EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, P.L.S.
Surveying, Geomatics Engineering and Mapping
1038 Main Street ° Chatham, Massachusetts 02633
41°41′14.73425″ N 69°58′24.87695″ W -10.019 M

REQUEST FOR DETERMINATION for AMENDED ORDER OF CONDITIONS

March 26, 2019

Chatham Conservation Commission 261 George Ryder Road Chatham, MA 02633

Re: Order of Conditions issued February 13, 2019
132 Old Salt Works Road
D. Michael Murray and Lisa Murray, owner/applicant
DEP file # SE 10-3316

Dear Commissioners:

On behalf of my clients, D. Michael and Lisa Murray, I request the commission to consider the amendment of the current Order of Conditions for the above referenced project.

The applicant is proposing to relocate the septic system from the front yard to the side yard, and to replace any trees that are removed during construction.

Enclosed please find three (3) copies of the following:

- Sketch plan dated 03-21-2019;
- Copies of the original Order of Conditions (not yet recorded), including reduced copies of approved plans; and
- Assessor's Map.

Thank you in advance for your attention to and consideration of this request. Should you have any questions, please contact me.

Should you have any questions, please contact me.

Very truly yours,

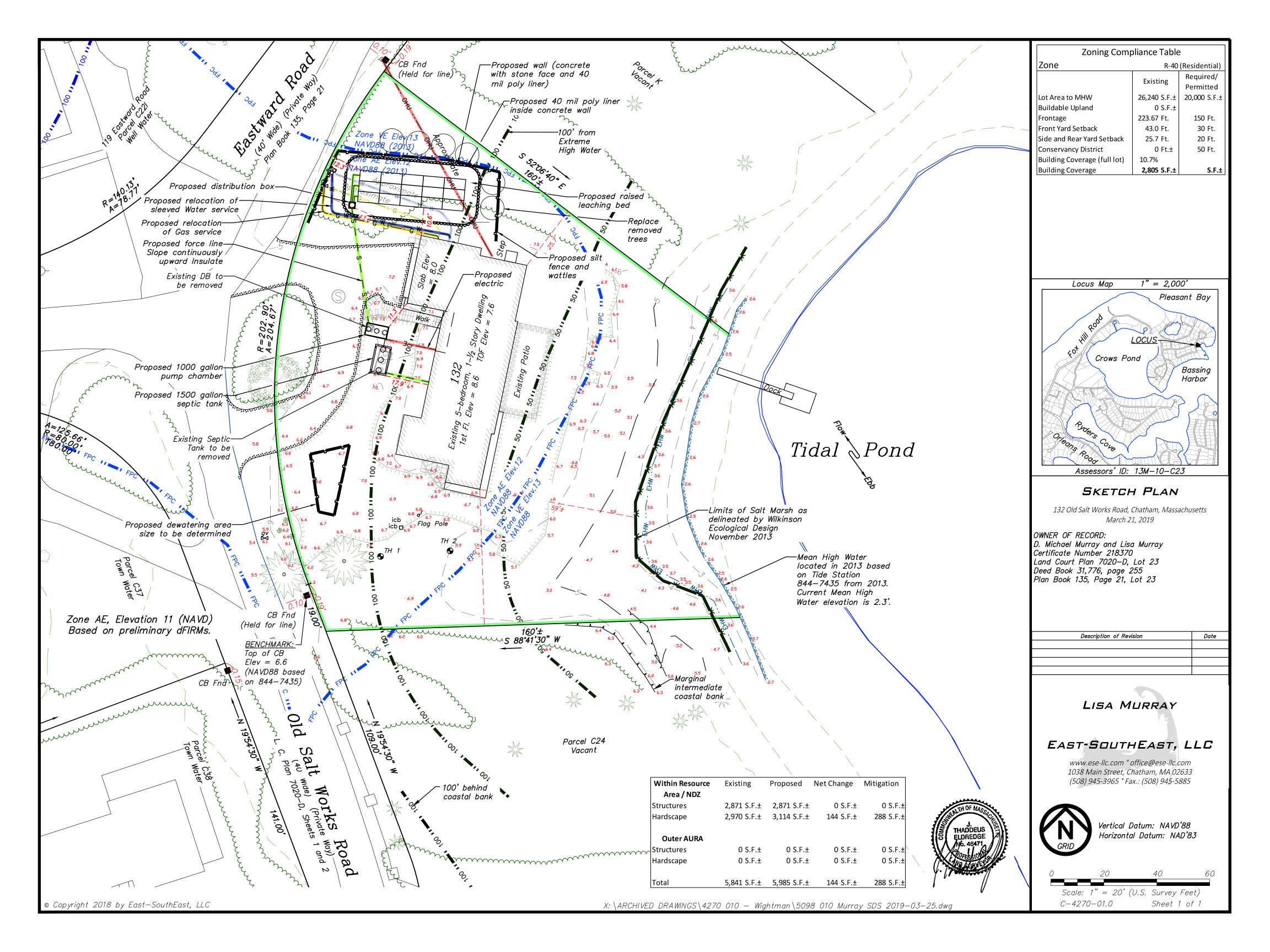
EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, PLS

