

DRAFT: FOR DISCUSSION PURPOSES ONLY

Town of Chatham – Order of Conditions

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

Town of Chatham Wetlands Bylaw C. 272 and Regulations

Click or tap here to enter text., **Map [] Parcel []**

SE 10- Click or tap here to enter text., **CWP N-** Click or tap here to enter text.

Owner/Applicant: Click or tap here to enter text.

Owner's Representative: Click or tap here to enter text.

Project Type: Click or tap here to enter text.

SUPPORTING DOCUMENTS

Through the Public Hearing process, plans, work protocols, and expert testimony were submitted. The following list of documents reflects the project as reviewed by the Commission and represents the project that seeks an Order of Conditions under the Massachusetts Wetlands Protection (310 CMR 10.00) and Town of Chatham Wetlands Protection Bylaw and 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
- Wetland Delineation Information
- Project description
- Performance standards
- Construction Protocol
- Variance Request and Alternatives Analysis (if applicable)
- Staking Protocol
- Maps: Locus Map, FEMA Flood Insurance Rate Map (FIRM)
- Site Plan for property located at Click or tap here to enter text., Chatham, MA, prepared for Click or tap here to enter text. , prepared by Click or tap here to enter text., dated Click or tap here to enter text., *revised* Click or tap here to enter text. scale 1" =Click or tap here to enter text., stamped by Click or tap here to enter text.

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HEARING INFORMATION:

The Applicant submitted a Notice of Intent (NOI) that was received by the Conservation Division on Click or tap here to enter text. The Conservation Commission held [a]public hearing[s] on Click or tap here to enter text. to review the proposed Notice of Intent. A draft Order of Conditions was reviewed at a public hearing on Click or tap here to enter text.

RESOURCE AREAS:

The following Resource Areas are associated with the project site:

[Delete the rows that are not present on the property]

Resource Areas: Areas subject to protection under M.G.L. c. 131, § 40	310 CMR 10.00: DEP's Wetland Protection Regulations	Chatham Wetlands Protection Regulations
Land Under the Ocean	310 CMR 10.25 (2)	CWPR 2.01 (2)
Coastal Beaches	310 CMR 10.27 (2)	CWPR 2.02 (2)
Coastal Dunes	310 CMR 10.28 (2)	CWPR 2.03 (2)
Barrier Beaches	310 CMR 10.29 (2)	CWPR 2.04 (2)
Coastal Banks	310 CMR 10.30 (2)	CWPR 2.05 (2)
Salt Marshes	310 CMR 10.32 (2)	CWPR 2.06 (2)
Land Under or Within 100 feet of Salt Ponds	310 CMR 10.33 (2)	CWPR 2.07 (2)
Land Containing Shellfish/Shellfish and Shellfish Habitat	310 CMR 10.34 (2)	CWPR 2.08 (2)
Banks of or Land Under the Ocean, Ponds, Streams, Rivers, Lakes or Creeks that Underlie an Anadromous Catadromous Fish Run	310 CMR 10.35 (2)	CWPR 2.09 (2)
Land Subject to Coastal Storm Flowage (LSCSF)	310 CMR 10.04	CWPR 2.10 (2)(a)
Inland Banks (Naturally Occurring Banks and Beaches)	310 CMR 10.54 (2)	CWPR 3.01 (2)
Vegetated Wetlands (Wet Meadows, Marshes, Swamps, and Bogs)	310 CMR 10.55 (2)	CWPR 3.02 (2)

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Land Under Water Bodies (under any creek, river, stream, pond or lake, flats or ditch)	310 CMR 10.56 (2)	CWPR 3.03 (2)
Bordering Land Subject to Flooding	310 CMR 10.57 (2)	CWPR 3.04 (2)
Isolated Land Subject to Flooding	310 CMR 10.57 (2)	CWPR 3.05 (2)
Riverfront Area	310 CMR 10.58 (2)	
Vernal Pool and Vernal Pool Habitat	310 CMR 10.57 (2)	CWPR 3.06 (2)
Adjacent Upland Resource Area (AURA)		CWPR 4.01 (2)
Estimated Habitats of Rare Wildlife	310 CMR 10.37	

Other Important Adjacent Resource Areas [KEEP ANY THAT ARE PRESENT] and delete the rest

- Area of Critical Environmental Concern (ACEC)
- Area Designated as Outstanding Resource Water (ORW)
- MassDEP Stormwater Management Standards
- A portion of the site is subject to a Wetlands Restriction Order under the Inland Wetlands Regulation Act or the Coastal Wetlands Regulation Act.
- Conservation Restriction

PROPERTY AND PROJECT DESCRIPTION:

Property and Resource Area Description:

Project and Mitigation Description:

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:

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1. The proposed project will result in an overall coverage [increase or decrease] of ___ sf, in the 0' - 50' AURA (No Disturb Zone or NDZ) [and LSCSF], and an overall coverage [increase or decrease] of ___ sf in the 50' – 100' AURA (Outer AURA).
2. To mitigate for the impacts associated with the increase(s) in coverage, the project includes [describe mitigation and include approximate sf of vegetation restoration, invasive management, etc]
3. **[FINDING FOR VARIANCE]** The proposed project includes activities in the NDZ, therefore a variance is required and/or requested. Given that **EDIT THE FOLLOWING AS APPROPRIATE:** [the lot is constrained in size][the lot is extensively disturbed] [the lot is nearly all located within the NDZ][proposed hardscape is pervious][other finding to justify the variance], and considering the proposed mitigation, the Commission finds that the increase in the NDZ is offset by an overall benefit to the resource area. Therefore, the Commission finds that the proposed Project qualifies for a variance from the Chatham bylaw pursuant to the Chatham Wetlands Protection Regulations, Part IV, Section 4.03, because [edit following specific findings as appropriate] the applicant has (a) proposed mitigation that will enhance and contribute to the protection of the resource areas; (b) demonstrated that there are no reasonable alternatives to the project within the proposed, site and (c) demonstrated, and the Commission finds, that, as conditioned herein, there will be no adverse impact from the project. Accordingly, the Commission grants the variance.
4. **[Findings to support decision: how the Project meets applicable Performance Standards]**
5. **[Finding for new septic systems:]** MA DEP Regulations provide that a subsurface sewage disposal system that is to be constructed in compliance with the requirements of Title 5 shall be presumed to comply with the requirements of the Wetlands Protection Act and Regulations. The Chatham Board of Health has approved the proposed system, and therefore the Commission finds that the proposed system is presumed to comply with Wetlands requirements.

DECISION: The Commission **APPROVES** the Project and finds the project as described in the Supporting Documents can be permitted subject to the following Special and General 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).

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

CONDITIONS

The Project approval is based on compliance with the following Special and Standard Conditions. Except as otherwise specifically notes on the approved Plan(s), these Conditions apply as and to the extent they are applicable to the specific Project. The Standard Conditions supplement the Special Conditions and relate generally to steps necessary for the protection of wetland Resource Areas before, during, and after project completion, and to provide documentation necessary to confirm that the project has been completed as permitted. If there is any conflict or inconsistency between the Standard Conditions and the Special Conditions, the Special Conditions shall control.

