

C COASTAL
E ENGINEERING
C COMPANY, INC.

260 Cranberry Highway (Rte. 6A), Orleans, MA 02653

www.CoastalEngineeringCompany.com

Orleans 508-255-6511

▪ Provincetown 508-487-9600

▪ Hyannis 508-778-9600

▪ Fax 508-255-6700

Notice of Intent: Morgan, 444 Old Harbor Road, Chatham

Map 16G Parcel X4

Additional Owners:

Map 16G Parcel H1

Victoria & G. Warren Chane
Victoria & G. Warren Chane Trusts
594 Shore Drive
Chatham, MA 02633

Map 16G Parcel X3

Michael J. & Elizabeth K. Reilly
77 Orchard Road
W. Hartford, CT 06117

Recording Information:

3737- #440, #442, #444 Old Harbor Rd

18160- 594 Shore Rd

283- #440 #442 #444 Old Harbor

22- 594 Shore Road



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 10-2611
 MassDEP File #

 eDEP Transaction #

 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 Barnstable b. Certificate Number (if registered land) _____
3737-440, 442 & 444 Old Hbr/ 283-440,442&444Old Hrbr
18160-594 Shore Rd 22- 594 Shore Road
7. Dates: Dec 30, 2009 January 20, 2010 February 10, 2010
 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 SUPPORTING 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 _____

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
 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).**

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

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and Bank or Bordering Vegetated Wetland boundary (if available) _____ a. linear feet

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



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B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

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	_____	_____	80 cu yd	80 cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	cu yd	cu yd
	a. square feet	b. square feet	c. nourishment	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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	55	55		
	a. square feet	b. square feet		



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eDEP Transaction #

City/Town

B. Findings (cont.)

22. Restoration/Enhancement:

a. square feet of BVW

b. square feet of salt marsh

23. 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.
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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
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.



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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 10-2611
MassDEP File #

eDEP Transaction #

City/Town

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

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 10-2611 "
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 #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.
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.
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.



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 10-2611

MassDEP File #

eDEP Transaction #

City/Town

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

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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) 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;
 - 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.



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 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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SE 10-2611

MassDEP File #

eDEP Transaction #

City/Town

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

- 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.



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 10-2611
MassDEP File #
eDEP Transaction #
City/Town

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

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

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



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Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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~~SE 10-2611~~
MassDEP File #

eDEP Transaction #

City/Town

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 10, 2010

1. Date of Issuance

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

5 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:

[Handwritten signature]

Cecil Swift

Billie C Bates

[Handwritten signature]

Paul Chamberlain

by hand delivery on

by certified mail, return receipt requested, on

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 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.

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.



TOWN OF CHATHAM CONSERVATION COMMISSION

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

SE 10-2611
CWP10-013N

File Number

Issuance Date

APPLICANT: David Morgan

ADDRESS: 444 Old Harbor Road

Chatham MA 02633

OWNER: See attached Sheet

(If other than applicant)

ADDRESS: _____

Feb 10, 2010

LOCATION of WORK: 442,444,440 Old Hbr Rd Assessors' Map 16G Parcel X2 & H1
594 Shore Road
Property recorded at the Registry of Deeds or Land Court in Barnstable County:

certificate (if registered land)

plan book

page

After public hearing in accordance with the Open Meeting Law (MGL Ch 39, s23B) closed on January 20, 2010, the Chatham Conservation Commission, in accordance with the Town of Chatham Wetlands Protection Bylaw finds:

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

Permit is denied;
see attached explanation

On this day January 27, 2010
Before me personally appeared

Jay Putnam

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Mary Louise Fougere

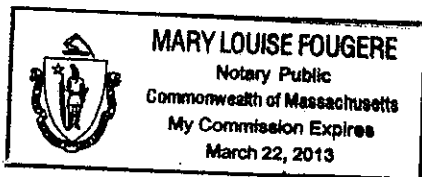
Mary Louise Fougere, Notary Public

Conservation Commission:

Jay Pridi
Carol Scott

Billie C. Bates

[Signature]
Paul Chamber L



Stamp:

signed by 5 of 7 Commissioners

TOWN OF CHATHAM - ORDER OF CONDITIONS

440, 442, 444 Old Harbor Road, 594 Shore Road; Map 16G, Parcels X1, S2, X3, X4, H1
CWP 10-013N; DEP file no. SE 10-2611

Owners: David Morgan, Michael J. & Elizabeth K Reilly, Victoria & G. Warren Chane

SUPPORTING DOCUMENTATION

- A. Notice of Intent Application with locus maps and street directions to project site
- B. SHEET TITLE "*Proposed Bulkhead Replacement, Erosion Control and Nourishment, SM-1*" dated July 11, 2006, revised November 25, 2009, for David G Morgan, 444 Old Harbor Road Chatham MA, signed and stamped by Roy E Okurowski, PE
- C. Signed Site Access Authorization form
- D. Performance Standards Narrative, Construction Protocol and Alternatives Analysis submitted with NOI application
- E. NOI Wetlands Transmittal Form with copies of checks indicating payment of state and local filing fees
- F. Legal Notice
- G. Copy of Covenant, dated July 28, 2009
- H. Abutters lists stamped by Chatham Assessors, Affidavit of Service to abutters and proof of abutter notification (Green cards & copies of white slips)
- I. DEP notification of file number
- J. Chart pgs 1-2 entitled "*Tide Data*" unsigned & unstamped, submitted at hearing January 20, 2010