JTE/mse

Enclosures

Copy: D. Michael and Lisa Murray





WPA Form 5 - Order of Conditions

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

Provided by MassDEP: SE 10-3316 MassDEP File #

eDEP Transaction #
Chatham
City/Town

A. General Information

c. Assessors Map/Plat Number

Latitude and Longitude, if known:

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





1. From: Chatham		
Conservation Commission		
2. This issuance is for a. ⊠C (check one):	Order of Conditions b. Amende	d Order of Conditions
3. To: Applicant:		
Hazel	Wightman	
a. First Name	b. Last Name	
c. Organization		1/2
75 W School St Apt 417		
d. Mailing Address		
Charlestown	MA	
e. City/Town	f. State	g. Zip Code
4. Property Owner (if different from apparent a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
132 Old Salt Works Road	Chatham	
a. Street Address	b. City/Town	1
13M	C23	

d

d. Latitude

d. Parcel/Lot Number

S

m

d

e. Longitude



WPA Form 5 – Order of Conditions

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

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A. General Information (cont.)

, v.		, ,	0011	,					
6.	Property recorded at the Registry of Deeds for (attach additional information if more than								
	one parcel):								
	Barnstable				204684				
	a. County				b. Certificate Numb	er (if	registe	ered land)	
	c. Book Dec 19, 2018			lanu	ary 6,2019		1	Feb 13,2019	_
7.	Dates: a. Date Notice of Inf	ent Fi	led	b. Dat	e Public Hearing Clo	sed	C.	. Date of Issuance	_
8.	Final Approved Plans and (as needed): "Site Plan" for Baysie Wigh			cuments (a	ttach additional	plan	or do	ocument reference)\$
	a. Plan Title				I The days Cla	اممط	- D	1.0	
	East-SouthEast, LLC b. Prepared By				J Thaddeus Eld			LS	_
					c. Signed and Stan	ipeu	IJy		
	December 18, 2018 d. Final Revision Date				e. Scale				_
	"Sewage Disposal System,	chte	1 &	2" by ESE			г	December 6, 2018	
	Daniel Croteau, PE	31113	1 0	Z Dy LOL	,LLO, Signed by		-	. Date	_
1.	Findings 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 Con	taining Shellfish	C.	92 CO - 10 CO	Prevention of ution	
d.	☐ Private Water Supply	e.	\boxtimes	Fisheries		f.		Protection of llife Habitat	
g.		h.		Storm Da	mage Preventior	ıi.	\boxtimes	Flood Control	
2.	This Commission hereby fir	ds th	e pro	oject, as pro	pposed, is: (check	one	of th	e following boxes)	
Ар	proved subject to:								
a.									



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B. Findings (cont.)

	3 (, , ,									
Dei	nied 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. 3.	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).									
Э.	☐ Buffer Zone Impacts: S disturbance and the wetlar				a. linear feet					
Inla	and Resource Area Impac	ts: Check all tha	t apply below. (I	For Approvals Or	nly)					
Re	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement					
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet					
5.	☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet					
6.	☐ 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.	☐ 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.	Isolated LandSubject 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.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet							
	Sq ft within 100 ft		d square feet		f causes foot					

d. square feet

h. square feet

c. square feet

g. square feet

f. square feet

j. square feet

e. square feet

i. square feet

Sq ft between 100-200 ft



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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.	☐ Designated Port Areas	Indicate size under Land Under the Ocean, below				
11.	Land Under the Ocean	a. square feet	b. square feet		,	
		c. c/y dredged	d. c/y dredged			
12.	☐ Barrier Beaches	Indicate size ur below	nder Coastal Bea	aches and/or Coa	istal Dunes	
13.	☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	d. nourishment	
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd	cu yd d: nourishment	
15.	☐ Coastal Banks	a. linear feet	b. linear feet			
16.	Rocky Intertidal Shores	a. square feet	b. square feet			
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet	
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet			
19.	☐ Land Containing Shellfish	c. c/y dredged a. square feet	d. c/y dredged b. square feet	c. square feet	d. square feet	
20.	☐ Fish Runs	Indicate size ur	nder Coastal Ba d/or inland Land	nks, Inland Bank, Under Waterbodi	Land Under	
21.	□ Land Subject to Coastal Storm Flowage	a. c/y dredged 4,000 sq ft- project area;	b. c/y dredged 4000 sq ft - alteration			
22.	☐ 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