SPECIAL CONDITIONS:

1. The approved Site Plan(s), the approved **[Select as appropriate, making sure to include all final versions of ALL plans reviewed and approved: Site Plan(s), Planting Plan, Restoration Plan, Land Management Plan, other plans]** (Approved Plans), all Notes on the Approved Plans and **[Construction][Work]** Protocols contained in the Applicant's Narrative are hereby incorporated by reference and made a part of this Order of Conditions.
2. **For projects in or impacting No Disturb Zones:** Applicant shall take special care to ensure that no unpermitted alteration, including temporary alteration, of the No Disturb Zone (NDZ) occurs during the project. Steps to be taken to protect the NDZ shall include, as examples and without limitation, avoiding any excavation within the NDZ, installation of Limit of Work (hay bales, silt fence or similar protective barrier) along the boundaries of the NDZ to prevent any unnecessary incursion. Any disturbance of NDZ that cannot be avoided shall be minimized as much as possible and the NDZ shall be restored to its pre-construction condition immediately after the project is completed.
3. **For projects with mitigation planting:** After completion of work, and prior to the issuance of a Certificate of Compliance, the applicant shall permanently visibly delineate

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the limits of the upland edge of the Mitigation Area to ensure no inadvertent encroachment into these areas. If applicable, the applicant shall also permanently mark the upland edge of the undisturbed vegetated buffer to ensure no inadvertent encroachment into the vegetated buffer strip. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant. The applicant shall instruct all landscapers and groundskeepers that the Mitigation Area and vegetated buffer strip are not to be disturbed; and shall instruct all agents to explain the mitigation area and vegetated buffer strip to buyers/lessees and all persons taking over the property from the applicant. This condition shall be recorded as an on-going condition on the Certificate of Compliance.

4. **[Where the mitigation area is located anywhere in the vicinity of invasive vegetation:]** Ongoing invasive plant management is required to maintain the Mitigation Area to ensure that any adjacent invasive vegetation does not migrate into the Mitigation Area. Applicant must monitor the Mitigation Area at least twice during each growing season to check for the presence of any invasive vegetation. All invasive vegetation in the Mitigation Area shall be promptly removed and/or treated and properly disposed of. If appropriate, a 3' wide mowed strip may be maintained between the new mitigation plants and remaining invasive plants to prevent easy migration of the invasive plants into the Mitigation Area. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
5. **[For projects with mitigation planting:]** The planted Mitigation Area shall be left undisturbed, except for the maintenance required by this Order of Conditions. Except as otherwise expressly permitted under this Order for ongoing invasive species management, no pesticides, fertilizers or new permanent irrigation is permitted within any Resource Areas in Conservation jurisdiction. No removal of leaf litter or duff layer; no weeding (other than periodic removal of invasive vegetation, as needed); no hardscape; no structures of any kind; no creation of lawn; no dumping of yard debris; no mulch may be used unless specifically permitted by this Order of Conditions. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
6. **[For projects with pervious patios and/or pavers:]** The pervious surfaces of dry-laid patio(s) and/or walkways, driveways and the like, act as a filter, so like any filter they must be cleaned periodically to ensure that the pervious areas continue to function to

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allow water to drain and filter, and to prevent clogging where sediment can become ground deep into the pavement's grooves. On a monthly basis, all pervious elements of the dry-laid patio and/or walkway or driveway shall be (a) visually inspected to ensure that they are clean of debris, de-waters between storms and free of sediments; and (b) cleaned, including blowing, sweeping and/or dry vacuuming to remove any debris that may have accumulated in the pervious elements.

7. **[For projects where loss of beach elevation is a concern:]** An annual survey of the coastal /beach area shall be conducted by a survey crew overseen by a MA licensed Land Surveyor. Photo documentation shall be submitted to illustrate the site conditions at the time of survey. Annual surveys shall be submitted to the Conservation Agent for review and shall include at a minimum: **[Select as appropriate]**
 - a. Beach profiles and elevations
 - b. Base and top of bank
 - c. Mean High and Low Water
 - d. Delineation of salt marshes
 - e. Shellfish Abundance and Location
8. **[Where project area is adjacent or near to conservation land or naturalized Resource Areas]:** Lighting installed _____ **[describe area – pool, patio, walkways etc]** must account for and be sensitive to the **[adjacent/nearby] ____ [mitigation area/conservation area/naturalized resource area/]**. Accordingly, all exterior lighting must: be arranged to point to the ground; be fully shielded if it is brighter than 600 lumens; have a color temperature of 2700 Kelvin or lower; and must be turned off between 11:00 PM and 6:00 AM. Motion Sensors shall not be utilized. No lighting of any kind may be affixed to and installed on any stairways, catwalks or piers. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
9. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of the mitigation plants were installed. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the mitigation areas and/or planted areas, any need for replacements, and condition of the plantings and resource areas within the Project site.

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10. **[Where regular reporting is desired or needed]**. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of the mitigation plants were installed. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the mitigation areas and/or planted areas, any need for replacements, and condition of the plantings and resource areas within the Project site.

STANDARD CONDITIONS:

A. Pre-construction Conditions

1. All pre-construction activities shall be conducted in a manner that avoids alteration to any wetland Resource Area as defined in 310 CMR 10.00 and the Town of Chatham Wetlands Protection Regulations.
2. Project installation and maintenance shall be implemented, supervised, and monitored by a qualified consultant/contractor approved by the Conservation Commission. If, following Commission review, approval of the plans, and issuance of an Order of Conditions, there is no consultant/contractor selected or there is a change in consultant/contractor, the Applicant shall appear before the Conservation Commission at a regularly scheduled meeting to request approval of a consultant/contractor appropriately qualified to undertake the Project prior to undertaking or continuing any work.
3. Prior to any site disturbance and to the pre-construction meeting, all sedimentation controls (i.e. silt fences, construction fences, and/or straw bales at the Limit of Work) shall be in place and ready for inspection by the Agent during the pre-construction meeting. The Agent may instruct the contractors to modify the sedimentation controls to protect wetland Resource Areas and for compliance with the Order of Conditions. Note: Hay is not acceptable for erosion controls (although hay bales may be used solely for delineating the Limit of Work).
4. Prior to any activity on the property, the Limit of Work lines, Resource Areas and associated buffer zones, and/or other structures (i.e. location of foundation) shall be staked in the field and inspected by the Conservation Agent at the Pre-Construction

