





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:  
SE 10-3390  
MassDEP File #

eDEP Transaction #  
Chatham  
City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Barnstable

a. County

27328

c. Book

b. Certificate Number (if registered land)

249

d. Page

7. Dates: Nov 26, 2019 February 5, 2020 Feb 14, 2020  
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):

Set of plans sheets 1-3 "site Plan" "Existing Conditions" & "Post Conditions"

a. Plan Title

ESE-LLC

b. Prepared By

1/22/2020

d. Final Revision Date

"Nourishment Plan" -ESE & blueFlax "Planting Plan"

f. Additional Plan or Document Title

J Thaddeus Eldredge, PLS

c. Signed and Stamped by

e. Scale

1/21/2020

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) \_\_\_\_\_ 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	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
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 checked="" type="checkbox"/> Coastal Beaches	1600 a. square feet	1600 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
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 Feb 14, 2023 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            SE 10-3390 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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





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

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

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

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- 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 Chatham 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
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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:

<u>Chatham Wetlands Protection Bylaw</u>	<u>Ch 272</u>
1. Municipal Ordinance or Bylaw	2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached Special Conditions pgs11a-11p

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RE: 154 Champlain Rd



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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.

Feb 14, 2020

Please indicate the number of members who will sign this form.  
This Order must be signed by a majority of the Conservation Commission.

1. Date of Issuance  
5 of 7  
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.

Signatures:

*[Handwritten signatures: Robert B. DiVenuto, Joanne, and Roberto Bellis]*

by hand delivery on

by certified mail, return receipt requested, on Feb 15, 2020

Date

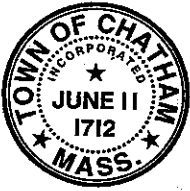
Date

**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 appellants.

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.



SE 10-3390  
CWP 19-240N

File Number

TOWN OF CHATHAM CONSERVATION COMMISSION

Findings on Application filed under the  
Chatham Wetlands Protection Bylaw, Chapter 272

APPLICANT :Robert Moss  
53 Sears Road  
Southborough MA 01772

OWNER Robert Mahoney  
ADDRESS: 37 Long fellow Road  
Wellesley MA 02481

Issuance Date

February 14, 2020

LOCATION of WORK: 154 Champlain Rd Assessors' Map 12A Parcel 9  
Property recorded at the Registry of Deeds or Land Court in Barnstable County:  
certificate (if registered land) 27328 plan book 249 page

After public hearing in accordance with the Open Meeting Law (MGL Ch 39, s23B) closed on **February 5, 2020** the Chatham Conservation Commission, in accordance with the Town of Chatham Wetlands Protection Bylaw (Ch 272) finds:

**XX Permit is granted;** work may proceed subject to the attached Special Conditions.

Permit is denied; see attached explanation.

Chatham Conservation Commission:

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
Robert O. Bell  
Robert O. DuVal

*[Handwritten signature]*  
\_\_\_\_\_  
\_\_\_\_\_

signed by 5 of 7 Commissioners

**Town of Chatham – Order of Conditions**  
**Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40**  
**Town of Chatham Wetlands Bylaw C. 272 and Regulations**  
**154 Champlain Road, SE 10-3390, CWP 19-240N**

**Property:** 154 Champlain Road

**Map { 12A } and Parcel { 9 }**

**Owner/Applicant:** Robert Moss

**Owner's Representatives:** East-SouthEast LLC, BlueFlax Design LLC, Riley & Norcross LLC

**DEP File No.:** SE 10-3390

**CWP No.:** CWP 19-240N

**Project Type:** Comprehensive property redevelopment

**SUPPORTING DOCUMENTS**

Through the Public Hearing process, plans, work protocols, and expert testimony were submitted. The following list of documents reflects the project as reviewed by the Commission and represents the project that seeks an Order of Conditions under the Massachusetts Wetlands Protection (310 CMR 10.00) and Town of Chatham Wetlands Protection Regulations. The following materials have been submitted and are hereby made a part of this Order:

- Wetlands Protection Act (WPA) Form 3 – Notice of Intent (NOI) and NOI Wetland Fee Transmittal Form, including:
  - NOI Checklist
  - Statement of Authorization for Representation
  - Check for State and Local Filing Fees
  - Site Access Authorization Form
  - Certified Abutters List and Map from the Chatham Assessor's Office
  - Abutter Notification Letter and Mail Receipts
  - Maps: USGS Locus Map, FEMA Flood Insurance Rate Map (FIRM)
  - Plan titled: *Site Plan for property located at 154 Champlain Road, Chatham, MA*, prepared for Robert Moss by East-SouthEast LLC, dated 11/14/19, revised 12/2/19 and 1/22/20, scale 1" = 20', stamped by a Registered Land Surveyor (Site Plan)
  - Plan titled: *Existing Conditions for property located at 154 Champlain Road, Chatham, MA*, prepared for Robert Moss by East-SouthEast LLC, dated 11/14/19, revised 1/22/19, scale 1" = 20', stamped by a Registered Land Surveyor (Existing Conditions Plan)
  - Plan titled: *Post Conditions for property located at 154 Champlain Road, Chatham, MA*, prepared for Robert Moss by East-SouthEast LLC, dated 11/14/19, revised 12/2/19 and 1/22/20, scale 1" = 20', stamped by a Registered Land Surveyor (Post Conditions Plan)
  - Plan titled *Nourishment Plan for property located at 154 Champlain Road, Chatham, MA*, prepared for Robert Moss by East-SouthEast LLC, dated 11/22/19, revised 1/22/20 (Nourishment Plan)

**Town of Chatham – Order of Conditions**  
**Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40**  
**Town of Chatham Wetlands Bylaw C. 272 and Regulations**  
**154 Champlain Road, SE 10-3390, CWP 19-240N**

- Land Management Plan, prepared by BlueFlax Design LLC, dated 11/19/19, *revised* 1/21/20 (Land Management Plan)
- Landscape Plan titled: *Landscape Plan, Moss Residence, 154 Champlain Road, Chatham, MA*, (also referred to as “Planting Plan”), prepared by BlueFlax Design LLC, dated 11/19/19, *revised* 1/21/20 (Landscape Plan)
- Property description
- Project description
- Performance standards
- Construction/ Work Protocol
- Variance Request
- Alternatives Analysis
- Letter from an Abutter, Larry and Cornelia Atkins, dated December 8, 2019

**HEARING INFORMATION:**

The Applicant submitted a Notice of Intent (NOI) that was received by the Conservation Division on 11/25/19. The Conservation Commission held a public hearing on December 11, 2019 to review the proposed Notice of Intent. An on-site meeting was held on January 13, 2020. At the applicant’s request, the public hearing was continued to January 15, 2020, and then continued again to January 29, 2020. A draft Order of Conditions was reviewed at the February 5, 2020 Work Session.

**RESOURCE AREAS:** The following Resource Areas are associated with the project site.

Resource Areas: Areas subject to protection under M.G.L. c. 131, § 40	310 CMR 10.00: Wetland Protection, promulgated by MA Dept of Environmental Protection	Chatham Wetlands Protection Regulations (CWPR)
Coastal Beaches	310 CMR 10.27 (2)	CWPR 2.02 (2)
Coastal Banks	310 CMR 10.30 (2)	CWPR 2.05 (2)
Salt Marshes	310 CMR 10.32 (2)	CWPR 2.06 (2)
Land Subject to Coastal Storm Flowage (LSCSF)	310 CMR 10.04	CWPR 2.10 (2)(a)
Adjacent Upland Resource Area		CWPR 4.01 (2)

**PROPERTY DESCRIPTION:**

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**154 Champlain Road, SE 10-3390, CWP 19-240N**

The subject property is 24,750 square foot residential lot bifurcated by Champlain Road as it makes a 90-degree turn and wraps around the south and west sides of the property. To the north of Champlain Road, the approximately 8,300 square foot section is developed with a historic single-family dwelling, a picket fence, septic system (cesspool), utilities, pervious driveway, gardens and lawn. This northern portion slopes significantly downward toward Champlain Road and Stage Harbor. The undeveloped southern portion of the property, across Champlain Road, extends to the shores of Stage Harbor with existing access to the beach.

