

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
352-0049
MassDEP File #

eDEP Transaction #
Devens
City/Town

01451

g. Zip Code

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:	Devens Enterpris			
2. This issu	uance is for one):	a. 🛛 Order of Condi	tions	b. Amended Order of Conditions
з. То: Ар	oplicant:			
Tim			Kilhart	
a. First l	Name		b. Last N	lame
Town	of Harvard Departr	ment of Public Works		
c. Organ	nization			

4. Property Owner (if different from applicant):

a. First Name	b. Last Name	
MassDevelopment Finance Agency		
c. Organization		
33 Andrews Parkway		
d. Mailing Address		
Devens	MA	01434
e. City/Town	f. State	g. Zip Code

MA

f. State

Delorier

5. Project Location:

47 Depot Road

d. Mailing Address

Harvard

Meg

e. City/Town

39 Sheridan Road and 3 Marne Stree	et	Deven	S			
a. Street Address		b. City/T	own			
NA		NA (R	oad ROW)			
c. Assessors Map/Plat Number		d. Parce	I/Lot Numbe	r		
Latitude and Longitude, if known:	d	m	S	d	m	S
	d. Latitude)		e. Longitude		

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A. General Information (cont.)

<i>,</i>	Scricial information (cont.)		
6.	Property recorded at the Registry of Deeds one parcel): Worcester	for (attach additional info	rmation if more than
	a. County	b. Certificate Number (if r	egistered land)
	17907	1	
	c. Book	d. Page	
7.		/8/24	2/9/24
٠.	a. Date Notice of Intent Filed b	. Date Public Hearing Closed	c. Date of Issuance
8.	Final Approved Plans and Other Document as needed): Harvard-Devens Water System Interconnection	•	or document reference
	a. Plan Title Tighe & Bond	Mary Danielson DE	
	b. Prepared By	Mary Danielson, PE c. Signed and Stamped b	V
	2/2/24	1"= 15'	y
	d. Final Revision Date	e. Scale	
	Town of Harvard Water Line Booster Pump	Station Unified Permit	2/2/24
	Application Response to Comments		g. Date
В.	Findings		
1.	Findings pursuant to the Massachusetts We	etlands Protection Act:	
	Following the review of the above-reference provided in this application and presented at the areas in which work is proposed is significant protection Act (the Act). Check all that applications are the second provided in this application and presented in the second provided in this application and presented in the second provided in this application and presented in the second provided in this application and presented in the second provided in this application and presented in the second provided in this application and presented in the second provided in this application and presented in the second provided in	at the public hearing, this ificant to the following into	Commission finds that
a.	☐ Public Water Supply b. ☐ Land Co	ntaining Shelltish	□ Prevention of Pollution
d.	☐ Private Water Supply e. ☐ Fisheries	f.	☐ Protection of Wildlife Habitat
g.	☐ Groundwater Supply h. ☐ Storm Da	amage Prevention i.	☐ Flood Control
2.	This Commission hereby finds the project, as	proposed, is: (check one	of the following boxes)
Аp	proved subject to:		
a.	the following conditions which are necestandards set forth in the wetlands regulated be performed in accordance with the Notice General Conditions, and any other special of that the following conditions modify or differ proposals submitted with the Notice of Interview.	ons. This Commission orce of Intent referenced aboconditions attached to this from the plans, specifications.	ders that all work shall ve, the following s Order. To the extent tions, or other

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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)

					<i>3</i> /
Re	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	☐ Bordering	a. square feet	b. square feet	c. square feet	d. square feet
6.	Vegetated Wetland Land Under	a. square reet	b. Square reet	c. square reer	u. square reer
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	, -	e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100- 200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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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.	☐ Designated Port Areas	Indicate size u	ınder Land Unde	er the Ocean, be	low
11.	Land Under the				
	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size u below	ınder Coastal Be	eaches and/or Co	pastal Dunes
13.	Coastal Beaches			cu yd	cu yd
13.	Coastal Beaches	a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15.	☐ Coastal Banks	a. linear feet	b. linear feet		
16.	☐ Rocky Intertidal				
	Shores	a. square feet	b. square feet		
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
19.	Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs		d/or inland Land	anks, Inland Bani d Under Waterbo	
21.	☐ Land Subject to	a. c/y dredged	b. c/y dredged		
∠ 1.	Coastal Storm Flowage	a. square feet	b. square feet		
22.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100-	•		•	
	200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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\Box		1111112	(((())))
_		4111 9 0	(00111.)
		_	` ,

