

Robert Murchison  
55 Farm Road  
Sherborn, MA DEP File No. 238-0418

**SHERBORN CONSERVATION COMMISSION  
ORDER OF CONDITIONS – PART II  
FINDINGS AND CONDITIONS UNDER THE  
SHERBORN GENERAL WETLANDS BYLAW  
PROJECT SITE: 55 Farm Road, Assessor’s Map 11, Lot 60  
DEP # 283-0418  
SHERBORN, MASSACHUSETTS  
July 21, 2021**

**PROJECT APPLICANT: Robert Murchison**

In connection with the Conditions set forth in this Order, the Sherborn Conservation Commission (the “Commission”) makes the following FINDINGS:

- A. The proposed project consists of the following work in the 100-wetland buffer zone: the drilling of a bedrock drinking-water well designed to serve a single-family dwelling. The well is to be located outside of the 50-foot No Alteration Zone from Bordering Vegetated Wetland.
- B. The work will occur off the southwesterly edge of the existing driveway within the outer 50-100-foot buffer zone to a Bordering Vegetated Wetland (BVW). Access to the work will be from the driveway. There will be no trees removed to install the well.
- C. Submitted documents consist of (a) “Notice of Intent” by Creative Land & Water Engineering, LLC, received June 7, 2021, (b) site plan by Creative Land & Water Engineering, LLC titled, “Wetland Resource & Proposed Well Location Plan”, dated July 2, 2021 revision and (c) Wetland Border Report by Creative Land & Water Engineering, LLC, dated February 11, 2021.
- D. The Commission hereby finds that the work proposed to drill the proposed drinking water well, which lies within the 100-foot buffer zone, will not result in adverse impacts to adjacent wetland resource areas. The Commission further finds that the applicant has presented evidence sufficient to demonstrate that the proposed activity will not cause any significant negative alteration to the Bordering Vegetated Wetland and the buffer zone during or after construction if all conditions in the Order are met.
- E. Additionally, the Sherborn Conservation Commission finds that the following conditions are necessary to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions section of 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, the conditions shall control.
- F. Following 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 area in which work is proposed is significant to the following interests of the Sherborn Wetlands By-Law:
  - 1. Quality and quantity of public and private water supplies;

2. Quality and quantity of ground water supplies as well as recharge and storage areas;
3. Flood control;
4. Storm damage prevention;
5. Prevention of pollution;
6. Prevention of erosion; and
7. Wildlife habitat.

G. Furthermore, the Sherborn Conservation Commission hereby finds that the proposed project is:

**Approved, subject to the findings and conditions contained herein.**

- A. The Sherborn Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions (“Part I”) issued concomitantly with this Part II OOC for the project, together with all its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.
- B. The Sherborn Conservation Commission further finds the following:
  1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Sherborn Wetlands By-Law:
    - i. 0’-50’ No Alteration Buffer zone
    - ii. 50’-100’ outer Buffer zone
    - iii. Bordering Vegetated Wetland
  2. Additional General Findings:
    - i. This Order protects the interests specified in the Wetlands Protection Act and the Sherborn Wetlands By-Law. The Wetland Resource Areas on the lot are identified on the Plan.
    - ii. The Boundaries of Resource Areas are confirmed by this Order, such boundaries are contained on the plans attached to this Order.
  3. NHESP Mapped Habitat: The Commission finds that the project area is not located within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.
  4. Stormwater Management: The Commission finds that the project is not subject to the Department of Environmental Protection’s Stormwater regulation and policy.

In addition to the General Conditions and Findings stated in Parts I and II of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Sherborn Wetlands By-Law and the Sherborn Conservation Commission Regulations as well as the Wetlands Protection Act and regulations.

## **GENERAL CONDITIONS:**

- 1) All work shall be performed in accordance with the General and Special Conditions in Parts I and II of this Order, and in accordance with the Plans referenced in Part I, sec. A, para. 8, the Notice of Intent and its attached and additional materials, and the Narrative provided during the public hearing.
- 2) To the extent that the following special conditions modify or differ from the Plans, specifications, or other proposals submitted with the Notice of Intent or the Notice of Intent Project Narrative, the Special Conditions shall control.

## **SPECIAL CONDITIONS:**

### *Administrative*

- 3) This Order of Conditions becomes final ten (10) business days after the issuance date if no authorized person has requested the Department of Environmental Protection to issue a Superseding Order of Conditions. The issuance date of the Order is the date specified on page 2 of Part I-WPA Form 5 of this Order.
- 4) Before commencement of work and after ten (10) business days from the issuance date have elapsed, this Order of Conditions must be recorded at the Middlesex County Registry of Deeds or Land Court as provided in Part I-WPA Form 5, sec. C, para. 8. The applicant or property owner must provide proof of the recording to the Commission.
- 5) If any permit, license or approval by any other municipal agency, board or commission is withdrawn, obtained or reversed and the construction work is to be altered or changed from the plans filed with the Commission, the applicant shall notify the Commission in writing. Such notice shall be addressed to the Chair and submitted prior to any work commencing on the project. If the Commission determines that the changes or alterations are significant, the Commission, by majority vote, may require a new Notice of Intent or a modification of the existing Order of Conditions. The Sherborn Conservation Commission considers that any errors in the plans or information submitted by the applicant are changes and, as such, requires application of the foregoing procedures.
- 6) With respect to all conditions, the "Commission" shall include an Agent of the Commission, which may be a Commission Member, the Conservation Agent, or a person specifically hired by the Commission to administer and enforce this Order, except where action by the Commission acting as a body is required by law.
- 7) Members and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with this Order, and the Commission may require submittal of any information deemed necessary by the Commission for that evaluation.