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.
- amount here. 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 13,2022 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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 then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number

SE 10-3316 "

- 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 wo	rk 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:
 - 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.
- I) 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):								
		31		1				

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 Conservation Commission a. In that the proposed work cannot be conditioned to meet the standar municipal ordinance or bylaw, specifically:	,		
	1. Municipal Ordinance or Bylaw Therefore, work on this project may not go forward unless and until a Intent is submitted which provides measures which are adequate to standards, and a final Order of Conditions is issued.			
	 b. \infty that the following additional conditions are necessary to comply vordinance or bylaw: Chatham Wetlands Protection Bylaw 1. Municipal Ordinance or Bylaw 	with a municipal Ch 272 2. Citation		
3.				
		-		



WPA Form 5 – Order of Conditions

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

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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.

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

Feb 13,2019

1. Date of Issuance
4 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:	1 21
fry tompself	berd & Mr
Bole to Falls	
for D. D. Willi	* .
☐ by hand delivery on	by certified mail, return receipt requested, on Feb 13,2019
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 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.



SE 10-3316 CWP 18-207N

File Number

Issuance Date

TOWN OF CHATHAM CONSERVATION COMMISSION

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

APPLICANT: Hazel Wightman	
ADDRESS 75 W School St Apt 417	
Charlestown MA 02129	February 13,2019
OWNER: Same as above (If other than applicant) ADDRESS:	
LOCATION of WORK: 132 Old Salt Works Road Assessors' Map_13M_Part Property recorded at the Registry of Deeds or Land Court in Barnstable County:	rcel C23
204684 Certificate plan book pag	re
After public hearing in accordance with the Open Meeting Law (MGL Ch 39, s23B) c. 2019 the Chatham Conservation Commission, in accordance with the Town of Chatha Bylaw (Ch 272) finds:	
XX Permit is granted; work may proceed subject to the attached Special Condition	ons.
Permit is denied; see attached explanation.	
Chatham Conservation Commission:	
signed by 4 of	7 Commissioners

Property: 132 Old Salt Works
Map { 13M } and Parcel { 10-C23 }

Owner/Applicant: Hazel Wightman

Owner's Representative: East-Southeast, LLC

DEP File No.: SE 10-3316 **CWP No.:** CWP 18-215N

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 the Town of Chatham Wetlands Protection Regulations. The following materials are hereby made a part of this Order:

- Wetlands Protection Act (WPA) Form 3 Notice of Intent (NOI) and NOI Wetland Fee
 Transmittal Form
- NOI Checklist
- 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
- Property description
- Project description
- Performance standards
- Construction Protocol
- Variance Request
- Alternatives Analysis
- Area Calculation Table
- Maps: Town of Chatham Online Assessors Map, USGS Locus Map, DEM Map, NHESP Map, FEMA Flood Insurance Rate Map (FIRM)
- Plan titled: "Sheet 1 of 2, Site Plan for property located at 132 Old Salt Works, prepared for Hazel Wightman, prepared by East-Southeast, LLC, stamped by a Professional Land Surveyor, dated 12/18/18, scale 1" = 20 "
- Plan titled: "Sheet 2 of 2, Sewage Disposal System for property located at 132 Old Salt Works, prepared for Hazel Wightman, prepared by East-Southeast, LLC, stamped by a

Professional Land Surveyor and a Registered Professional Engineer, dated 12/6/18, scale 1'' = 20 '"

• Plan titled: "Sheet 2 of 2, Sewage Disposal System for property located at 132 Old Salt Works, prepared for Hazel Wightman, prepared by East-Southeast, LLC, stamped by a Professional Land Surveyor and a Registered Professional Engineer, dated 12/6/18, not to scale"

PROPERTY AND PROJECT DESCRIPTION:

The Applicant submitted a Notice of Intent (NOI) that was received by the Conservation Division on December 19, 2018. The Conservation Commission held the public hearings on January 9, 2018 to review the proposed Notice of Intent.