PROJECT DESCRIPTION

1. The applicant proposes to extend an existing sheet piling bulkhead to help stabilize the area around the existing dwelling.
2. The existing bulkhead was replaced under Order of Conditions SE 10-2247. The dwelling was constructed prior to 1978 and is threatened by flooding.
3. The resource areas where work is proposed includes Coastal Beach and Land Subject to Coastal Storm Flowage (the most landward area subject to the 100-year coastal flood zone elevation, 10.0ft NAVD88). Salt Marsh is within the vicinity of the project, however no alteration of the Salt Marsh is proposed.
4. The Commission made no determination of the actual Mean High Water (MHW) elevation under this Order, however the Commission felt confident that project allowed under this Order of Conditions is indeed above MHW.
5. The areas south and north of the dwelling and bulkhead had experienced recent erosion. Therefore, extensions of the bulkhead flanking the dwelling to both the north and south are proposed with additional backfill and nourishment as mitigation totaling 80 cu yds.
6. Ongoing nourishment will be accomplished in conjunction with the nourishment plan required under SE 10-2247.
7. The bulkhead returns and nourishment will alleviate some of the erosion concerns, however flooding impacts to the dwelling will only be resolved by raising the dwelling out of the flood plain.

TOWN OF CHATHAM - ORDER OF CONDITIONS

440, 442, 444 Old Harbor Road, 594 Shore Road; Map 16G, Parcels X1, S2, X3, X4, H1
CWP 10-013N; DEP file no. SE 10-2611

Owners: David Morgan, Michael J. & Elizabeth K Reilly, Victoria & G. Warren Chane

8. The Commission determined that the project could be permitted subject to the following special conditions.

SPECIAL CONDITIONS**A. Pre-construction**

1. Prior to any site disturbance, the limit of work and property line stakes for the project shall be refreshed as necessary by the surveyor/engineer to reflect the approved plan. The engineer shall submit a memo to the Commission stating that this has been done.
2. Prior to any site disturbance, a pre-construction meeting will be held with the responsible contractor, engineer, and Commission/Agent to review the Order of Conditions and the work protocol. *Please call for an appointment at least one week in advance.*
3. The applicant shall secure a Massachusetts registered professional engineer to oversee the project to insure compliance with the plans and the conditions of this Order. The engineer will inspect the site regularly whenever construction is in progress. The engineer will provide weekly inspection notes to the Commission.
4. **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.**
5. **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.
6. **Prior to any work commencing**, the contractor(s) shall sign and submit the signed form acknowledging their understanding of this Order of Conditions to the Conservation Commission for the record.
7. **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.
8. These Special Conditions do not supercede or negate the requirements of the General Conditions. All successors and assigns in interest or control of the property subject to this Order of Conditions and any contractor or other person performing work conditioned by this Order shall adhere to all applicable procedural and technical conditions in this Order.

B. Excavation and Site Disturbance

TOWN OF CHATHAM - ORDER OF CONDITIONS

440, 442, 444 Old Harbor Road, 594 Shore Road; Map 16G, Parcels X1, S2, X3, X4, H1
CWP 10-013N; DEP file no. SE 10-2611

Owners: David Morgan, Michael J. & Elizabeth K Reilly, Victoria & G. Warren Chane

1. The work protocol submitted with the application shall be considered conditions of this Order.
2. The limit of construction disturbance shall be as shown on the referenced plan.
3. Low profile bulkhead extensions shall be located as shown in the final plan running parallel to the property line, not to exceed 25ft in length on the north and 30ft in length on the south.
4. Immediately upon completion of the bulkhead extensions, nourishment in volumes indicated on the plan shall be placed on the site in accordance with the approved plan.
5. Machinery and/or material access will be from the driveway and lawn area on the north of the dwelling. 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.
6. Machinery, when not in use, shall be parked in the driveway or as approved at the pre-construction meeting.
7. Materials shall be stored in the driveway or upland of the installation area until ready for installation.
8. The access shall be restored and revegetated following completion.
9. 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.
10. If, after consulting with qualified coastal engineers or coastal geologists, the Commission finds that the bulkhead or its extensions has caused or accelerated erosion on the site or on nearby properties, it may order the applicant to either nourish the beaches using clean sand of a similar or larger grain size, with an amount of material equal to the engineers/geologists calculation of the loss caused by the structure or take other action. The Commission may order re-nourishment as necessary.
11. The site shall be monitored in conjunction with the maintenance program under SE 10-2247. Nourishment shall be added as necessary to maintain appropriate beach profiles. Prior to any nourishment, notice shall be given to the Commission/Agent so that site conditions may be reviewed.
12. Any re-nourishment or maintenance of the site shall comply with the conditions of this Order and the Order issued under SE 10-2247.

TOWN OF CHATHAM - ORDER OF CONDITIONS

440, 442, 444 Old Harbor Road, 594 Shore Road; Map 16G, Parcels X1, S2, X3, X4, H1
CWP 10-013N; DEP file no. SE 10-2611

Owners: David Morgan, Michael J. & Elizabeth K Reilly, Victoria & G. Warren Chane

C. GENERAL

1. This Order of Conditions is subject to the applicant obtaining all applicable local and state permits.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Upon completion of the project the applicant shall submit a written request for a Certificate of Compliance to the Commission accompanied by a signed statement from a MA registered professional engineer attesting that the completed project complies with the approved plans and conditions of the Order.
8. 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.
9. 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.

TOWN OF CHATHAM - ORDER OF CONDITONS

**440, 442, 444 Old Harbor Road, 594 Shore Road; Map 16G, Parcels X1, S2, X3, X4, H1
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10. 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.
11. **Failure to comply with the above conditions shall be cause to revoke this permit and/or issue fines.**