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- 8) A copy of this Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and this Order shall supersede all contract requirements.
- 9) A copy of this Order shall be provided to the project supervisor and shall be available on the site at all times during construction, until completion.
- 10) The Sherborn Conservation Commission shall be notified in writing at the time of all transfers of title on this property prior to the issuance of the Certificate of Compliance. All buyers, purchasees, successors and/or assigns shall certify to the Commission receipt of a copy of the plan of record, Notice of Intent and Order of Conditions for this project. A copy of said certificate shall be provided to the Commission upon transfer of title.
- 11) A signed document indicating that the new owner has read the Order of Conditions shall be forwarded to the Commission upon passing the property from one owner to the next. This Condition applies even after the issuance of a Certificate of Compliance. ***Condition to remain in perpetuity.***

### ***Erosion Control***

- 12) Prior to the commencement of work, erosion controls shall be installed per the approved project plan and inspected by the Conservation Commission and/or its Agent. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 13) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal; erosion and sediment controls shall be installed in accordance with the site plan titled, "Wetland Resource & Proposed Well Location Plan", dated July 2, 2021 revision. Erosion controls will consist of straw wattles backed by fabric silt fence or approved alternative fixed into the substrate with wooden stakes driven through their center.
- 14) Additional erosion control supplies will be kept on site in order to replace and/or repair barriers that are damaged or become degraded. Stockpiled erosion controls will be protected from the elements while being stored.
- 15) For the duration of the project, the construction supervisor shall inspect the erosion control barrier on a weekly basis or following rain events of 0.5 inches or more. The outcome of these inspections shall be communicated to the Conservation Office. If maintenance or remedial measures of the erosion controls are required, the applicant or their agent shall immediately notify the Commission and shall install sediment control measures as directed by the Commission.
- 16) Immediately after installation of erosion control measures and before any other work occurs, the Commission shall be notified in order to conduct a follow-up inspection to ensure that erosion controls and limit of work lines have been properly installed.
- 17) Erosion controls and limit of work lines shall be installed as proposed in the Notice of Intent with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation.

- 18) It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance.
- 19) All disturbed areas shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls shall be inspected daily and, as necessary, promptly repaired, reinforced, or replaced.

### ***Pre-Construction***

- 20) A pre-construction meeting between the Commission or its staff, the owner and the contractor shall be conducted prior to the commencement of any work to discuss the construction program and implementation.
- 21) No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting within jurisdictional areas. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting if required to stake the approved erosion control and limit of work lines where required within jurisdictional areas.
- 22) Promptly after installation of erosion controls, the Commission shall be contacted to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.

### ***Construction***

- 23) All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.
- 24) Equipment for fuel storage and refueling operations shall be located outside of the 100-foot buffer zone.
- 25) No equipment shall be stored within the 100-foot wetland buffer zone overnight.
- 26) No trees shall be removed for this project.
- 27) There will be no temporary stock piling of material within the 100-foot wetland buffer zone.
- 28) All material that results from the well drilling shall be discharged outside the 100-foot wetland buffer zone. The solid drilling spoils shall be immediately removed from the 100-foot wetland buffer zone.

- 29) During the well pumping test, the water shall be discharged outside the 100-foot wetland buffer zone in way that will not cause soil disturbance or erosion within the wetland buffer zone.
- 30) Soil disturbance will be kept to a minimum and disturbed areas will be restored to original conditions as soon as possible with a vegetative cover. The only permanent disturbed area will be the wellhead pipe.
- 31) Erosion controls devices shall remain in place and properly functioning until all exposed soils have been stabilized with a final vegetative cover and the Commission has authorized their removal.
- 32) All exposed soil finished grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded or mulched with a layer of mulch hay or stabilized with proposed treatments as indicated on the approved plans. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finished grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods include, but not be limited to, hydro-seeding, straw mats, jute netting, sod or other Commission-approved method.
- 33) The site will be monitored until such time as a Certificate of Compliance is issued to ensure the site remains stable and there is no erosion or potential of erosion from the site into jurisdictional areas.

***Post-Construction***

- 34) Upon completion of the project, the applicant shall submit the following to the Commission:
  - (1) A completed Request for a Certificate of Compliance (“COC”) (WPA Form 8a or other form if required by the Conservation Commission at the time of request) and associated fee.
  - (2) A letter from a Registered Professional Engineer or certified wetlands specialist certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential for adverse impact on wetland resource areas and buffer zones. Said certification shall also include a statement that the work is in “substantial compliance” with Parts I and II of the Order of Conditions.
  - (3) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
  - (4) An “As-Built” plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Commission by virtue of the Massachusetts Wetlands Protection Act and the Sherborn Wetlands Protection By-Law. This plan shall include at a minimum:

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- (a)** All wetland resource area boundaries with associated Buffer Zones and regulatory setback areas taken from the plan(s) approved in the Order of Conditions;
- (b)** Distance(s) from any structures constructed under this Order to wetland resource areas and buffer zones: the term “structures” shall include, but not be limited to, all buildings, septic systems components, wells, utility lines, fences, retaining walls, and roads/driveways.
- (c)** A line delineating the limit of work performed– “work” includes any filling, excavating and/or disturbance of soils or vegetation under this Order.

***Conditions to Remain in Perpetuity***

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