



**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

DEP File Number:

SE 10-2247  
 CWP06-103N

Bk 21387 Pg 75 #60623  
 09-28-2006 @ 01:31P

**A. General Information**

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



From: Chatham  
 1. Conservation Commission

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

3. To: Applicant:

David G Morgan  
 a. First Name b. Last Name c. Company  
444 Old Harbor Road  
 d. Mailing Address  
Chatham MA 02633  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name c. Company  
 d. Mailing Address  
 e. City/Town f. State g. Zip Code

5. Project Location:

444 Old Harbor Road Chatham  
 a. Street Address b. City/Town  
16 G X4  
 c. Assessors Map/Plat Number d. Parcel/Lot Number  
 Latitude and Longitude, if known (note: electronic filers will click for GIS locator):  
 e. Latitude f. Longitude

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

Barnstable  
 a. County b. Certificate (if registered land)  
3737 283  
 c. Book d. Page

7. Dates: July 14, 2006 August 16, 2006 Sept 5, 2006  
 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):

See attached documentation  
 a. Plan Title

b. Prepared By c. Signed and Stamped by

d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date

9. Total WPA Fee Paid: 900.00 437.50 462.50  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid

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**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. 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:**

- 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.

**Denied because:**

- 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 these interests, 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.**
- 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).**

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
3. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
4. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
5. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. cu.yd dredged	b. square feet f. cu.yd dredged	c. square feet	d. square feet



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**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
6. <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
7. <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
8. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet		
Sq ft between 100-200 ft	e. square feet	f. square feet		

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

9. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
10. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
11. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
12. <input checked="" type="checkbox"/> Coastal Beaches	<u>3,460 ±</u> a. square feet	<u>3,460±</u> b. square feet	<u>44±</u> c. c/y nourishmt.	<u>44±</u> d. c/y nourishmt.
13. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt
14. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
15. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
16. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
17. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
18. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
19. <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			
20. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	a. cu.yd dredged	b. cu.yd dredged		
	<u>100±</u> a. square feet	<u>100± (bulkhead)</u> b. square feet		



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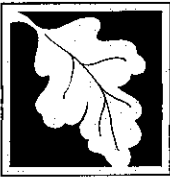
## **C. General Conditions Under Massachusetts Wetlands Protection Act**

(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.
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.
6. 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.
7. 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.
8. 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 this 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.
9. 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, "MA DEP"]

"File Number SE 10-2247 "



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.

Special Conditions:

If you need more space for additional conditions, select box to attach a text document

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Furthermore, the Chatham hereby finds (check one that applies):  
Conservation Commission

2.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw b. 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.

3.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Chatham Wetlands Protection Bylaw Chap 37  
a. Municipal Ordinance or Bylaw b. Citation

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.

c. The special conditions relating to municipal ordinance or bylaw are as follows:

**See attached Special Conditions pages 1-6 and attached**

**Construction Protocol pages 1-2**

If you need more space for additional conditions, select box to attach a text document

**TOWN OF CHATHAM - ORDER OF CONDITIONS**

**444 Old Harbor Road  
CWP 06-103N; DEP file no. SE 10-2247  
David G Morgan**

**SUPPORTING DOCUMENTATION**

- A. Notice of Intent application
- B. USGS map
- C. GIS Map showing location of parcel
- D. Site Access Authorization Form
- E. Affidavit of Service
- F. Abutters List
- G. Proof of Abutter notification
- H. Performance Standards Narrative submitted with application
- I. DEP notification of file number
- J. Photographs of existing conditions, dated July 31, 2006
- K. Comment letter from abutter G Warren Chane, dated July 20, 2006
- L. **Final Plan:** Site Plan entitled *Proposed Bulkhead Replacement Erosion Control, and Nourishment* for David G Morgan, prepared by Coastal Engineering Company, Inc, dated July 11, 2006, signed and stamped by Roy E Okurowski, PE

**PROJECT DESCRIPTION / FINDINGS**

1. The applicant proposes to replace an existing bulkhead and construct an extension of the bulkhead to control flooding and erosion; to nourish the beach and to control erosion with the use of TRM mats.
2. The resource areas include Coastal Beach, Salt Marsh, Coastal Bank, and Land Subject to Flooding (LSCSF). All work is within the 100-year coastal flood plain, zone A9, elevation 12.0ft. All work to be above Mean High Water. No work is to be done within Salt Marsh. No vegetation will be impacted by the construction.
3. The existing deteriorated bulkhead will be removed and replaced in sections, in the same footprint, fronted with rip rap of one foot stones; the bulkhead will show 2.5 ft above the level of the land behind it.
4. The purpose of the bulkhead is to minimize flooding of the boathouse, turned guesthouse at some point in the past, and which was constructed well before 1978.
5. Property owner to the south expressed concern about potential impact to their property, but was agreeable to the project as proposed due to the commitment to nourish the beach on both properties as needed. The

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applicant agrees to repair any damage caused over time by the project to the property

6. The engineer maintains that the extension of the wall is landward of the Coastal Beach and only within Land Subject to Coastal Storm Flowage. The Commission believes that the area is Coastal Beach pursuant to the definition of 10.27(2).
7. Nourishment of approximately 44 cubic yards of compatible beach material will be spread in the areas in front, behind, to the north and to the south of the bulkhead.
8. The Commission determined that the low wall extension to the south will provide stabilization of the upland from erosion and there is some expectation that the amount of beach nourishment provided may mitigate any adverse impact to the beach.
9. The TRM mats are proposed to be located north of the bulkhead to stabilize an area that has eroded over time and which is used for access to the beach and water. The mat, not wider than 10feet, are to be secured to the ground with anchors at five foot intervals. The area will be covered with compatible material and revegetated with native species.
10. The Commission finds that the project can be permitted, subject to the following special conditions.