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

5. If applicable, all trees approved for removal shall be flagged prior to the Pre-Construction meeting with the Agent. **The Agent will confirm that the trees flagged for removal have all been approved for removal.**
6. Prior to any work commencing and the pre-construction meeting with the Agent, a sign shall be visibly displayed on the site showing the DEP and/or the Chatham Conservation Division file number and shall remain posted until the issuance of a Certificate of Compliance. A copy of this Order of Conditions and site plan shall be retained on the site at all times and visibly displayed in a weatherproof container.
7. Prior to any site disturbance, a pre-construction meeting will be held with the responsible contractors, engineer, and Commission/Agent to review the Order of Conditions, the work protocol and other required materials identified in this Order of Conditions. Multiple contractors may be required to attend the pre-construction meeting, at the discretion of the Conservation Agent or Conservation Commission. The Form Acknowledging Understanding of the Orders of Conditions shall be signed and given to the Agent in writing before or during the Pre-Construction meeting. The notice of start of work shall also include the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. Work shall not begin until a pre-construction meeting is held, and the Agent determines the work can proceed.
8. The applicant shall identify a professional land surveyor, engineer, landscape designer and/or ecological restoration professional (as appropriate to the project), or other professional approved by the Commission) to act as a project site manager or Site Superintendent. The Site Superintendent shall be approved by the Conservation Agent at the pre-construction meeting.
9. The Site Superintendent shall supervise the contractor(s) and inspect the site regularly whenever work takes place in or within 100 feet of a wetland Resource Area. The Site Superintendent will be onsite regularly and shall take responsibility for the proper

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functioning of drainage and erosion control systems for the Project. The phone number for the Site Superintendent shall be given to the Agent at the Pre-Construction meeting. Prior to any work commencing, the named Site Superintendent shall sign and submit a form acknowledging their understanding of this Order of Conditions and asserting that they will provide all subcontractors with a copy of these Conditions as they apply to each subcontractor. Multiple Site Superintendents may be required where Projects involve multiple components which each need specialized oversight capability.

B. Conditions for Demolition, Construction, Site Disturbance and Drainage

1. All material and debris generated during demolition of existing structures shall be loaded onto waiting trucks and removed from the site daily. Stockpiling of debris shall not occur within any Resource Areas.
2. Under no condition will the operation of equipment; stockpiling of soil; or the cutting, clearing or pruning of trees, shrubs or ground cover or other site disturbance take place on the wetland side of the no-work line without prior consent of the Conservation Commission.
3. Clearing of any vegetation or grubbing out the work site in or within 100 feet of wetland Resource Area(s) shall not occur between April 1 and September 1.
4. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash or excavate shall be stockpiled or collected in areas as shown and labelled on the approved site plan(s), or if no such areas are shown on the site plan(s) then these must be placed or stored outside all Resource Areas and associated buffer zones under cover and surrounded by a double staked row of straw bales to prevent contact with rain water. Port-o-potties shall be sited at least 100 feet from wetland Resource Areas and 200 feet from rivers or on existing driveways. Washing of equipment and tools shall be done off site or handled in a manner approved by the Conservation Agent and in no case, shall concrete or masonry debris be left on site and uncovered.
5. No material of any kind shall be buried, placed or dispersed in areas within jurisdiction of the Conservation Commission, except as expressly permitted by the Order of Conditions or the plan(s) approved herein.

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6. Disturbed areas where the grade is steep (>10%) shall not be exposed for longer than two months. If exposed for longer than 2 weeks, erosion control matting shall be installed and firmly anchored in place to prevent soil from washing out during rain or flooding events. In addition, the exposed area(s) shall be seeded with native grasses for stability. All sedimentation controls shall be approved by the Agent prior to installation. All disturbed areas shall be stabilized and seeded prior to November 1st of each year and no disturbed areas shall be left unprotected or without erosion controls during the winter months (December – April).
7. Machinery and vehicle access shall be from the existing driveway and across upland areas, unless otherwise specified in the Approved Work Protocol or approved Site Plan(s). The granting of this permit does not obviate the Applicant's need to gain proper permission from any abutter whose property is to be used for access.
8. Machinery and vehicles, when not in use, shall be parked on the existing driveway, unless otherwise specified in the Order of Conditions or on the approved site plan(s).
9. There shall be no discharge or spillage of fuel, oil or other pollutants to any wetland Resource Area(s) or associated buffer zones. The Applicant shall take all reasonable precautions to prevent the release of pollutants through negligence, ignorance, accident or vandalism.
10. Runoff from hardscaped areas or roof runoff shall be allowed to percolate down through the soils from the surface using best management practices for handling stormwater, and as approved by the Commission/Agent. At no time may runoff be directed to any Resource Area. All stormwater runoff from hardscaped areas on the applicant's property, including runoff from roofs, patios, terrace, swimming pools and other hardscape features, must be captured on the applicant's property and not allowed to flow onto neighboring properties or into Resource Areas. This project shall not increase runoff, nor cause flood or storm damage to abutters, other property owners or the Resource Area. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
11. Failure to follow approved and required maintenance practices for the Project, or any part of this Project is shown to cause negative impact to the Resource Areas shall be cause for the Commission to require that remedial measures must be undertaken. The Commission reserves the right to require that a hearing be held, at the applicant's expense, in order to discuss the necessary remedial measures and determine if more

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information from the Applicant or a Third-Party Consultant is required. The Commission may determine that the approved project is to be modified as necessary to protect the interests of the Act.

C. Vegetation, Landscaping and Mitigation Planting

1. Clearing of any vegetation or grubbing out the work site in or within 100 feet of wetland Resource Area(s) shall not occur between April 1 and September 1.
2. All areas disturbed during construction shall be revegetated with suitable native plant materials according to the approved site plan(s).
3. All plants installed within any Resource Area, including the Adjacent Upland Resource Areas, shall be native species, selected from the [Chatham Conservation Commission Native Plant List](#) or the Barnstable County Cooperative Extension's [Trees and Shrubs for Coastal Environments](#).
4. Invasive plant species, as may appear on the current list of the [Massachusetts Prohibited Plant List](#) or the [Massachusetts Invasive Plants Advisory Group](#) listed in the [Invasive Plants list](#) shall not be planted in any location on the property.
5. Revegetation including the installation of mitigation plants shall commence immediately upon completion of construction, unless otherwise indicated by an approved land management or landscape plan and shall be completed by the beginning of the first growing season following completion of construction. Planting plans must be fully completed as part of this Order. Plants shall be placed to ensure good coverage for the species and size of plant. More plants may be required than are shown on the planting plan and plants installed shall be maintained and replaced until they have survived. Said vegetation and plants shall be successfully established, through multiple growing seasons, before a Certificate of Compliance can be granted.
6. If approved, any disturbed lawn area shall be planted with low maintenance, drought tolerant, native fescue seed mix. No additional lawn may exist beyond that shown on the approved site and/or planting plan(s). This condition shall be recorded as an on-going condition on the Certificate of Compliance.
7. Ongoing invasive plant management is required to maintain the restored condition of the Mitigation/Restoration Area. To ensure that any adjacent invasive vegetation does not migrate into the Mitigation/Restoration Area Applicant must monitor the

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Mitigation/Restoration Area at least twice during the growing season (once at the start of the season and once at mid-season) to check for the presence of any invasive vegetation. All invasive vegetation in the Mitigation/Restoration Area shall be promptly removed and properly disposed of. If appropriate, a 3' wide mowed strip shall be maintained between Mitigation/Restoration plants and adjacent invasive plants to help prevent the migration of invasive plants into the Mitigation/Restoration Area. Native vegetation within Mitigation/Restoration areas shall be allowed to naturalize, propagate and spread, meaning that any weeding shall be limited to invasive vegetation. This condition shall be recorded as an on-going condition on the Certificate of Compliance.

