construction schedule occur, said changes shall be noted and a revised schedule forwarded to the Commission;
 - c. The purpose of the construction schedule is to keep the Commission apprised of progress, benchmarks, and therefore when site inspections may be appropriate.
10. The Conservation Commission will be notified *at least* one week prior to construction to allow for a **pre-construction site visit/meeting**. The following people shall be present for the pre-construction meeting:
 - a. Applicant or Applicant's Representative(s) from the Conservation Commission Public Hearings;
 - b. Applicant's Construction Supervisor(s) (person or persons responsible for overall compliance with this Order);
 - c. Applicant's Contractor(s), as applicable;
 - d. Consultant of the Commission;
 - e. Conservation Commissioners.

If different contractors will be used for different phases of the project, or if contractors change during the time the Order is valid, the Applicant shall contact the Commission and schedule additional pre-construction site visit/meetings as the project progresses.

Erosion and Sedimentation Control Measures

11. Stockpiling of additional sedimentation and erosion control devices:
 - a. An adequate stock of sedimentation and erosion control devices shall be kept on site at all times for emergency use, or normal repair and maintenance;
 - b. An area for storage of said controls shall be designated on-site;
 - c. Additional sedimentation and erosion controls shall be covered and protected from the elements, as necessary.

12. Erosion and Sedimentation control measures shall:

- a. Be installed in accordance with the plan cited in this Order.
- b. Be installed prior to construction activities in a sequence appropriate to the construction schedule (e.g. at the beginning of a new phase of construction);
- c. Be appropriate and effective for the location and shall **exclude the use of haybales. 100% biodegradable straw wattles and/or 100% biodegradable compost sox are acceptable; photodegradable or oxo-(bio)degradable plastics are not considered biodegradable for the purposes of this requirement;**
- d. Biodegradable erosion or sedimentation controls may be left on-site to decompose naturally;
- e. When straw wattles or compost sox are used, and burlap sheathing is not available, the mesh or aperture size should be as large as possible to avoid wildlife entrapment and should have a loose weave, wildlife-safe design with movable joints between the horizontal and vertical joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement;
- f. Silt fence may be employed to reinforce straw wattles or compost sox in steep areas, but the Applicant shall avoid the use of silt fences reinforced with metal or plastic mesh.
- g. Prior to commencement of any work the construction and placement of all **erosion and sedimentation controls are to be certified, in writing, to the Commission, by a qualified professional (e.g. PWS, P.E., CPESC, RS).** A Sutton Conservation Commissioner or the Commission's designated professional representative shall confirm the certification in the field.

During Construction

13. **All site contractors working on the Project must be given a copy of the Order Of Conditions and Plans and have it in their possession at the site at all times** (e.g. in their vehicle, on-site, and not elsewhere), while work is being conducted, and be made available upon request.
14. **Any change in these Conditions, plans or Project scope shall be made in writing, however minor;**
15. Site inspections by the Commission:
 - a. The Commission shall have the right to request and receive any additional data or documentation that it deems necessary for that evaluation;
 - b. Work shall halt on the site if the Commissioner, Consultant, or DEP determines that any of the work is not in compliance with this Order of Conditions;
 - c. If work is halted, work shall not resume until the Commission is satisfied that the corrective action(s) will comply with the WPA, Regulations, and Bylaw.

16. In case of emergencies, problems, or the need to discuss site conditions with the Commission, call the Conservation office at (508) 865-8728, or the Conservation Consultant at (508) 997-0268:
17. The Applicant shall maintain and stabilize all exposed slopes or disturbed surfaces likely to contribute to erosion and sedimentation. Slopes shall be stabilized immediately upon completion of grading as the project progresses.

Staging Area/Construction Equipment Cleanup

18. The general contractor shall designate a **construction staging area** that will not require cutting or clearing of vegetation beyond that approved by this Order. It shall be located within the permanent limit of disturbance.
19. The Applicant is prohibited from discharging the following within a Resource Area, Buffer Zone, or an area leading to a stormwater conveyance system:
 - a. Wastewater from washout of concrete;
 - b. Stucco, paint, form release oils, curing compounds and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - d. Soaps, solvents, or detergents used in vehicle and equipment washing;
 - e. Toxic or hazardous substances from a spill or other release.