*Resource Areas and Existing Conditions:* Most of the property falls within the 100-foot Buffer Zone/Adjacent Upland Resource Area (AURA) to a Coastal Bank. Several banks exist on and adjacent to the property that are either naturally occurring or the result of regrading and development. One Coastal Bank exists on the southern portion of the property, where the Top of Bank is located south of Champlain Road, extending along the eastern property line. The Coastal Bank is eroding along the western corner of Champlain Road where a footpath has caused caving and stormwater runoff has increased channeling from the road to the beach. There is also scarp forming along the western third of the slope where the flood elevation meets the bank, but the east side of the bank remains stable and well-vegetated.

A second bank exists at a low point on the adjacent property to the east where a culvert periodically floods and appears to support high marsh. This bank has not been delineated.

Most of the property is also within Land Subject to Coastal Storm Flowage and within Zone AE, Elevation 13. The elevation 13 AE flood zone crosses east to west across the existing dwelling.

On the southern side of the property, the beach portion is within Zone VE, Elevation 13.

There are fragmented salt marshes located along Stage Harbor along with the Coastal Beach.

A buried bulkhead exists along the south side of Champlain Road (considered a Coastal Engineering Structure). Installation records have not been found, but it appears that it was installed by the Town of Chatham in approximately 1990. It is comprised of 20' deep galvanized steel sheets with a steel cap.

The existing stairs, which run down the Coastal Bank to access the beach, are in disrepair and need to be rebuilt to provide safe access.

Existing Vegetation: Vegetation on the developed northern portion of the property consists largely of lawn, with several cultivated historic garden areas planted with ornamental non-

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native species. At the most northerly point is a naturalized area, which has become entirely covered by invasive vines and crowded by invasive shrubs. Vegetation on the south side of the Coastal Bank is primarily native vegetation. Along the upper, northern side of the bank, closer to the road, vegetation primarily consists of nonnative and invasive species, which has been maintained at 2-3 feet high to keep it under control and keep vistas open). The far west end of the bank, where the most significant erosion has occurred, is heavily invaded by Japanese knotweed.

**PROJECT DESCRIPTION:**

The project, generally described as a “redevelopment,” consists of the demolition, construction, relocation of existing structures, installation of hardscape and landscaping. As described by the applicant the project involves the following steps:

- Demolish the non-significant structures: the rear portion of the existing historical house, the garage, the shed and the bunkhouse.
- Clear the invasive plants: the non-native, invasive plant species are to be eliminated according to the plans provided by Blueflax Design.
- Regrade the property: As the property is predominantly on a hill regrading will be done for the proposed structure, which will change the location and limits of the floodplain but will not decrease the area of the Land Subject to Coastal Storm Flowage.
- Relocate the historic dwelling: the house will be relocated the eastern side of the property.
- Construct the home: a new dwelling will be constructed according to FEMA standards and the building code.
- Construct the driveway and walls: the driveway is designed with pervious materials. Given the pitch, additional stormwater structures have been added.
- Construct several retaining walls.
- Construct a new septic system: the proposed septic system has been located as far from the Resource Areas as possible in the same location as the previously approved septic system.
- Plant all mitigation areas and landscaped areas.
- Rebuild the wooden stairway to the Coastal Beach, install a wooden railing and construct a dinghy rack on the Coastal Beach.
- Provide sand nourishment to the toe of the Coastal Beach to protect against further erosion.



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**Mitigation Proposed:**

To mitigate for the impacts to the Resource Areas, the project includes mitigation, consisting of management/removal of invasive vegetation and restoration of a total of 15,700 square feet of native, naturalized vegetation within the AURA and along the Coastal Bank. Specifically, the mitigation proposed consists of:

- Removal of invasive vegetation in the northern section of the property, regarding and stabilizing, followed by planting of native shrubs and grasses.
- Restoration and enhancement of the naturalized areas using native plant species with high wildlife habitat value (forage, breeding, cover etc.).
- Expansion of the vegetated buffer between the dwelling and Top of Bank to increase stormwater infiltration and better protect the Resource Area.
- Elimination of ongoing disturbance within naturalized areas on the property to provide better habitat and healthier vegetation.
- Nourishment and stabilization of scarped areas on the coastal bank with sand, erosion control blanket, and beach grass planting.