8. The Applicant shall notify the Agent in writing when the Mitigation plants are installed.
9. Mitigation plantings shall be cared for to insure their survival for three (3) years. Temporary above surface irrigation is permitted during this time period. The agent may require additional plantings if he/she determines that any of the specimens are dead or dying and need replacement.
10. Except as otherwise described in the approved Site Plan(s), a buffer zone of natural vegetation extending to 50 feet from the Resource Area shall be left undisturbed. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
11. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris within any Resource Area or associated buffer zones.
12. The removal of invasive plants will result in a temporary disturbance to the Resource Area(s) and/or AURA. Treatment will consist of hand removal, selective pesticide application using "cut and wipe" method to treat individual stems. All standards and protocols for invasive vegetation removal set forth in the Restoration/Planting Plan shall be strictly followed with the exception that low volume foliar application shall not be used to treat invasive plants in Resources Areas or in the AURA.

PROJECT SPECIFIC CONDITIONS:

D. View Corridors

1. The location of any proposed view corridor shall be staked in the field with temporary stakes prior to start of work and the Pre-Construction meeting. The proposed view corridor shall be staked according to what was discussed and approved by the Commission during the public hearing process. These stakes will establish a temporary bearing of each of the

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view corridor lines and shall remain in place during the construction of the dwelling and/or other structures.

2. Once the dwelling is framed and the lines of the view corridor are verified by the Applicant, the Conservation Agent will visit the site for the purpose of reviewing the location and scope of the proposed view corridor and vegetation proposed for removal or cutting/trimming/pruning. Vegetation proposed for removal shall be flagged on the site. The Agent may arrange for an on-site visit by the members of the Commission to review the proposed view corridor and any vegetation that is proposed for removal to provide the view. At the Commission's request, the Applicant shall appear at a regularly scheduled Commission hearing to review and request approval for the proposed view corridor and the vegetation proposed for removal or cutting/trimming/pruning. Any approved view corridor shall be added to the approved site plan and the vegetation approved for removal noted on the site plan.
3. The approved view corridor shall be permanently demarcated on the ground so that its boundaries are clearly visible. The permanent markers shall be located (i.e. metes and bounds) along the view corridor lines to delineate the view corridor after the first growing season. Vegetation shall not be cut, removed or pruned outside the approved corridor. This condition shall be an ongoing condition on the Certificate of Compliance.
4. The vegetation within the approved view corridor shall be maintained according to the approved plans and by a professional with ecological restoration experience. The work shall also be performed according to best management practices, as detailed in the work protocols in the Notice of the Intent. This condition shall be recorded on the Certificate of Compliance as an ongoing condition.

E. Installation of Pools

1. The pool shall be equipped with an auto cover or an approved pool fence.
2. Pool fences shall be installed as close as possible to the pool, allowing only for a pool patio. Any fence that is installed beyond this area shall not be considered a "pool fence."
3. The pool shall use a saltwater chlorine generator or UV disinfection which has less of an impact than chemical chlorine-based disinfection systems.
4. Whenever water is removed from the pool, the water shall be pumped and taken off the property for appropriate discharge in compliance with all applicable requirements.

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5. Pools shall not be filled using water from private wells or town water. Pools may only be filled with water brought to the property by a pool water delivery service.

F. Installation of Rain Gardens

1. Prior to construction of the rain garden, the contractor and/or landscape architect shall provide a written statement describing how the rain garden will be maintained over time. This statement shall be submitted to the Conservation Agent who may seek additional input from the Conservation Commission.
2. Rain gardens shall be constructed in accordance with Best Practices to provide the intended stormwater retention. Rain gardens shall be kept free of invasive plants, and any removed or dead plant material must be replaced immediately or within the next growing season, to ensure proper functioning of the rain garden. This condition shall be recorded on the Certificate of Compliance as an ongoing condition.
3. The rain garden shall be planted within the first growing season after construction.
4. The rain garden shall be constructed by a qualified professional who has experience constructing rain gardens. The contractor and landscape architect for the rain garden shall meet with the Conservation Agent on site prior to construction of the rain garden.
5. The proposed rain garden shall function as a rain garden. Failure to follow the construction and maintenance plan for the rain garden or if any part of the project is shown to cause negative impact to the resource areas shall be cause for the Commission to require that remedial measures must be undertaken, including, if appropriate, the removal and reconstruction of the rain garden. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

G. Installation of Fiber Roll Arrays

1. Any equipment to be used in any Resource Area shall be inspected for leaks prior to entering in the Resource Area(s) and only biodegradable hydraulic fluid shall be used.
2. Salt Marsh within 100 feet of the proposed project shall not be permanently damaged in any way and the productivity of the salt marsh shall not be adversely impacted. In addition, the project shall not have an impact to the shellfish resource area (intertidal

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lands). This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.

3. Stainless steel identification tags shall be secured to each of fiber roll installed. The tags shall include name and phone number of the consultant/contractor responsible for installation and property address where the fiber rolls have been installed.
4. Matting shall be temporarily placed within the Limit of Work to protect the Resource Areas from the use of heavy machinery. Matting shall not be placed over salt marsh or existing shellfish habitat. The placement of the mats shall be reviewed at the Pre-Construction meeting with the Agent.
5. Machinery and vehicle access shall be from the existing driveway and across upland areas, unless otherwise specified in the Approved Work Protocol or approved Site Plan(s). The granting of this permit does not obviate the Applicant's need to gain proper permission from any abutter whose property is to be used for access.
6. Machinery and vehicles, when not use, shall be parked on the existing driveway, unless otherwise specified in the Order of Conditions or on the approved site plan(s).
7. Any fiber roll array approved for installation shall be placed at the existing toe of the Coastal Bank. All regrading activities shall occur so that the existing toe of the Coastal Bank remains fixed and unchanged. Excess sand from re-contouring shall be utilized for sediment nourishment over the completed array. Installation begins with the lowest fiber roll and construction continues up gradient to the specified height to comply with the approved Site Plans.
8. Following the installation of the fiber roll array, any Resource Areas and their associated buffer zones shall be graded and seeded with the vegetation detailed in the Site Plan and Planting Plans. The grading and seeding shall happen immediately or within the first growing season after construction of the array.
9. Beach nourishment, when required by this Order of Conditions, shall be performed in accordance with the Massachusetts DEP's *Beach Nourishment: Guide to Best management Practices for Projects in Massachusetts*. Beach nourishment material shall be clean and of compatible grain size with existing material. Prior to any nourishment activities, the Applicant's Engineer shall submit written documentation detailing that the sand is clean and compatible. The maximum amount of nourishment required in any given year shall not exceed the volume specified in the Site Plan, Planting Plan, Land Management Plan and/or Construction Protocols. If no such volume is shown on

