

**CONSERVATION COMMISSION  
SPECIAL CONDITIONS  
DEP File # 288-0502**

**ISSUED TO:** Gerald R. Coderre (136 East St, LLC)

**PROJECT LOCATION:** 136 East St (Map 35, Parcel 6)

**This Order of Conditions applies to:**

The construction of a 14-unit condominium community with associated site improvements. A portion of the work will be located within the Buffer Zone to Bordering Vegetated Wetlands (BVW) associated with Stony Brook. The work is outside Riverfront Area. The site is a 8.9± acre site located on East Street as recorded at Hampshire County Registry of Deeds, Plan Book 258/Page 86.

**Description of work**

The project includes the construction of a 14-unit condominium community with associated site improvements. It includes the construction of eight new condominium buildings (six duplex buildings and two single unit buildings), parking areas, and other associated site improvements. Site improvements include an access drive off East Street, driveways and landscaping, underground utilities for water, sewer, and electric/telecommunications. The construction of a new stormwater management system includes deep-sump hooded catch basins, proprietary sediment devices, a subsurface infiltration basin, and a detention basin.

A waiver is granted under the Local Wetland Bylaw to conduct work within the 50' Conservation Zone. This work is in accordance with implementing the invasive species eradication plan and new native plantings to meet Local Bylaw Tree Replacement Performance Standards. This work will occur between the edge of BVW and the project limit of work as shown Tree Replacement Plan (Drawing C-8, dated December 4, 2025).

**Documents reviewed:**

- Notice of Intent packet, prepared by R Levesque Associates, Inc. (September 29, 2025)
- Site Plans "Deer Meadow Way", prepared by R Levesque Associates, Inc. Total of 18 sheets: T-1, EX-1, OVR, C-1 through C-8, SL-1, D-1 through D-6. (September 30, 2025, Revised December 4, 2025)
  - List of revisions to site plans (December 8, 2025)
- Stormwater Drainage Report (September 30, 2025, Revised December 4, 2025)
- MassDEP Comments File #288-0502 (October 15, 2025)
- Written Response to MassDEP Comments File #288-0502 (November 14, 2025)
- Invasive Plant Species Eradication Plan (November 2025)
- Peer Review Report prepared by BETA Group, Inc (November 5, 2025)
- Response to Review Comments (December 8, 2025)

**The applicant shall comply with all conditions:****ADMINISTRATIVE**

21. It is the responsibility of the applicant to procure all applicable federal, state and local permits and approvals associated with this project.
22. The applicant and contractor shall be responsible for maintaining a copy of the Notice of Intent, Order of Conditions and approved site plans on site and shall be responsible for compliance with them.
23. This Order of Conditions applies only to the work permitted by this Order. Any other work to be done within the area of statutory interest may require the filing of a new Notice of Intent or Request for Determination.
24. The Commission shall be notified at least forty-eight (48) hours before work on the site begins.
25. If any alteration of the wetland resource area occurs other than what is permitted within this Order, the Conservation Commission shall impose such measures as it finds necessary to protect and restore those areas.
26. The Conservation Commission or Administrator shall have the right to halt all work on the site if determined any of the work is not in compliance with the Order of

Conditions. Work shall not resume until the Commission is satisfied that compliance has been achieved.

### **EROSION AND SEDIMENTATION CONTROLS**

27. Prior to the commencement of earth moving activity, erosion and sedimentation control barriers shall be placed at the limit of work as shown on the site plans. This barrier shall serve as the limit of work.
28. Erosion control measures must be inspected by the Conservation Administrator prior to commencement of work.
29. Erosion and sediment controls shall consist of straw bales or straw wattles, which shall be firmly anchored with stakes, or siltation fence shall be firmly anchored with stakes and entrenched 4 to 6 inches in depth. Trench material shall be deposited on the up-gradient side of the silt fence barrier. The barrier shall remain in proper functioning condition until all disturbed areas have been stabilized. Erosion and sediment controls shall then be removed.
30. All final earth grading shall be permanently stabilized by the application of loam and seed, shrubs, and/or trees. Erosion controls mats shall be used where appropriate.
31. At no time shall any debris, material, or equipment be placed in or enter into a wetland resource area.
32. Should any erosion or sedimentation control measure fail, immediate attention shall be given by the applicant or their representative to correct the failure and to rectify any adverse impact from the failure. The Commission must be notified within 24 hours of the failure.
33. Erosion controls will be cleaned after any storm event greater than 0.5" of precipitation within 24 hours or when the sediment has accumulated to be greater than 6".
34. Erosion control measures shall be inspected every seven (7) days, including after every major storm event.
35. All erosion and sediment controls shall be removed once the site is permanently stabilized.