* #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
(BVW) or
B.17.c (Salt
Marsh) above,
please enter
the additional

23. Restoration/Enhancement *:	
a. square feet of BVW	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.
- amount here. 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 _____ 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environmenta	I Protection" [or, "MassDEP"]
"File Number	352-0049	"

- 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 wo	rk 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.
- I) 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):

Project is subject to Devens Enterprise Commission Unified Permit #D23-095 conditions of approval, issued on 2/8/24.

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 Devens Enterprise Commission hereby finds (check one the Conservation Commission	at applies):
	 a.	t forth in a
	1. Municipal Ordinance or Bylaw	2. Citation
	Therefore, work on this project may not go forward unless and until a revise Intent is submitted which provides measures which are adequate to meet the standards, and a final Order of Conditions is issued.	
	 b. that the following additional conditions are necessary to comply with a mordinance or bylaw: 	nunicipal
	Devens Rules and Regulations: Wetland Protection	974 CMR 4.06
3.	The Commission orders that all work shall be performed in accordance with the conditions and with the Notice of Intent referenced above. To the extent that the conditions modify or differ from the plans, specifications, or other proposals subthe Notice of Intent, the conditions shall control.	e following
	The special conditions relating to municipal ordinance or bylaw are as follows (i more space for additional conditions, attach a text document):	f you need
	Project is subject to Devens Enterprise Commission Unified Permit #D23-095 c approval, dated 2/8/24.	onditions of

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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.

The Devens Enterprise Commission

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

2/9/24

1. Date of Issuance

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.

Signature	Printed Name
Signature	Printed Name
☐ by hand delivery on	by certified mail, return receipt requested, on 2/14/24
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.

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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.

Devens Enterprise Commission		
Conservation Commission		
Detach on dotted line, have stamped by Commission.	the Registry of Deeds and su	bmit to the Conservation
То:		
Conservation Commission		
Please be advised that the Order of Co	nditions for the Project at:	
Project Location	MassDEP File Numb	per
Has been recorded at the Registry of D	eeds of:	
County	Book	Page
for: Property Owner		
and has been noted in the chain of title	of the affected property in:	
Book	Page	
In accordance with the Order of Conditi	ions issued on:	
Date		
If recorded land, the instrument number	r identifying this transaction is	3:
Instrument Number		
If registered land, the document number	er identifying this transaction is	s:
Document Number		
Signature of Applicant		

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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:
Provided by DEP

A. Request Information

a. Street Address		b. City/Town, Zip	
c. Check number		d. Fee amount	
2. Person or party makii	ng request (if approp	riate, name the citizen group's represe	entative):
Name			
Mailing Address			
City/Town		State	Zip Code
Phone Number			
Phone Number		Fax Number (if app	olicable)
3. Applicant (as shown of	Conditions (Form 5),	Fax Number (if applicability (Form 2), Order of Resour Restoration Order of Conditions (Form	ce Area Delineatior
3. Applicant (as shown of (Form 4B), Order of C	Conditions (Form 5),	Applicability (Form 2), Order of Resour	ce Area Delineatior
3. Applicant (as shown of (Form 4B), Order of (Non-Significance (Fo	Conditions (Form 5),	Applicability (Form 2), Order of Resour	ce Area Delineatior
3. Applicant (as shown of (Form 4B), Order of C Non-Significance (Fo	Conditions (Form 5),	Applicability (Form 2), Order of Resour	ce Area Delineatior
Applicant (as shown of (Form 4B), Order of Control (Form 4	Conditions (Form 5),	Applicability (Form 2), Order of Resour Restoration Order of Conditions (Form	ce Area Delineatior 5A), or Notice of Zip Code

B. Instructions

When the Departmental action request is for (check one):
 Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
 Superseding Determination of Applicability – Fee: \$120

☐ Superseding Order of Resource Area Delineation – Fee: \$120

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Request for Departmental Action Fee Transmittal Form

Provided by DEP	

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community).
- 4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

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