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- documents listed above, then the nourishment volume shall be approved by the Commission prior to any nourishment activity. This condition is an ongoing condition and shall be recorded as such on the Certificate of Compliance.
10. Unless otherwise permitted by the Commission, once installed, the fiber rolls shall be maintained which means at a minimum if the anchoring becomes loose the rolls shall be re-secured as installed immediately; if the rolls become dislodged and break free the applicant shall see that they are immediately removed from the shoreline to prevent damage to resource areas or become a danger to navigation; the rolls shall have cover of sand to protect from UV-rays and the elements and shall be revegetated as necessary. Access for maintenance shall follow the same access point described in the Land Management Plan and/or Site Plan. The Conservation Agent shall be notified at least 7 calendar days prior to scheduled maintenance of the fiber rolls and submit photos for the record if any of the activities listed above are performed. After maintenance work is complete work areas will be restored to their previous condition and any debris generated from maintenance work will be removed from the site. This condition is an ongoing condition and shall be recorded as such on the Certificate of Compliance.
 11. If, after consulting with qualified coastal engineers or coastal geologists at the Applicant's expense, the Commission finds that the fiber roll array has caused or accelerated erosion on the site or on nearby properties, it may order the Applicant to nourish the beaches using clean sand of a similar grain size, with an amount of material equal to an engineer's/geologists calculation of the loss caused by the structure. The Commission may order re-nourishment as necessary. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
 12. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of issuance of this Order of Conditions. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the general condition and performance of the fiber roll array, anchoring system, any need for mending and repairs, any need for fiber roll and/or beach nourishment, and condition of the plantings and resource areas within the Project site.

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13. All equipment used during construction shall be removed from tidal and sandy access routes prior to any astronomical tidal or storm event.
14. In the event the Project is not performing as anticipated or has suffered a catastrophic failure and that, as a consequence, the Applicant and/or the Commission determines some part or all of it should be removed, the Applicant shall seek approval for a protocol to remove project components or the entire Project from the Resources Area(s).
15. In the event of storm damage to the Coastal Bank, the Site Superintendent shall notify the Conservation Commission in writing that storm-damage remediation work is going to commence following any storm event or if it is determined that the Bank needs repair. The notification must specify the nature and extent of the damage and repair work proposed to be performed. The Commission reserves the right to require that all activity be carried out in compliance with specific requirements (for example, with respect to work limits, erosion controls, precautions to protect adjacent Resource Areas), as detailed by the Commission, or by the Conservation Agent.
16. The approved shorefront protection system may not be appropriate *indefinitum* 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 approved shorefront protection system is to be modified as necessary to protect the interests of the Act. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
17. Failure to follow maintenance of the Project or if any part of this Project shall be shown to cause negative impact to the resource areas shall be cause for the Commission to require that remedial measures must be undertaken, including, if appropriate, the removal of the rock revetments. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

H. Installation of Innovative Stabilization Systems (i.e. High Marsh Cobble System or Bags)

1. A copy of the installation contract and 3-year maintenance contract with the Applicants' qualified contractor shall be filed with the Commission prior to work proceeding, with all fees and any other confidential business information redacted.

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2. Project installation and maintenance shall be implemented, supervised, and monitored by a qualified consultant/contractor approved by the Conservation Commission. If, following Commission review, approval of the plans, and issuance of an Order of Conditions, there is no consultant/contractor selected or there is a change in consultant/contractor, the Applicant shall appear before the Conservation Commission to request approval of a consultant/contractor appropriately qualified to undertake the Project.
3. The approved Site Plan and Planting Plans, the notes on the approved the plan(s) and any Construction Protocols and/or notes are hereby incorporated by reference and made a part of this Order of Conditions.
4. Any equipment to be used in any Resource Area shall be inspected for leaks prior to entering in the Resource Area(s) and only biodegradable hydraulic fluid shall be used.
5. Salt Marsh within 100 feet of the proposed project shall not be permanently damaged in any way and the productivity of the salt marsh shall not be adversely impacted. In addition, the project shall not have an impact to the shellfish resource area (intertidal lands). This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.
6. Stainless steel identification tags shall be secured to each roll or bag contained in the array. The tags shall include name and phone number of the consultant/contractor responsible for installation and property address where the fiber rolls have been installed.
7. Matting shall be temporarily placed within the Limit of Work to protect the Resource Areas from the use of heavy machinery. Matting shall not be placed over salt marsh or existing shellfish habitat. The placement of the mats shall be reviewed at the Pre-Construction meeting with the Agent.
8. Machinery and vehicle access shall be from the existing driveway and across upland areas, unless otherwise specified in the Approved Work Protocol or approved Site Plan(s). The granting of this permit does not obviate the Applicant's need to gain proper permission from any abutter whose property is to be used for access.
9. Machinery and vehicles, when not use, shall be parked on the existing driveway, unless otherwise specified in the Order of Conditions or on the approved site plan(s).
10. Any array approved for installation shall be placed at the existing toe of the Coastal Bank. All regrading activities shall occur so that the existing toe of the Coastal Bank

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remains fixed. Excess sand from re-contouring shall be utilized for sediment nourishment over the completed array. Installation begins with the lowest existing elevation of the bank and construction continues up gradient to the specified height to comply with the approved Site Plans.

11. Following the installation of the proposed stabilization system, any Resource Areas and their associated buffer zones shall be graded and seeded with the vegetation specific in the Site Plan and Planting Plans. The grading and seeding shall happen immediately or within the first growing season after construction of the array.
12. Beach nourishment, when required by this Order of Conditions, shall be performed in accordance with the Massachusetts DEP's *Beach Nourishment: Guide to Best management Practices for Projects in Massachusetts*. Beach nourishment material shall be clean and of compatible grain size with existing material Prior to any nourishment activities, the Applicant's Engineer shall submit written documentation detailing that the sand is clean and compatible. The maximum amount of nourishment required in any given year shall not exceed the volume specified in the Site Plan, Planting Plan, Land Management Plan and/or Construction Protocols. If no such volume is shown on documents listed above, then the nourishment volume shall be approved by the Commission prior to any nourishment activity. This condition is an ongoing condition and shall be recorded as such on the Certificate of Compliance.
13. Unless otherwise permitted by the Commission, once installed, the components of the stabilization system (i.e. bags or rolls or pillows) shall be maintained which means at a minimum if the anchoring becomes loose the components shall be re-secured as installed immediately; if the components become dislodged and break free the applicant shall see that they are immediately removed from the shoreline to prevent damage to resource areas or become a danger to navigation; the components shall have cover of sand to protect from UV-rays and the elements and shall be revegetated as necessary. Access for maintenance shall follow the same access point described in the Land Management Plan. The Conservation Agent shall be notified at least 7 calendar days prior to scheduled maintenance of the components and submit photos for the record if any of the activities listed above are performed. After maintenance work is complete work areas will be restored to their previous condition and any debris generated from maintenance work will be removed from the site. This condition is an ongoing condition and shall be recorded as such on the Certificate of Compliance.