**FINDINGS:**

Following review of the Application and Supporting Documents referenced above that describe the proposed Project and the information provided at the public hearings held on the application, the Conservation Commission finds that:

1. Most of the property lies within Land Subject to Coastal Storm Flowage (LSCSF) and within the 100-foot buffer Zone/ Adjacent Upland Resource Area (AURA) to a Coastal Bank. Therefore, the Performance Standards for these Resource Areas apply to the proposed project.
2. Within the LSCSF and the 0-50' AURA (No Disturb Zone or NDZ), the project as implemented will result in a net increase of 1,390 sf of building coverage, a net reduction of 600 sf of hardscape, and a reduction in turf lawn of 2,700 sf.
3. Within the 50-100' AURA, the project will result in a net increase of 40 sf of building coverage, an increase in hardscape of 3,140 sf, and a reduction in turf lawn of 3,010 sf.
4. Overall, across all Resource Areas including the AURAs on the property, the project will result in a net increase in naturalized areas of 1,200 sf.
5. To mitigate for the impacts to the Resource Areas, the project includes proposed mitigation in the form of complete restoration of 15,700 sf on and within the AURA to the Coastal Bank.

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6. The property is subject to a view easement / height restriction in favor of the property to the north that limits the height of any structures built.
7. The proposed project reduces number of bedrooms from those in the existing structures, from six to four bedrooms.
8. The existing stairs, which access the beach, are in disrepair and need to be rebuilt to provide safe access.
9. A buried steel bulkhead was installed by the Town of Chatham along the top of the Coastal Bank in approximately 1990. Considered a Coastal Engineering Structure, it protects Champlain Road from the effects of erosion on the Coastal Bank. Because it is buried, it cannot be inspected.
10. Erosion and scarping have occurred along the toe of the Coastal Bank where the flood elevation meets the Coastal Bank. The proposed nourishment, as described in the Nourishment Plan in the location shown on the Site Plan, will help to address these conditions and protect the Coastal Bank.
11. The project, as conditioned herein, will not have an adverse effect on the LSCSF, in that it will not result in diversion or displacement of flood waters, creation of risk to other structures, or reduction of the ability of the land to absorb and contain flood waters.
12. The project, as conditioned herein, will not have an adverse effect on the Coastal Bank, and will enhance protection of the Bank by protective plantings and placement of the nourishment to repair the scour that has occurred.
13. The proposed project, implemented as conditioned herein, will enhance and protect the functions of the Resource Areas, buffer zone/AURA, and the stated interests of the State Wetlands Protection Act and the Town of Chatham Wetland Protection Regulations.
14. A variance has been requested by the Applicant for those portions of the project that involve building, filling and/or altering Land Subject to Coastal Storm Flowage and within the 0-50' AURA, the No Disturb Zone. The Commission has determined that the proposed project qualifies for a variance from the Chatham Bylaw pursuant to Part IV, Section 4.03, as the applicant has (a) proposed adequate mitigation that will contribute to the protection and enhancement of the Resource Areas; (b) demonstrated that, working within the constraints existing in the property, there are no reasonable alternatives to the project as proposed, and (c) demonstrated, and the Commission finds, that, as conditioned herein, there will be no adverse impact on any adjacent Resource Area from the project. Accordingly, the Commission grants the variance.
15. The proposed project can be permitted, subject to the following Special and General Conditions.

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**DECISION:** The Commission **APPROVES** the Project and finds the project as described in the Supporting Documents can be permitted subject to the following Special, General, and Standard Conditions which protect the interests identified in the Chatham Wetland Bylaw c. 272 and Regulations and Massachusetts Wetland Protection Act M.G.L. c. 131 § 40 and the Regulations 310 CMR 10.00 (inclusive). The Supporting Documents are hereby incorporated by reference and made a part of this Order. To the extent that these conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**CONDITIONS:**

These General Conditions supplement the above Special Conditions as they relate to steps necessary for the protection of the Resource Areas both during the project and after project completion, and to provide documentation necessary to confirm that the project has been completed as permitted. If there is any conflict or inconsistency between these General Conditions and the Special Conditions, the Special Conditions shall control.