**SPECIAL CONDITIONS****A. Pre-construction**

1. Prior to any site disturbance, a pre-construction meeting will be held with the responsible contractor, engineer, applicant and Commission/Agent to review the Order of Conditions and the work protocol.
2. **Prior to any work commencing, a sign shall be visibly displayed on the site showing the DEP or local file number and shall remain so until the issuance of a Certificate of Compliance. A copy of this Order of Conditions shall be retained on the site and visibly displayed until a Certificate of Compliance has been obtained and recorded.**



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3. **Notice of work start and completion shall be given to the Commission in writing.** The applicant shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order.
4. **Prior to any work commencing**, the contractor(s) shall submit the signed form acknowledging their understanding of this Order of Conditions to the Conservation Commission for the record.
5. **DISCLAIMER CONDITION:** By issuing this permit, the Commission in no way makes a 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.

**B. Excavation, Site Disturbance and Revegetation**

1. The construction protocol received by the Commission on August 9, 2006 shall be considered an integral part of this Order and is attached as an addendum to the special conditions to be recorded with this Order.
2. All work is to be carried out by an all-wheel-drive backhoe with front-end bucket loader running on the beach or by hand.
3. Work by the vehicle on the beach shall be limited to periods when the tide level is lower than the edge of the marsh.
4. No machinery shall be permitted on salt marsh vegetation or in the inter-tidal area.
5. As existing bulkhead is removed, a new bulkhead will be installed in the same footprint of the old bulkhead by the backhoe and jetting as necessary and secured in place by anchors; the new return section will be installed in a similar manner, but without anchors.
6. One foot rip-rap stone may be placed at the foot of the bulkhead as proposed.
7. No debris of any sort shall be left on the site. As a condition of this Order, the debris shall be removed from the site and disposed of properly, including the abandoned boat on the abutting property which is within the project footprint.

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8. **Nourishment material shall be clean and of compatible grain size with existing material. This condition shall be an ongoing condition that will apply to any future nourishment and shall be recorded on the Certificate of Compliance as such.**
9. **If the TRM (turf reinforcement matting) mat is to be installed, it will be situated at the existing elevation on the area of access from the driveway and lawn to the beach and shall be anchored. The mat installation shall be no wider than 10 feet by 20 feet long and shall be covered and remain covered. The areas on either side shall be revegetated with indigenous species.**
10. **There shall be no discharge or spillage of fuel, oil or other pollutants on to any part of this site. The applicant shall take all reasonable precautions to prevent the release of pollutants through ignorance, accident or vandalism.**

**C. General**

1. **A maintenance plan, including the commitment to protect his immediate southern neighbor from negative impact by the project, shall be written and signed by the applicant. The maintenance plan shall include provisions for monitoring. The monitoring shall include the submission of photographs of the project site on an annual or semi-annual basis, taken from the same vantage point, et. and shall permit an inspection of the site by the Agent/Commission for the purposes of determining conditions and the need for nourishment. The details of this maintenance plan shall be considered an ongoing condition and will be referenced on the Certificate of Compliance as such, thereby binding any future property owner to ongoing maintenance.**
2. **The contractor shall take photos of existing conditions and of the finished project and submit them to the Commission. Such photos shall also be taken and provided to the Commission before and after any necessary maintenance is undertaken. This condition shall be recorded on the Certificate of Compliance as an ongoing requirement.**
3. **No herbicides, pesticides or fertilizers shall be used in the project. This condition shall remain force permanently and shall be recorded as such on the Certificate of Compliance.**
4. **The two foot wall extension shall remain covered with sand. This**

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**condition shall be recorded on the Certificate of Compliance as an ongoing requirement.**

- 5. No material shall be placed below mean high water.**
- 6. As the maintenance plan may not be appropriate infinitum due to changes in site conditions, the Commission reserves the right in the future to require that a hearing be held, at the applicant's expense. This would be done for the purpose of determining whether conditions on the site have changed substantially, particularly in relation to the change in mean high water elevation or other. The Commission may determine that the maintenance plan is to be modified as necessary to protect the interests of the Act.**
- 7. Failure to follow maintenance of the project or if the any part of this project shall be shown to cause negative impact to the resource areas and/or the neighbor's property shall be cause for the Commission to require the removal of the wall extension to the south and/or the turf reinforcement mats.**
- 8. This Order of Conditions is subject to the applicant obtaining all local and state permits.**
- 9. The applicant shall furnish the contractor with a copy of this Order. The applicant shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.**
- 10. Any further construction or site alteration beyond the work limit within 100 feet of the resource area is subject to prior approval by the Conservation Commission.**
- 11. 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.**
- 12. 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**

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an extension shall be submitted in writing to the Conservation Commission at least thirty days prior to the expiration date.