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14. In the event of storm damage to the Coastal Bank, the clerk of the works shall notify the Conservation Commission in writing that storm-damage remediation work is going to commence following any storm event or in when it is determined that the Bank needs repair. The notification must specify the nature and extent of the damage and repair work proposed to be performed. The Commission reserves the right to require that all activity be carried out in compliance with specific requirements (for example, with respect to work limits, erosion controls, precautions to protect adjacent Resource Areas), as detailed by the Commission, or by the Conservation Agent.
15. If, after consulting with qualified coastal engineers or coastal geologists at the Applicant's expense, the Commission finds that the stabilization system has caused or accelerated erosion on the site or on nearby properties, it may order the Applicant to nourish the beaches using clean sand of a similar or larger grain size, with an amount of material equal to an engineer's/geologist's calculation of the loss caused by the structure. The Commission may order re-nourishment as necessary. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
16. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of issuance of this Order of Conditions. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the general condition and performance of the stabilization system, anchoring system, any need for mending and repairs, any need for beach nourishment, and condition of the plantings and resource areas within the Project site.
17. All equipment used during construction shall be removed from tidal and sandy access routes prior to any astronomical tidal or storm event.
18. In the event the Project is not performing as anticipated or has suffered a catastrophic failure and that, as a consequence, the Applicant and/or the Commission determines some part or all of it should be removed, the Applicant shall seek approval for a protocol to remove project components or the entire Project from the Resources Area(s).
19. The approved shorefront protection system may not be appropriate *indefinitum* 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

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relation to the change in mean high-water elevation or other. The Commission may determine that approved shorefront protection system the is to be modified as necessary to protect the interests of the Act. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

20. Failure to follow maintenance of the Project or the any part of this Project shall be shown to cause negative impact to the resource areas shall be cause for the Commission to require that remedial measures must be undertaken, including, if appropriate, the removal of the rock revetments. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

I. Installation of Rock Revetment

1. Any equipment to be used in any Resource Area shall be inspected for leaks prior to entering in the Resource Area(s) and only biodegradable hydraulic fluid shall be used.
2. Salt Marsh within 100 feet of the proposed project shall not be permanently damaged in any way and the productivity of the salt marsh shall not be adversely impacted. In addition, the project shall not have an impact to the shellfish resource area (intertidal lands). This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.
3. There shall be no adverse impact to the shellfish habitat or intertidal area during the construction of the revetment or after the revetment is installed. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
4. If necessary, matting shall be temporarily placed within the Limit of Work to protect the Resources Areas from the use of heavy machinery. Matting shall not be placed over salt marsh or existing shellfish habitat.
5. The Applicant shall demarcate the existing salt marsh areas and intertidal areas with silt fencing prior to construction. These demarcated areas will be reviewed by the Conservation Agent, Shellfish Constable and Director of Coastal Resources at the Pre-Construction meeting.
6. Matting shall be temporarily placed within the Limit of Work to protect the Resource Areas from the use of heavy machinery. Matting shall not be placed over salt marsh or existing shellfish habitat. The placement of the mats shall be reviewed at the Pre-Construction meeting with the Agent.

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7. Machinery and vehicle access shall be from the existing driveway and across upland areas, unless otherwise specified in the Approved Work Protocol or approved Site Plan(s). The granting of this permit does not obviate the Applicant's need to gain proper permission from any abutter whose property is to be used for access.
8. Machinery and vehicles, when not use, shall be parked on the existing driveway, unless otherwise specified in the Order of Conditions or on the approved site plan(s).
9. Any rocks approved for installation shall be placed at the existing toe of the Coastal Bank. All regrading activities shall occur so that the existing toe of the Coastal Bank remains fixed. Excess sand from re-contouring shall be utilized for sediment nourishment over the completed revetment. Installation begins with the lowest toe stone and construction continues up gradient to the specified height to comply with the approved Site Plans.
10. All equipment used during construction shall be removed from tidal and sandy access routes prior to any astronomical tidal or storm event.
11. Following the installation of the revetment, any Resource Areas and their associated buffer zones shall be graded and seeded with the vegetation specific in the Site Plan and Planting Plans. The grading and seeding shall happen immediately or within the first growing season after construction of the array.
12. Beach nourishment, when required by this Order of Conditions, shall be performed in accordance with the Massachusetts DEP's *Beach Nourishment: Guide to Best management Practices for Projects in Massachusetts*. Beach nourishment material shall be clean and of compatible grain size with existing material. Prior to any nourishment activities, the Applicant's Engineer shall submit written documentation detailing that the sand is clean and compatible. The maximum amount of nourishment required in any given year shall not exceed the volume specified in the Site Plan, Planting Plan, Land Management Plan and/or Construction Protocols. If no such volume is shown on documents listed above, then the nourishment volume shall be approved by the Commission prior to any nourishment activity. This condition is an ongoing condition and shall be recorded as such on the Certificate of Compliance.
13. Once installed, the rock revetment shall be maintained which means at a minimum if any rocks become loose, they shall be re-secured as installed immediately; if the rocks become dislodged and break free the applicant shall see that they are immediately removed from the shoreline to prevent damage to resource areas or become a danger

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to navigation. All rocks shall have a cover of sand. Prior to any maintenance activity, the Applicant shall notify the Agent. Applicant shall document with photos for the record. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

14. If, after consulting with qualified coastal engineers or coastal geologists at the Applicant's expense, the Commission finds that the rock revetment has caused or accelerated erosion on the site or on nearby properties, it may order the Applicant to nourish the beaches using clean sand of a similar grain size, with an amount of material equal to an engineer's/geologists calculation of the loss caused by the structure. The Commission may order re-nourishment as necessary. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
15. A written annual monitoring report shall be filed with the Chatham Conservation Commission in each calendar year for three years beginning one year after the date of issuance of this Order of Conditions. This Annual Report shall include a description of the site conditions and photo documentation as appropriate to show any changes. The report shall also include an assessment of the general condition and performance of the fiber roll array, anchoring system, any need for mending and repairs, any need for fiber roll and/or beach nourishment, and condition of the plantings and resource areas within the Project site.
16. In the event the Project is not performing as anticipated or has suffered a catastrophic failure and that, as a consequence, the Applicant and/or the Commission determines some part or all of it should be removed, the Applicant shall seek approval for a protocol to remove project components or the entire Project from the Resources Area(s). This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
17. The approved shorefront protection system may not be appropriate *indefinitum* 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 approved shorefront protection system the is to be modified as necessary to protect the interests of the Act. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

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18. Failure to follow maintenance of the Project or if any part of this Project shall be shown to cause negative impact to the resource areas shall be cause for the Commission to require that remedial measures must be undertaken, including, if appropriate, the removal of the rock revetments. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