**DISCLAIMER:** By issuing this permit, the Conservation Commission makes no determination of property rights or the legal ability of the applicant to undertake this project. In all cases, the applicant proceeds with the project at his/her own peril in this regard.

**A. SPECIAL CONDITIONS:**

1. All the Notes on the Site Plan, Landscape Plan, Land Management Plan, Nourishment Plan and Construction Protocols contained in the Applicant's Narrative are hereby incorporated by reference and made a part of this Order of Conditions.
2. All material generated during demolition and relocation of existing structures shall be loaded onto waiting trucks and removed from the site daily. Stockpiling of debris shall not occur on-site.
3. The stakes for the 50 -and 100- foot delineations shall remain in place during the length of construction to identify where the Resource Areas are located on site.
4. The new driveway shall be constructed of permeable pavers, as detailed on the Site Plan. This condition shall be an on-going condition on the Certificate of Compliance.
5. A single viewing bench may be installed just to the south of Champlain Road, as shown on the Post Conditions Plan.

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6. The existing large cherry tree on the eastern edge of the property shall be allowed to remain, as shown on the Landscape Plan. This condition shall be an on-going condition on the Certificate of Compliance.
7. After knotweed management is completed the western corner of the Coastal Bank will be regraded (where the existing footpath has contributed to erosion) to eliminate the existing rill, and then blanketed to stabilize. Beach nourishment will be added at the toe of the Coastal Bank as detailed in the Nourishment Plan. All nourishment shall be placed above Mean High Water and Mean Higher Water. Nourishment above the beach will be covered with biodegradable erosion control blanket and planted with beachgrass.
8. A temporary subsurface irrigation system may be installed to promote development and survival of the mitigation plantings installed. This temporary system is to be “sleeved,” underground, at a depth of 4-6” crossing the driveway and Champlain Road to reach the mitigation area at the top of the Coastal Bank. The temporary subsurface system shall be sliced and removed upon expiration of this Order of Conditions, and prior to any request for a Certificate of Completion.
9. A temporary fence shall be installed to block public access to the pathway.
10. The new elevated stairway shall have handrails installed along both sides.

**B. Pre-construction Conditions**

1. All pre-demolition and pre-construction activities shall be conducted in a manner that avoids alteration to any wetland Resource Area as defined in 310 CMR 10.00 and the Town of Chatham Wetlands Protection Regulations.
2. Project installation and maintenance shall be implemented, supervised, and monitored by a qualified consultant/contractor approved by the Conservation Commission. If, following Commission review, approval of the plans, and issuance of an Order of Conditions, there is no consultant/contractor selected or there is a change in consultant/contractor, the Applicant shall appear before the Conservation Commission to request approval of a consultant/contractor appropriately qualified to undertake the Project.
3. Prior to any site disturbance and to the pre-construction meeting, all sedimentation controls (i.e. silt fences, construction fences, and/or straw bales at the work limit) shall be in place and ready for inspection by the Agent during the pre-construction meeting. The Agent may instruct the contractors to modify the sedimentation controls to protect wetland Resource Areas and for compliance with the Order of Conditions.
4. Prior to any activity on the property, the Limit of Work lines, Resource Areas and associated buffer zones, and the location of the foundation and/or other structures shall

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be staked in the field and inspected by the Conservation Agent at the Pre-Construction meeting. Such markers shall be placed by a professional Land Surveyor or Engineer and the markers shall be checked and replaced as necessary and shall be maintained until the construction is complete. The engineer or land surveyor for the project shall take responsibility for the placement of the stakes and refreshing the stakes as necessary to reflect the approved plan. The contractors shall be informed that the use of machinery, stockpiling and storage of materials, or any construction activity shall not take place beyond the limit of work line at any time. Note: Hay is not acceptable for erosion controls.