**ON-SITE CONSTRUCTION**

36. Servicing of equipment (fueling, changing, adding, or applying lubricants or hydraulic fluids) must be done outside the 100 ft Buffer Zone. Equipment must be maintained to prevent leakage or discharge of pollutants.
37. Used petroleum products resulting from the maintenance of construction equipment and construction debris shall be collected and disposed of off-site. No on-site disposal of these items is allowed.
38. The construction site shall be left in stable condition at the end of every day.
39. An anti-tracking apron shall be constructed at the site entrance and maintained throughout construction. Any sediment tracked into the street shall be cleaned daily.
40. Fill, topsoil, excavated material, debris, or construction equipment shall not be stored, placed or stockpiled within the 100 ft Buffer Zone of the resource area overnight.
41. Any woodchips, grubbed material, or topsoil to remain on site for longer than 14 days shall be stockpiled outside of the 100 ft Buffer Zone and shall have erosion and sediment controls installed around the perimeter of the stockpile.

**STORMWATER SYSTEM**

42. A copy of the SWPPP shall be submitted to the Conservation Commission before the start of work. The Commission shall also be given copies of any changes to the SWPPP that occur during construction.
43. The entirety of the building roof area shall be collected and conveyed into the drainage system, as shown on the architectural plans.
44. Once the drainage system is installed and functioning, the owner/site contractor shall coordinate with the engineer to conduct a post-construction analysis of the drainage system during said events. Should the drainage system not function as designed under real world conditions the engineer will recommend adjustments to the drainage system to be implemented by the owner/site contractor.
45. In the post-construction analysis, it shall be demonstrated that the detention basin be free of standing water within 72 hours of a storm event.

**INVASIVE SPECIES ERADICATION**

46. Limit of invasive species eradication shall be finalized in the field in coordination with the Conservation Administrator.
47. Site preparation for Buffer Zone restoration shall adhere to the Invasive Species Eradication Plan (dated November 2025).
48. Approved work includes manual and mechanical methods. Herbicide may be used selectively only as necessary.
  - a. All invasive shrubs and small trees (<6" caliper) will be cut flush at ground level using hand saws, loppers, or brush saws. Larger individuals will be cut and stump-treated as appropriate. Root crowns of species capable of resprouting will be excavated and removed where feasible with minimal soil disturbance within the Buffer Zone and no disturbance to the BVW.
  - b. Stumps of resprouting species may be treated via cut-stump application using an approved aquatic approved herbicide. Any herbicide application must be performed only by a Massachusetts-licensed applicator.
49. To prevent seed spread and re-establishment on the site, all cut materials shall be removed from site within 72 hours.
50. Site preparation for native plantings shall be comprised of the following methods.  
After removal and disposal:
  - a. The cleared areas will be graded by hand to remove tripping hazards and prepare planting pits.
  - b. Soils will be allowed stabilization (1–2 weeks) before planting.
  - c. An ecologically appropriate native seed mix (e.g., New England Wetland Plants conservation mix or similar) will be broadcast on exposed soils to provide temporary cover.
  - d. No invasive species will be allowed to re-establish before or after installation of native trees and shrubs. Any re-sprouting invasive stems will be cut and treated immediately.
51. The approved planting schedule for invasive species eradication and restoration work includes the species and quantities below. Any significant variation from this

list shall need to be approved by the Conservation Commission or Conservation Administrator prior to implementation.

Buffer Zone Native Planting Schedule			
Cover Type	Quantity	Scientific Name	Common Name
Tree	9	<i>Acer rubrum</i>	Red Maple
Tree	3	<i>Quercus bicolor</i>	Swamp White Oak
Tree	14	<i>Salix nigra</i>	Black Willow
Tree	2	<i>Betula nigra</i>	River Birch
Tree	6	<i>Betula alleghaniensis</i>	Yellow Birch
Tree	6	<i>Nyssa sylvatica</i>	Tupelo
Shrub	15	<i>Amelanchier canadensis</i>	Shadblow
Shrub	7	<i>Alnus incana spp. rugosa</i>	Speckled Alder
Total	62		

- 52. For a period of two growing seasons from the date that the work is considered substantially complete, all plants and seeded areas must demonstrate survival; any plants or seeded areas in dead or poor condition or must be replaced prior to the issuance of a Certificate of Compliance.
- 53. Vegetation monitoring reports shall be prepared and submitted twice per year for two (2) years; the first report no later than June 1 and the second no later than November 1.