J. Installation of Access Stairs

1. No construction materials and equipment for the stairs may be stored or staged in any wetland Resource Areas.
2. Stairways shall not be constructed with CCA or creosote treated wood. Support structures that physically touch the ground must be made of natural, nontreated timber, Greenheart or its equivalent. For decking, ACQ-treated wood may be used; however, the applicant is encouraged to use aluminum or natural non-leaching construction materials. Composite materials may be utilized except where the stairway traverses a salt marsh or other water body, in which case natural timber or aluminum must be used.
3. The stairway shall measure no more than 42" as measured from outside structural support to outside structural support, and no more than 36" measured on the interior.
4. Stairs shall be raised on posts no less than 18" above the existing grade for the majority of the run. The start and end of a stair run may be less than 18" above grade when approved by the Conservation Commission
5. Stairways shall have no risers. There shall be a minimum of ¾" spacing between deck planks.
6. Installation of the stairway in any Resource Area shall be performed by hand. The use of hand tools is permitted, but machinery is not allowed in the Resource Areas.
7. Alterations to the Resource Area(s) are limited to the hand digging of shallow foundation supports for the stair support posts. These excavations shall be no more than 18 inches in diameter and shall be backfilled immediately after the support posts are in place. No further alterations shall be permitted.
8. Disturbed areas must be restored to their original condition and revegetated with native plant material as needed to minimize erosion from wind and stormwater.
9. No lighting of any kind may be affixed to or installed on the stairway.

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10. Areas beneath the stairway shall be planted with salt and/or shade (as applicable) tolerant, deep-rooted vegetation to stabilize soils and sediments and avoid overland runoff.

K. Catwalks

1. Catwalks shall only exist over salt marsh at the time of construction. It shall not extend onto a beach, dune, or any other Resource Area.
2. The beginning and end of the catwalk shall be staked by an engineer or land surveyor and approved by the Conservation Agent at the Pre-Construction meeting. The staking shall be placed before any construction activity commences and before the pre-construction meeting with the Agent.
3. Any equipment to be used in any Resource Area shall be inspected for leaks prior to entering in the Resource Area(s) and only biodegradable hydraulic fluid shall be used.
4. Salt Marsh within 100 feet of the proposed project shall not be permanently damaged in any way and the productivity of the salt marsh shall not be adversely impacted. This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.
5. In the event that the project construction or maintenance results in any temporary or permanent damage to the Salt Marsh Resource Area, the applicant shall notify the Conservation Agent, describing the nature and extent of any damage and a detailed description of how the salt marsh resource area will be restored to pre-construction condition. No restoration activities shall begin until the damage report and restoration activities are reviewed and approved by the Commission. Failure to follow restoration protocols or the any part of this Project shall be shown to cause further negative impact to the salt marsh resource areas shall be cause for the Commission to require the removal of the catwalk. This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.
6. The project shall have no adverse impact to the shellfish habitat or intertidal area during the construction. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
7. A copy of the Chapter 91 license or required minor modification to an existing Chapter 91 license shall be submitted to the Conservation Agent at least 7 days prior to any work below Mean High Water.

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8. All care must be taken to protect the marsh when removing and installing the decking and associated planking. Marsh mats shall be installed to protect the marsh during all phases of construction. No jumping from the decking into the marsh. Lack of care and diligence that results in damage to the marsh may result in a violation.
9. The catwalk shall be constructed such that the minimum height of the lowest beam is proportional to the width (maximum of 3') **in a ratio of 1:1**. The height of the catwalk is measured from the grade of the marsh. Therefore, the height of the proposed 3' wide catwalk shall be no less than 3' above grade.
10. Pilings supporting the catwalk shall not be constructed with pressure treated wood. Chromated copper arsenate (CCA) or creosote treated wood is prohibited and shall not be used. Arsenic and copper are toxic to marine organisms even at very low concentrations. ACQ-treated wood may be used; however, the applicant is encouraged to use natural or alternative non-leaching construction materials.
11. Catwalks shall extend to the seaward edge of the marsh. The edge of the marsh shall be defined as water side edge of the marsh in the exact location of the catwalk. The water side end of the catwalk shall include a ladder to access the beach.
12. Pier and catwalk sections, ramps or floats shall not be stored in the Resource Area (salt marsh, coastal bank, or coastal flood plain). The catwalk shall not be used for docking a watercraft of any type. Piers and Catwalks will be seasonally by November 1 of each year and shall not be replaced until May 1. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.

L. Conditions for Access Paths to Water

1. Any revegetation of an abandoned walking path shall commence immediately or in the first growing season after the new path is completed. Only native woody plants and grasses shall be planted in the area of the abandoned path.
2. The planted area on the abandoned path shall be allowed to naturalize in perpetuity. To naturalize shall mean that the area will be left undisturbed and there shall be no use of fertilizers; no removal of leaf litter or duff layer; no weeding; no subsurface irrigation system; no hardscape; no structures of any kind; no creation of lawn; no dumping of yard debris. This condition shall be recorded as an on-going condition on the Certificate of Compliance.

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3. The pathway to the water shall not exceed 4 feet in width and shall be permanently demarcated to prevent inadvertent encroachment into the Resource Areas. This shall be an ongoing condition and recorded on the Certificate of Compliance.
4. If at-grade steps are approved, the space between the steps shall be loamed and seeded with native grasses and shall be planted immediately after the steps are installed.
5. If stone is approved for use between the steps, ¾ inch stone shall be used, pea stone shall not be used.

M. Dredging

1. Salt Marsh within 100 feet of the proposed project shall not be permanently damaged in any way and the productivity of the salt marsh shall not be adversely impacted. In addition, the project shall not have an impact to the shellfish resource area (intertidal lands). This condition shall be recorded as an Ongoing Condition on the Certificate of Compliance.
2. There shall be no adverse impact to the shellfish habitat or intertidal area during the construction of the revetment or after the revetment is installed. This condition shall be recorded as an ongoing condition on the Certificate of Compliance.
3. The operator of the dredge or excavator shall be approved by the Conservation Commission or Conservation Agent prior to start of work.
4. The operator of the dredge/excavator and engineer shall be present at the Pre-Construction meeting with the Conservation Agent, Shellfish Constable and the Director of Coastal Resources. The Pre-Construction meeting shall take place prior to start of work. The contractor, engineer and town staff shall walk the access route during the Pre-Construction meeting.
5. Portions of the access route adjacent to vegetated areas (i.e. beach grass, etc.) shall be staked in the field. The staking shall be reviewed at the Pre-Construction meeting with the Agent and Town Staff. The approved dredge footprint shall be staked in the field with metal posts. The metal stakes shall be installed prior to the Pre-Construction meeting with the Conservation Agent.
6. A copy of the Chapter 91 license from DEP Waterways shall be submitted to the Commission prior to work commencement.