13. 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.
14. 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.
15. Upon completion of the project the applicant shall submit a written request for a Certificate of Compliance to the Commission accompanied by 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. Under no conditions 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 Commission.
17. 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.
18. The Approved Plan for this Order of Conditions does not constitute specific acceptance of the boundaries of resource areas for any work not described in item 2 of the corresponding Notice of Intent. For any such work not described as per the provisions above, the Commission may require new plans/and or delineation of resource areas, as it deems appropriate.
- 19. Failure to comply with the above conditions shall be cause to revoke this permit and/or issue fines.**

## **Construction Protocol**

### **On-Site Meeting (to be held prior to construction):**

Prior to start of construction, a meeting will occur to discuss the access, staging area and methods and means of construction with the following individuals represented:

Construction Contractor and/or Applicant  
Coastal Engineering Co. Engineer  
Chatham Conservation Commission Representative

To be discussed during this meeting:

Existing staging and access conditions, necessary precautions to be taken by the Contractor;  
Means and methods for completing project;  
Necessary post-construction reparations and conditions;  
Procedure for post-construction inspection;

### **Pre-construction Requirements to be met by Contractor:**

Proof and Certification of Insurance Coverage  
Waiver, Release and Indemnification  
Posting of DEP sign

### **Pre-construction Requirements by the Engineer:**

Pre-construction photographs of the access, staging and beach areas shall be provided to the Conservation Commission. Upon completion of construction, post-construction photographs of the same areas shall be taken and provided to the Conservation Commission.

### **Access and staging areas:**

The access will be from the applicant's driveway and lawn to the north edge of the installation area.

### **Equipment on the beach:**

During the course of construction the following equipment are anticipated on the beach and the installation area:

All-wheel drive backhoe with front end bucket loader;

**Storage of material and equipment:**

Materials to be stored in the driveway or upland of the installation area until ready for installation. No materials shall be stored on the beach. No equipment shall be stored on the beach. When not in use, equipment to be stored in the applicant's lawn area landward of the bulkhead or as approved during the pre-construction meeting.

**Construction sequencing:**

This project involves the replacement of an existing failed bulkhead, the installation of a short bulkhead return, the installation of turf reinforcement matting for erosion control on the beach access, and beach nourishment with restorative plantings. The Contractor shall dismantle the existing bulkhead, removing all debris (concrete, etc.) and properly dispose of all materials. In order to protect the resource areas from siltation or erosion, the wall shall only be dismantled in sections that can be replaced in the same day. Pre-excavation may be required to embed sheets fully. If full embedment depth can not be reached, Engineer shall be notified immediately.

The short wall shall be installed next. The applicant shall ensure that the bulkhead does not extend over the south property line. The erosion control matting shall be installed next, with the nourishment placed over the areas in accordance with the plan sections. The erosion control matting shall be installed to provide no more than a 10-foot wide access path from the driveway to the beach area. The areas on both sides of the access shall be planted with vegetation to match the surrounding areas.

**Work completion:**

Upon completion of the project, the access way, staging areas and lawn are to be returned to their pre-construction condition. Any temporary modifications required for machinery access shall be restored to their pre-construction conditions. Loam shall be used as required to restore the lawn to its pre-construction condition. All disturbed surfaces to be re-contoured to pre-construction contours, ready for re-vegetation to be performed as soon as the weather allows. Any repairs to the access area due to construction are the responsibility of the contractor.

The Contractor is to notify the Engineer for a meeting with the parties taking part in the pre-construction meeting, prior to removal of equipment. Deficiencies will be identified to the Contractor on re-contouring requirements that will be performed under the direction of the Engineer.



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**E. Issuance**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Sept 5, 2006

1. Date of Issuance

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

6 of 7

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.

Signatures:

Paul T. Chamberlin  
Eric E. Albert  
Richard T. Woodland  
Nathaniel T. Mason

Conroy B. Tom  
Jay Kute

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Barnstable

On this Twenty third of

August

2006

Month

Year

Before me, the undersigned Notary Public, personally appeared

Paul Chamberlin

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Personally known to me

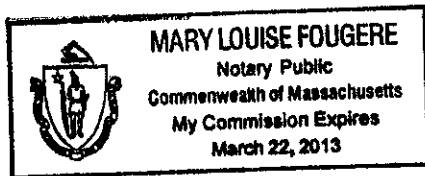
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Chatham  
City/Town

Conservation Commission



Mary Louise Fougere  
Signature of Notary Public

Mary Louise Fougere  
Printed Name of Notary Public

Place notary seal and/or any stamp above

My Commission Expires (Date)

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

September 6, 2006

Date

Date



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

DEP File Number:

SE 10-2247  
CWP06-103N

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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 DEP 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 of 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.

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.

**Section G, Recording Information is available on the following page.**