Any deposit of one or more of the above materials into an AURA or Resource Area shall be immediately removed.

20. Petroleum hydrocarbons (diesel, gas, etc.), pesticides, herbicides, and other chemicals shall not be stored in a Resource Area or AURA. Any such materials must be properly stored and protected from the weather in accordance with manufacturer's specifications.

Erosion and Sedimentation Control

21. All Conditions related to Erosion and Sediment Control in the *Pre-Construction* section of this Order shall pertain to this section.
22. The Applicant shall take all measures to prevent erosion and sedimentation of wetland resource areas.
23. Erosion and sedimentation control devices may be modified based upon experience at the site. All such devices shall be inspected, cleaned, or replaced as needed during construction;
24. Soils shall be stabilized immediately post-construction, and the site in general shall be maintained in good repair.

25. PUMPING: Should pumping be necessary, efforts shall be made to avoid and/or minimize the amount of sediment laden water from discharging into a Resource Area. The BMP used shall be determined by the contractor and approved by the Conservation Commission prior to construction of said BMP.

Specific to this Application

26. Refer to the Findings of Fact at the beginning of this Order.

Post Construction

27. Continued maintenance of all disturbed areas, in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the Applicant/Owner/Assign of this Property. This is an in-perpetuity Condition.

Conditions related to Certificate of Compliance

28. On or about the yearly anniversary of the issuance of this Order, a representative of the Conservation Commission shall perform a site inspection to assess compliance with the Order until such a time that a Certificate of Compliance is issued.
29. Upon completion of construction and final soil stabilization, the Applicant/Owner/Assign shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - a. A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request);
 - b. A letter from a Registered Professional Engineer certifying compliance of the Property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted;
 - c. An as-built plan.
30. Upon receipt of the request for a Certificate of Compliance (WPA Form 8B), the Commission will either hold a site visit with a quorum of the Commission present, or designate an Agent of the Commission to perform said inspection. The Certificate of Compliance shall be issued in accordance with the choices found on Form 8B, with additional comments attached as deemed necessary to ensure compliance with the Order.
31. Any change of successor or successor in control ('Successor') of this project shall be submitted in writing to the Commission. The request shall include all changes, however minor, to the design plans cited in this Order. Prior to any work commencing by the Successor the Commission shall

determine if proposed changes to the project require the filing of a new Notice of Intent or a Request for Amendment to the Order of Conditions. A pre-construction conference shall be scheduled at the regularly held Commission meetings for the Commission to review the project with any new parties (i.e. change of ownership or controlling interest and/or engineer and/or general contractor).

32. The Applicant shall furnish the Commission with a copy of the recorded Certificate of Compliance as performed with the Registry of Deeds in accordance with WPA Form 8B.
33. The Applicant must furnish to the Commission or its Agent(s), within a reasonable time, any information the Commission may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Order or to determine compliance with this Order.
34. Should it come to the Commission's attention that any or all of this Order was created in reliance of false information, this Order shall become invalid and the Order revoked.
35. Invalidation of a portion of this permit does not necessarily render the whole Order invalid. The Commission's intent is that the Order is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, the Commission will advise the Applicant as to the effect of such invalidation.



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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.

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.

Pursuant to the vote taken by Sutton Conservation Commission on January 6, 2021, the following signatures are made in accordance with M.G.L.c.110G and pursuant to said Conservation Commission electronic signature authorization vote recorded on January 29, 2021 with the Worcester County Registry of Deeds. Book 64357 Page 39

Signature

William Wence - Chair

Printed Name

Signature

Michael McGovern - Vice Chair

Printed Name

Signature

Nichole Aubin - Clerk

Printed Name

Signature

Robin Jacques - Member

Printed Name

Signature

James Marran - Member

Printed Name

Signature

Timothy Thompson - Alternate

Printed Name

Signature

Jared Duval - Alternate

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date



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F. Appeals

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

303-0984

MassDEP File #

eDEP Transaction #

Sutton

City/Town

G. Recording Information

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

Sutton

Conservation Commission

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

To:

Sutton

Conservation Commission

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

90 Armsby Road

Project Location

303-0984

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Worcester

County

69288
Book

130
Page

for: Matthew & Catherine Kaliszewski
Property Owner

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

67877
Book

267
Page

In accordance with the Order of Conditions issued on:

6/16/23
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