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7. No equipment or material shall be driven over or placed on any adjacent salt marsh or shellfish beds.
8. 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.
9. No equipment shall be staged within 25 feet of an existing salt marsh. There shall be no damage to salt marsh during the proposed work. If there is single or cumulative damage to the Salt Marsh Resource Area, the Applicant shall be required to report the incident and submit a remediation plan in writing to the Conservation Commission within 30 days of the incident. This condition shall be recorded as such on the Certificate of Compliance.
10. The proposed Dredging shall only occur during the allowed dredge period and in the approved dredge footprint. All in-water work shall not occur during the Time-of-Year (TOY) restriction designated by the Division of Marine Fisheries and Natural Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife (NHESP). This condition shall be recorded as such on the Certificate of Compliance.
11. All Conditions from Massachusetts Division of Marine Fisheries and Natural Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife shall apply to the proposed work (i.e. dredging, excavating, etc.). This condition shall be recorded as such on the Certificate of Compliance.
12. If the dredging activities take place on a barge, the barge shall not be allowed to bottom out during the dredging process. This condition shall be recorded as such on the Certificate of Compliance.
13. Unless otherwise discussed and approved by the Commission, the applicant shall secure a Massachusetts registered professional engineer to supervise the contractor and will observe the site on a daily basis during the dredging activities. Reports shall be prepared by the Engineer and shall be submitted in writing to the Conservation Agent on a weekly basis. The weekly reports shall include:
 - a. a description of work performed each day,
 - b. photographs of the site during the dredging activities,
 - c. description of how the approved dredge footprint was staked in the field
 - d. certification from an Engineer that the work was performed according the approved site plan and in the approved dredge footprint.

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14. A pre and post-dredge survey shall be performed and submitted to the Conservation Agent. This condition shall be recorded as such on the Certificate of Compliance.
15. If there are minor alterations to the siting of the dewatering area or disposal sites, the Engineer shall submit an updated site plan and work protocol to Town Staff for review. The Agent has the authority to determine if the minor alterations should be reviewed by the Conservation Commission. If these minor changes occur prior to or during Construction, no work shall begin or continue until the new protocol is approved by Town Staff.
16. It shall be the responsibility of the contractor to remove the equipment from the beach prior to any storm event. The Conservation Agent shall be notified when the equipment is removed and where will be stored during the storm.
17. The equipment shall be removed from the beach immediately after the work is completed for the season.
18. The access way and any roads used for access shall be returned to pre-construction condition.
19. 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.

N. Outdoor Shower/Rinse Station

1. The rinse station shall be used exclusively for rinsing, and no soap, body wash, shampoo, conditioners or any products containing chemical agents or surfactants may be used or stored in the rinse station.

O. Beach/Drift Fences

1. The timber drift fence shall be constructed of non-leaching pressure treated (ACQ) white cedar or similar material as approved by the Conservation Agent.
2. The applicant shall monitor the performance and condition of the timber drift fence and shall immediately repair or replace any sections that become damaged. The annual monitoring report shall include an assessment of the impacts that the fence has on the adjacent Coastal Beach and Coastal Bank. In the event that conditions indicate at any time

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that the fence is causing or significantly contributing to further erosion on the Bank or the Beach, the Commission may require that it be removed.

P. Seasonal Roll-out mats

1. The seasonal rollup walkway shall be no larger than 30” in width.
2. The seasonal rollup walkway shall be installed no earlier than May 1 and removed no later than November 1. It shall not be stored within any Resource Area.
3. The seasonal rollup walkway may not be placed over existing vegetation.

Q. General Conditions

1. The “applicant” as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of a Certificate of Compliance.
2. This Order of Conditions shall be recorded at the registry of deeds/land court and proof of the recording shall be submitted to the Conservation Commission prior to the Pre-Construction meeting with the Conservation Agent.
3. The Applicant shall provide a copy of this Order of Conditions to the person or persons supervising the activities that are the subject of this Order and will be responsible for ensuring that all persons performing the permitted activities are fully aware of the terms and conditions of this Order of Conditions.
4. Any person performing work on the activities permitted with this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act (310 CMR 10.00) and the Town of Chatham Wetland Protection Regulations.
5. This Order of Conditions authorizes only the activities described on the approved plan(s) and approved documents referenced in this Order of Conditions. Any other or additional activities in areas within jurisdiction of the Conservation Commission shall require a separate review and approval by the Conservation Commission.

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6. If any change is made to the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act (310 CMR 10.00) and the Town of Chatham Wetlands Protection Regulations, the Applicant shall inquire from the Conservation Commission and/or the Conservation Agent, prior to implementing the change in the field, whether the change is significant enough to require an additional filing (i.e. Field Change Request, Amendment to the Order of Conditions or new Notice of Intent). Any errors in plans or information submitted by the Applicant or their Representative shall be considered changes, and the above process shall be followed. This Order of Conditions is subject to the applicant obtaining all applicable local and state permits.
7. The Commission, its employees and agents shall have the right of entry to inspect for compliance with the terms of this Order until a Certificate of Compliance has been obtained and recorded at the Barnstable Registry of Deeds. Commission members or their agent may acquire any information, measurements, photographs, observations and/or materials or may require the submittal of any data or information deemed necessary by this Commission for that evaluation.
8. This Order of Conditions is valid for three years under the local Wetlands Protection By-Law and three years under MGL Ch. 131, s 40. Application for an extension shall be submitted in writing to the Conservation Commission at least thirty days prior to the expiration date.
9. The Commission reserves the right to amend this Order of Conditions prior to completion of construction, after a legally advertised public hearing, if plans or circumstances are changed or if new conditions or information so warrant.
10. The Commission reserves the right to require additional information from the Applicant or his/her Representative 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. If the Applicant will not provide such information, the Commission reserves the right to hire a third-party applicant at the homeowner's expense to obtain the information needed.
11. If applicable to this project, Section 2.05 of the Wetlands Regulations, promulgated under the Chatham Wetlands Protection By-Law, requires that no coastal engineering structure, such as a bulkhead, revetment, groin or seawall shall be permitted on or within 100 feet of a coastal bank at any time in the future to protect the project allowed by this permit. This condition shall be recorded as an on-going condition on the Certificate of Compliance.

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12. If applicable to this project, 310 CMR 10.30(3), promulgated under MGL c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions. This condition shall be recorded as an on-going condition on the Certificate of Compliance.
13. The Approved Plan for this Order of Conditions does not constitute specific acceptance of the boundaries of resource areas for work. The Commission may require new plans and/or delineation of resource areas, as it deems appropriate.
14. Upon completion of the project the applicant shall submit a written request for a Certificate of Compliance to the Commission.
15. The request for a Certificate of Compliance shall include one or the other, or both, as directed by the Conservation Agent:
 - 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 and planted areas, prepared and signed and stamped by a Massachusetts registered professional engineer or land surveyor for the file. Any existing deviations from the Approved Plans shall be noted on the as-built plan, in the form of an overlay plan noting any changes in structure(s), hardscape, landscape (including lawn area), grade and elevation. If applicable, the “as built” plan will also show the approved view corridor and verify that the legs of the corridor were permanently demarcated in the field.
 - c. Existing Ongoing Conditions as contained in this Order of Conditions.
16. The Commission will review the request and approve Certificate of Compliance if it finds that the project, as completed, substantially complies with this Order, including all Amended Orders, and all Approved Plans.
17. The Commission, in its discretion, may include additional Ongoing Conditions to the Certificate of Compliance.
18. 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.
19. Failure to comply with the above conditions shall constitute cause to revoke this permit and/or issue fines.

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