**ON-GOING CONDITIONS**

- 54. A pathway through the open space within the 50-foot Conservation Zone is permitted. This path may be mowed regularly at a width of no more than 30 inches. This path is intended to allow residents to use the open space of the development with minimal impact to the Buffer Zone.
- 55. A sign shall be placed at each end of the pathway reminding residents to clean up pet waste. The Condominium Board of Trustees shall be responsible for maintaining this signage in perpetuity.
- 56. Permanent demarcation. After completion of work, the applicant shall mark the boundaries of the 50-foot Conservation Zone with permanent markers. These

markers may be concrete bounds, capped rebar, large boulders or similar. They must be placed at least every 50 feet or more often as needed to follow changes in the direction of the line. The Conservation Commission or Administrator will review and approve these markers on site before a Certificate of Compliance may be issued.

57. Treatment and removal of invasive and/or nuisance species.
  - a. Hand pulling of non-native invasive species within the site is permissible. More intensive management including the use of herbicide will require seeking the appropriate permit(s) and approval from the Conservation Commission.
58. Fertilizers used for landscaping and lawn care shall be slow release, organic, low nitrogen types.
59. Only low levels of sodium chloride or other de-icing chemicals shall be used on paved surfaces and must be consistent with Mass DEP snow removal guidelines.
60. The Condominium Board of Trustees established for the development will be responsible for the operation and maintenance of all stormwater management structures located in the public open spaces as identified in the Long-Term Operation & Maintenance Plan. A copy of the operation and maintenance manual for the stormwater system shall be provided to the Board of Trustees by the applicant, along with an inspection and maintenance schedule as programmed in the Stormwater Drainage Report.
61. Regular inspection and maintenance shall be conducted in accordance with the programming in the approved Stormwater Drainage Report. Any proposed changes to these procedures will need to be reviewed by the Conservation Commission at a regular meeting prior to implementation.
62. A log shall be kept of all inspections and maintenance practices done on the stormwater management system by the Condominium Board of Trustees. A copy of this log shall be submitted to the Conservation Commission by January 1st of each year.
63. Applicant shall comply with all conditions of the Local Stormwater Permit.



**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:  
 288-0502  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 South Hadley  
 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: South Hadley  
Conservation Commission

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

3. To: Applicant:  
 Gerald Coderre  
 a. First Name      b. Last Name  
 136 East St LLC  
 c. Organization  
 383 Newton St  
 d. Mailing Address  
 South Hadley MA 01075  
 e. City/Town      f. State      g. 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:  
 136 East St South Hadley  
 a. Street Address      b. City/Town  
 35 6  
 c. Assessors Map/Plat Number      d. Parcel/Lot Number  
 Latitude and Longitude, if known: 42 d 14 m 35 s -72 d 33 m 21 s  
 d. Latitude      e. Longitude



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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):  
 Hampshire  
 a. County Hampshire b. Certificate Number (if registered land) 7  
 15322  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: October 6, 2025 December 17, 2025 December 29, 2025  
 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):  
 Site Plans "Deer Meadow Way" containing 18 sheets (September 30, 2025, Revised December 4, 2025)  
 a. Plan Title \_\_\_\_\_  
R Levesque Associates, Inc  
 b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
12/4/25  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_  
SEE SPECIAL CONDITIONS  
 f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**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) 0  
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	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100- 200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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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	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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

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.
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 12/29/28 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            288-0502            "
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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

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



**Massachusetts Department of Environmental Protection**  
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**WPA Form 5 – Order of Conditions**

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City/Town

**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):

**SEE SPECIAL CONDITIONS ATTACHED**

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 South Hadley hereby finds (check one that applies):  
Conservation Commission

- 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:

Local Wetland Bylaw \_\_\_\_\_ Chapter 240  
 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 SPECIAL CONDITIONS ATTACHED**



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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.

12/29/2025

1. Date of Issuance

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

4

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

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.

*April Doroski*  
 Signature  
*Terry Rosenfeld*  
 Signature  
*Tom Dennis*  
 Signature  
*Daniel Hamel*  
 Signature

April Doroski  
 Printed Name  
 Terry Rosenfeld  
 Printed Name  
 Tom Dennis  
 Printed Name  
 Daniel Hamel  
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

## **WPA Form 5 – Order of Conditions**

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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.

\_\_\_\_\_  
 Conservation Commission

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

-----

To:

\_\_\_\_\_  
 Conservation Commission

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

\_\_\_\_\_  
 Project Location

\_\_\_\_\_  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
 County

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

for: \_\_\_\_\_  
 Property Owner

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

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

In accordance with the Order of Conditions issued on:

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Instrument Number

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

\_\_\_\_\_  
 Document Number

\_\_\_\_\_  
 Signature of Applicant



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

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

**A. Request Information**

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

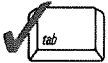
Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

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



**B. Instructions**

1. 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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

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

DEP File Number:

\_\_\_\_\_  
Provided by DEP

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**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.