5. All trees approved for removal shall be flagged prior to Pre-Construction meeting with the Agent.
6. Prior to any work commencing and the pre-construction meeting with the Agent, a sign shall be visibly displayed on the site showing the DEP and/or the Chatham Conservation Division file number and shall remain posted until the issuance of a Certificate of Compliance. A copy of this Order of Conditions and site plan shall always be retained on the site and visibly displayed in a weatherproof container.
7. Prior to any site disturbance, a pre-construction meeting will be held with the responsible contractors, engineer, and Commission/Agent to review the Order of Conditions, the work protocol and other required materials identified in this Order of Conditions. Notice of work start and completion shall be given to the Agent in writing before or during the Pre-Construction meeting. The notice of start of work shall also include the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The Agent may require multiple contractors to attend the pre-construction meeting. Please call for an appointment at least one week in advance. Work shall not begin until a pre-construction meeting is held, and the Agent determines the work can proceed.
8. The applicant shall identify a professional to act as a project site manager or “clerk of the works.” The “clerk of the works” shall be approved by the Conservation Agent at the pre-construction meeting. He/she shall supervise the contractor(s) and inspect the site regularly whenever work takes place in or within 100 feet to a wetland Resource Area. The clerk of the works will be onsite regularly and shall take responsibility for the proper functioning of drainage and erosion control systems for the project. The phone number for the clerk of the works shall be given to the Agent at the Pre-Construction meeting. Prior to any work commencing, the named clerks of the works shall sign and submit a form acknowledging their understanding of this Order of Conditions and asserting that they will provide all subcontractors with a copy of these Conditions as they apply to

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each subcontractor. Multiple clerks of the works may be required where projects involve multiple components which each need specialized oversight capability.

**C. Conditions for Construction, Site Disturbance and Drainage:**

1. The approved Site Plan(s), the notes on the approved site plan(s) and any Construction Protocol and/or notes are hereby incorporated by reference and made a part of this Order of Conditions.
2. Under no condition will the operation of equipment, stockpiling of soil, cutting, clearing or pruning of trees, shrubs or ground cover or other site disturbance take place on the wetland side of the no-work line without prior consent of the Conservation Commission.
3. Clearing of any vegetation or grubbing out the work site in or within 100 feet of wetland Resource Area(s) shall not occur between April 1 and September 1. *Project must be planned accordingly.*
4. No pesticides of any sort shall be used on the site for the purposes of construction.
5. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash or excavate shall be stockpiled or collected in areas as shown and labelled on the approved site plan(s), or if no such areas are shown on the site plan(s) must be placed or stored outside all Resource Areas and associated buffer zones under cover and surrounded by a double staked row of straw bales to prevent contact with rain water. Port-o-potties shall be sited at least 100 feet from wetland Resource Areas and 200 feet from rivers. Washing of equipment and tools shall be done off site or handled in a manner approved by the Conservation Agent and in no case, shall concrete or masonry debris be left on site and uncovered.
6. No material of any kind shall be buried, placed or dispersed in areas within jurisdiction of the Conservation Commission by activities subject to this Order of Conditions, except as expressly permitted by the Order of Conditions or the plan(s) approved herein.
7. In disturbed areas where the grade is steep shall not exposed for longer than two months. If exposed for longer than 2 months, erosion control matting shall be installed and firmly anchored in placed to prevent soil from washing out during rain or flooding events. In addition, the exposed area shall be seeded with perennial rye or other native grasses for stability. All sedimentation controls shall be approved by the Agent prior to installation. All disturbed areas shall be stabilized and seeded prior to November 1<sup>st</sup> of each year and no disturbed areas shall be left unprotected or without erosion controls during the winter months (December – April).
8. Machinery and vehicle access shall be from the existing driveway and across upland areas, unless otherwise specified in the Approved Work Protocol or approved Site

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- Plan(s). The granting of this permit does not obviate the Applicant's need to gain proper permission from any abutter whose property is to be used for access.
9. Machinery and vehicles, when not use, shall be parked on the existing driveway, unless otherwise specified in the Order of Conditions or on the approved site plan(s).
  10. There shall be no discharge or spillage of fuel, oil or other pollutants to any wetland Resource Area(s) or associated buffer zones. The Applicant shall take all reasonable precautions to prevent the release of pollutants through ignorance, accident or vandalism.
  11. Where possible, runoff from hardscaped areas or roof runoff shall be allowed to percolate down through the soils from the surface using best management practices for handling stormwater, and as approved by the Commission/Agent. At no time may runoff be directed over a bank to any Resource Area. Stormwater runoff from patios and terraces shall not drain toward and potentially impact any wetland Resource Area. Grading shall be accomplished so that runoff shall not be directed to the property of others without mitigation as described in the project plans. This project shall not increase runoff, nor cause flood or storm damage to abutters, other property owners or the Resource Area. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
  12. There shall be no increase in stormwater flow onto neighboring properties. This shall be recorded as such on the Certificate of Compliance.