The property is developed with a 5-bedroom dwelling, septic system, patio, lawn, driveway, licensed dock and underground utilities. The property is currently under agreement. The existing septic system has failed due to its current proximity to groundwater. The buyer of the property would like to keep the dwelling and hardscape as is, but understands the need to upgrade the septic.

The proposed project is to upgrade the septic system, so it is no longer a failed system. The septic components are located more than 100 feet from the Salt Marsh. The following activities are proposed:

- Remove the existing Septic Tank
- Abandon the existing distribution box
- Install a new 1500-gallon septic tank, 1000-gallon pump chamber, new distribution box, pump chamber, elevate the leaching bed to ensure 5 feet of separation to adjusted high groundwater, and construct a concrete, stone faced retaining wall around the leaching bed. The footprint of the leaching facility will be reduced using cultec chambers
- Creation of a dewatering area adjacent to the new raised leaching bed
- Unsuitable soils will be excavated and removed from the site and clean soils will be brought to the site to elevate the ground
- Removal of a leaning cedar tree and replacement in kind
- Replanting of disturbed lawn areas
- Native bushes and grasses will be planted at the edge of lawn

Mitigation includes: upgrading the septic system, cedar tree replacement, removal of invasives due to installation of the septic system and planting native grasses and shrubs

RESOURCE AREAS:

Resource Area(s)	MA DEP Wetland	Chatham Wetlands
	Protections Regulations	Protection
		Regulations (CWPR)
Land Subject to Coastal Storm Flowage	30 CMR 10.04	CWPR 2.10 (2)(a)
(LSCSF) (4,000 square feet project area,		
1,500 square feet of alteration)		
Salt Marsh	310 CMR 10.32 (2)	CWPR 2.06 (2)
Adjacent Upland Resource Area		CWPR 4.01 (2)

Other Important Adjacent Resource Areas:

- Tidal Pond and Land Under the Ocean
- Area of Critical Environmental Concern (ACEC)
- Site subject to a Wetlands Restriction Order under the inland and Coastal Wetlands Restriction Act

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. The existing septic system has failed due to its current proximity to groundwater.
- 2. The entire dwelling and failed septic system are located within Land Subject to Coastal Storm Flowage.
- 3. A small portion of the proposed work will occur within 100 feet of a Salt Marsh
- 4. The proposed work will result in increase of 144 square feet of hardscape in LSCSF with 288 square feet of proposed mitigation

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.

SPECIAL CONDITIONS:

- 1. All of the Construction Notes on the 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. The Construction Protocol which includes a timeline of events, dewatering protocols, and excavation protocols, shall be discussed at the Pre-Construction meeting with contractor and the Conservation Agent. The Representative involved in the permitting process shall attend the Pre-Construction meeting if necessary.
- 3. The silt fencing and wattles shall be installed prior to the Pre-Construction meeting with the Agent.
- 4. The silt fencing for the dewatering area shall be installed prior to construction and prior to the Pre-Construction meeting with the Conservation Agent.
- 5. The Cedar Tree scheduled for removal shall be flagged prior to the Pre-Construction meeting with the Conservation Agent. The Cedar Tree shall be replaced in kind after construction is complete.
- 6. 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. Pruning for view and/or additional planting of native species and/or removal of harmful exotic invasive species may be allowed with prior consent of the Conservation Commission. The applicant shall instruct all agents to explain the mitigation area to buyers/lessees/landscapers and all persons taking over the property from the applicant. This condition shall be recorded on the Certificate of Compliance as an ongoing condition.
- 7. To insure mitigation is achieved and the improved vegetated buffer has been established, mitigation plantings shall be cared for to insure survival for three (3) full growing seasons. During this time period, the agent may require additional plantings if the Agent determines that any of the specimens are dead or dying and need replacement.
- 8. After completion of work, and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the edge of the planted mitigation area to ensure no further inadvertent encroachment into the buffer to the wetland. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant.

STANDARD CONDITIONS

These general conditions apply as applicable. They 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.

A. Pre-construction

- 1. Avoid and minimize all activities involved with this project shall be conducted in a manner that avoids alteration to vegetation, beach and bank and, where it is unavoidable, the alteration shall be minimized.
- 2. The project shall be implemented only by a **qualified consultant / contractor** who, on the basis of his/her qualifications, expertise, and documented experience in such projects, is found acceptable to the Agent/Commission. The Commission reserves the right to interview the prospective contractor / consultant prior to making its determination.
- 3. Prior to any site disturbance, the **limit of work and foundation 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.
- 4. 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. *Please call for an appointment at least one week in advance.*
- 5. The applicant shall secure a Massachusetts registered professional engineer to act as clerk of the works to be approved or designated by the Commission. The engineer will supervise the contractor and will inspect the site regularly whenever construction in or within 100 feet to the wetland is in progress.
- 6. Prior to any site disturbance and to the pre-construction meeting, all sedimentation controls (i.e. straw bales at the work limit) shall be in place and ready for inspection at the time notice is sent. Once notified, the Commission/Agent may conduct a pre-construction inspection of the site and instruct the applicant of any preliminary modifications necessary for compliance with the Order of Conditions.
- 7. 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.

- 8. **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.
- 9. 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.
- 10. 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 and Site Disturbance

- 1. Clearing of naturalized vegetation / grubbing out of the work site within 100 ft of the wetland resource area(s) may not occur between April 1 and September 1. Project must be planned accordingly.
- 2. Any excavated material to be stored for backfilling or later grading will be stockpiled outside the Resource Area, on the existing driveway.
- 3. All excavated material not needed for backfill or new contours will be removed from the site.
- 4. Debris, including litter, shall be picked up daily. No debris of any sort will be left on the site. Debris shall be disposed of in a covered dumpster.
- 5. No herbicides of any sort shall be used on the site for the purposes of construction.
- 6. All disturbed areas shall be revegetated as soon as possible during and after construction.
- 7. Machinery and/or material access will be from the existing driveway. 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.
- 8. Machinery, when not in use, shall be parked outside the 100 foot buffer to the resource area.
- 9. Washing of equipment/tools shall be done OFF-SITE or handled in a manner approved by the Agent, however in no cases shall concrete or masonry debris be left on the site.
- 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. Drainage and Re-Vegetation

- 1. 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 wetland resource area.
- 2. Disturbed areas shall be revegetated with natural flora of proven value to local wildlife.
- 3. Invasive plant species, as may appear on the current list of the Chatham Conservation Commission, shall not be planted on the site, see www.IPANE.org.
- 4. No herbicides or pesticides shall be used in the AURA to the wetland resource area. This condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.
- 5. No lawn may exist beyond what is shown on the approved plan. This condition shall remain in force in perpetuity and shall be recorded as such on the Certificate of Compliance.
- 6. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
- 7. Any lawn area shall be constructed with a minimum of four to six inches of organic top soil/loamy sand together with a seed mixture appropriate for Cape Cod.
- 8. If an irrigation system is installed, it shall conform to the design standards of the Water Department. If connected to town water, a permit shall be obtained from the Water Dept. and a copy submitted to the Commission prior to issuance of a Certificate of Compliance.
- 9. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
- 10. Loaming and seeding shall occur within (5-30) days of final grading. Barren areas shall be stabilized by seeding if work on the project is interrupted for more than 90days, unless the 90days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be taken.

11. *Dumping Prohibited*: There shall be no dumping of leaves, grass clippings, brush, or other debris within the wetland or on the bank or within the buffer zone to the wetland resource area.

D. 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.
- 8. The request for a Certificate of Compliance shall include:
 - a. 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.
 - b. An "as-built" plan, including final contours, shall be prepared and signed and stamped by a Massachusetts registered professional engineer or land surveyor for the file.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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 6 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.
- 13. Failure to comply with the above conditions shall be cause to revoke this permit and/or issue fines.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: SE 10-3316 MassDEP File #

eDEP Transaction #
Chatham
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission		
Detach on dotted line, have stamped by the Regist Commission.	try of Deeds and submit	t to the Conservation
То:		
Chatham Conservation Commission		
Please be advised that the Order of Conditions for	or the Project at:	
132 Old Salt Works Road Project Location	SE 10-3316 MassDEP File Number	
Has been recorded at the Registry of Deeds of:		
Barnstable County for: Hazel Wightman Property Owner	Book	Page
and has been noted in the chain of title of the affective	ected property in:	
Book	Page	
In accordance with the Order of Conditions issue	d on:	¥
Date		4
If recorded land, the instrument number identifying	ng this transaction is:	
Instrument Number		
If registered land, the document number identifying	ng this transaction is:	
Document Number		
Signature of Applicant		