**D. Vegetation, Landscaping and Mitigation Planting**

1. The approved Planting Plan(s), the notes on the approved planting plan(s) and any Construction Protocol and/or notes are hereby incorporated by reference and made a part of this Order of Conditions.
2. All areas disturbed during construction shall be revegetated with suitable native plant materials according to the approved site plan(s). Revegetation shall commence immediately upon completion of construction, unless otherwise indicated by an approved land management or landscape plan and is to be completed by the beginning of the first growing season following completion of construction. Planting plans must be fully completed as part of this Order. Plants shall be placed to ensure good coverage for the species and size of plant. More plants may be required than are shown on the planting plan and plants installed will be maintained and replaced until they have survived. Said vegetation and plants shall be successfully established, through multiple growing seasons, before a Certificate of Compliance can be granted.

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3. Invasive plant species, as may appear on the current list of the Massachusetts Prohibited Plant List shall not be planted on the site.
4. No pesticides shall be used in Resource Areas or within associated buffer zones to wetland Resource Areas (i.e. Adjacent Upland Resource Area) except as expressly permitted by the Order of Conditions or the plan(s) approved herein.
5. The new lawn area shall be planted with low maintenance, drought tolerant, fescue seed mix. No additional lawn may exist beyond that shown on the approved site and/or planting plan(s). If fertilizers are utilized for landscaping and lawn care in the 100-foot AURA, they shall be organic, slow release, low nitrogen types and shall not be used within 50 ft of the wetland Resource Area. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
6. Except as specifically permitted in Special Condition 8, no subsurface irrigation shall be installed in the 0-50-foot buffer zone to any Resource Areas (i.e. No Disturb Zone of the Adjacent Upland Resource Area).
7. The planted mitigation area shall be allowed to naturalize in perpetuity. To naturalize shall mean that the area will be left undisturbed and there shall be no use of fertilizers; no removal of leaf litter or duff layer; no weeding; no subsurface irrigation system; no hardscape; no structures of any kind; no creation of lawn; no dumping of yard debris. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
8. The Applicant shall notify the Agent in writing when the mitigation plants are installed.
9. Mitigation plantings shall be cared for to insure their survival for three (3) years. Temporary above surface irrigation is permitted during this time period. The agent may require additional plantings if he/she determines that any of the specimens are dead or dying and need replacement.
10. After completion of work, and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the edge of the upland edge of the mitigation area and/or the upland edge of the undisturbed vegetated buffer to ensure no inadvertent encroachment into these areas. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant. The applicant shall instruct all landscapers and groundskeepers that the Mitigation Area is not to be disturbed; and shall instruct all agents to explain the mitigation area to buyers/lessees and all persons taking over the property from the applicant. This condition shall be recorded as an on-going condition on the Certificate of Compliance.



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11. Except as otherwise described in the approved site plan(s), a buffer zone of natural vegetation extending to 50 feet from the Resource Area shall be left undisturbed. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
12. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris within any Resource Area or associated buffer zones.
13. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of issuance of this Order of Conditions. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the mitigation areas and/or planted area, any need for replacements, and condition of the plantings and resource areas within the Project site.
14. The removal of invasive plants will result in a temporary disturbance to the Resource Area(s) and/or AURA. Treatment will consist of hand removal, selective pesticide application using “cut and wipe” method to treat individual stems, and low volume foliar application only where necessary. All standards and protocols for invasive vegetation removal set forth in the Restoration/Planting Plan shall be strictly followed.
15. All pesticide treatments shall be performed by a professional with MA certified pesticide license.

**E. Installation of Access Stairs**

1. All construction materials and equipment for the stairs shall not be stored or staged in any wetland Resource Areas.
2. Stairway shall be not be constructed with pressure treated wood. CCA or creosote treated wood is prohibited. ACQ-treated wood may be used; however, the applicant is encouraged to use natural or alternative non-leaching construction materials.
3. Installation of the stairway in any Resource Area shall be limited to the use of hand tools. Alterations to the Resource Area(s) are limited to the hand digging of shallow foundation supports for the stair support posts. These excavations shall be no more than 18 in. in diameter and shall be backfilled immediately after the support posts are in place. No further alterations shall be permitted.
4. Disturbed areas must be restored to their original condition and revegetated with native plant material as needed to minimize erosion from wind and stormwater.

**F. General**

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1. The “applicant” as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of a Certificate of Compliance.
2. This Order of Conditions shall be recorded at the registry of deeds/land court and proof of the recording shall be submitted to the Commission within 30 days of the issuance date of this document.
3. The Applicant shall provide a copy of this Order of Conditions to the person or persons supervising the activities that are the subject of this Order and will be responsible for ensuring that all persons performing the permitted activities are fully aware of the terms and conditions of this Order of Conditions.
4. Any person performing work on the activities permitted with this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act (310 CMR 10.00) and the Town of Chatham Wetland Protection Regulations.
5. This Order of Conditions authorizes only the activities described on the approved plan(s) and approved documents referenced in this Order of Conditions. Any other or additional activities in areas within jurisdiction of the Conservation Commission shall require a separate review and approval by the Conservation Commission.
6. If any change is made to the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act (310 CMR 10.00) and the Town of Chatham Wetlands Protection Regulations, the Applicant shall inquire from the Conservation Commission and/or the Conservation Agent, prior to implementing the change in the field, whether the change is significant enough to require an additional filing (i.e. Field Change Request, Amendment to the Order of Conditions or new Notice of Intent). Any errors in plans or information submitted by the Applicant or their Representative shall be considered changes and the above process shall be followed. This Order of Conditions is subject to the applicant obtaining all applicable local and state permits.
7. The Commission, its employees and agents shall have the right of entry to inspect for compliance with the terms of this Order until a Certificate of Compliance has been obtained and recorded at the Barnstable Registry of Deeds. Commission members or their agent may acquire any information, measurements, photographs, observations and/or materials or may require the submittal of any data or information deemed necessary by this Commission for that evaluation.

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8. This Order of Conditions is valid for three years under the local Wetlands Protection By-Law and three years under MGL Ch. 131, s 40. Application for an extension shall be submitted in writing to the Conservation Commission at least thirty days prior to the expiration date.
9. The Commission reserves the right to amend this Order of Conditions prior to completion of construction, after a legally advertised public hearing, if plans or circumstances are changed or if new conditions or information so warrant.
10. Section 2.05 of the Wetlands Regulations, promulgated under the Chatham Wetlands Protection By-Law, requires that no coastal engineering structure, such as a bulkhead, revetment, groin or seawall shall be permitted on or within 100 feet of a coastal bank at any time in the future to protect the project allowed by this permit. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
11. 310 CMR 10.30(3), promulgated under MGL c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
12. The Approved Plan for this Order of Conditions does not constitute specific acceptance of the boundaries of resource areas for work. The Commission may require new plans and/or delineation of resource areas, as it deems appropriate.
13. Upon completion of the project the applicant shall submit a written request for a Certificate of Compliance to the Commission.
14. The request for a Certificate of Compliance shall include one or the other, or both, as directed by the Conservation Agent:
15. A written statement from a Massachusetts registered professional engineer certifying that the work has been conducted as shown on the plan and documents referenced above, as conditioned by the Commission.
16. An "as-built" plan, including final contours and mitigation areas, prepared and signed and stamped by a Massachusetts registered professional engineer or land surveyor for the file.
17. This Order of Conditions shall be deemed not to have been complied with until the applicant has obtained a Certificate of Compliance and it has been recorded in the Barnstable County Registry of Deeds.
18. Failure to comply with the above conditions shall be cause to revoke this permit and/or issue fines.