

**MARCH 31, 2025**

**BY HAND DELIVERY AND ELECTRONIC MAIL**

Town of Hamilton Conservation Commission  
Hamilton Town Hall  
PO Box 429  
Hamilton, MA 01936

Attn: Ms. Bethany Barstow, Conservation Agent  
Phone: (978) 626-5247  
[bbarstow@hamiltonma.gov](mailto:bbarstow@hamiltonma.gov)



150 Newburyport Turnpike  
Suite C-9  
Rowley, MA  
01969

978.948.7717 Office

[derosaenvironmental.com](http://derosaenvironmental.com)

**RE: Request for a Certificate of Compliance  
951 Highland Street | Hamilton, MA 01982**

**DEP File Number: 172-0479**

Dear Ms. Barstow & Members of the Commission,

Our firm has prepared the following Request for a Certificate of Compliance (COC) application to meet the requirements of the Massachusetts Wetlands Protection Act (MGL Ch. 131 Sec. 40) and its Regulations (310 CMR 10.00, et seq) and the Town of Hamilton Conservation Bylaw (the Bylaw). We were authorized to prepare this filing at the request of William Friend, the owner of the property known as 951 Highland Street (Map 4 Lot 1), in Hamilton, MA (the "Site").

An Order of Conditions and Bylaw Permit was issued by the Hamilton Conservation Commission on December 21, 2005, under the limited project provisions of section 310 CMR 10.53(i), permitting various maintenance and repair tasks for the foundation of the old mill building that existed on the property at the time. The Order was recorded at the Southern Essex Registry of Deeds (Book 25228, Page 547 [WPA] & Page 557 [Bylaw Permit]). The installation of crushed stone under the mill was completed in January 2006. Additional foundation repair tasks approved in the Order were not completed. The mill building was removed in 2024 under Order of Conditions (DEP File #172-0646) which was issued on January 2, 2024 and has received a Certificate of Compliance.

# Request for a Certificate of Compliance

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Since this older Order was limited to activities associated with the mill building which is no longer in existence our office has included the Existing Conditions Plan showing the location of the previously existing mill building and a photo appendix showing current site conditions. The site is fully stabilized and we respectfully request that the Commission issue a Certificate of Compliance to close out the old Order of Conditions.

We are available to meet with you on site to review the project and to answer any questions if you desire. Should you have any questions, or would like to arrange a site walk, please call any time at (978) 948-7717.

Respectfully submitted,

**DeRosa Environmental Consulting, Inc.**



Heidi Gaffney  
Environmental Scientist



Michael J. DeRosa, Principal  
Wetland Ecologist, LSP, LEED AP, PWS

MJD/hmg

Cc: Will Friend (by email)

# Forms

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Request for COC WPA Form 8a



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 8A – Request for Certificate of Compliance**

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

DEP File Number:

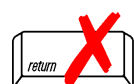
172-0479

Provided by DEP

**A. Project Information**

**Important:**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

William Friend

Name

951 Highland Street

Mailing Address

Hamilton

City/Town

MA

State

01982

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

William Friend

Applicant

December 21, 2005

Dated

172-0479

DEP File Number

3. The project site is located at:

951 Highland Street

Street Address

4

Assessors Map/Plat Number

Hamilton

City/Town

1

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Southern Essex

County

25228

Book

547 / 557

Page

Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 8A – Request for Certificate of Compliance**

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

DEP File Number:

172-0479

Provided by DEP

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

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**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

## Figures

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Existing Conditions Site Plan by Donohoe Survey, Inc. dated  
11/6/2023

ASSESSORS: MAP 4 LOT 1

REFERENCES:

DEED - BK. 38199 PG. 580

PLAN - PL. BK. 288 PL. 45

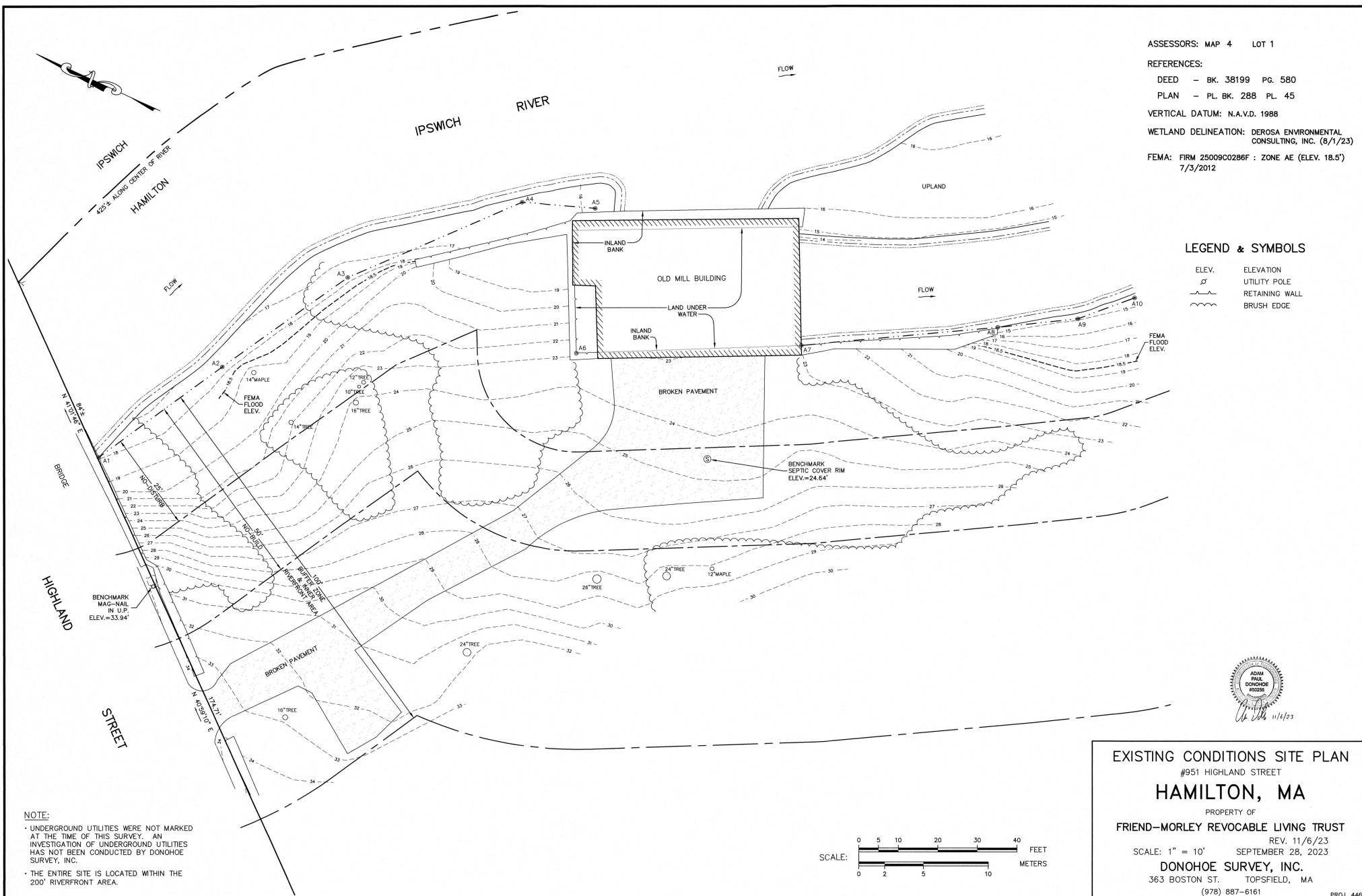
VERTICAL DATUM: N.A.V.D. 1988

WETLAND DELINEATION: DEROSA ENVIRONMENTAL CONSULTING, INC. (8/1/23)

FEMA: FIRM 25009C0286F : ZONE AE (ELEV. 18.5") 7/3/2012

# LEGEND & SYMBOLS

ELEV.	ELEVATION
	UTILITY POLE
	RETAINING WALL
	BRUSH EDGE



## EXISTING CONDITIONS SITE PLAN

#951 HIGHLAND STREET

**HAMILTON, MA**

PROPERTY OF

**FRIEND-MORLEY REVOCABLE LIVING TRUST**

REV. 11/6/23  
SCALE: 1" = 10' SEPTEMBER 28, 2023

**DONOHOE SURVEY, INC.**

363 BOSTON ST. TOPSFIELD, MA

(978) 887-6161

PROJ. 4469

# Appendix A

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## Photo Appendix

951 Highland Street

Photos showing the remnants of the old mill building foundation



## Appendix B

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Order of Conditions MA DEP No.: 172-0479 & Bylaw Permit



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

DEP File Number:

172-0479



**A. General Information**

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



From: Hamilton  
1. Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

William Friend  
a. First Name b. Last Name c. Company  
951 Highland Street  
d. Mailing Address  
Hamilton MA 01982  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

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

5. Project Location:

951 Highland Street Hamilton  
a. Street Address b. City/Town  
4 1  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude, if known (note: electronic filers will click for GIS locator):  
e. Latitude f. Longitude

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

Essex County (South) Registry of Deeds  
a. County b. Certificate (if registered land)  
12495 557  
c. Book d. Page

7. Dates: December 5, 2005 December 14, 2005 December 21, 2005  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Foundation Repairs & Crib Section (2 pages both stamped 12/21 ConComPermit Plan)  
a. Plan Title  
Bourne Consulting Engineering  
b. Prepared By c. Signed and Stamped by  
Dec. 21, 2005 1"=1'  
d. Final Revision Date e. Scale  
  
f. Additional Plan or Document Title g. Date



## WPA Form 5 – Order of Conditions

172-0479

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

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. ☐ Public Water Supply      b. ☐ Land Containing Shellfish      c. ☐ Prevention of Pollution  
d. ☐ Private Water Supply      e. ☐ Fisheries      f. ☒ Protection of Wildlife Habitat  
g. ☐ Groundwater Supply      h. ☒ Storm Damage Prevention      i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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

3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				5
				a. linear feet
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	none			
	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland				
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways				
	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



**WPA Form 5 – Order of Conditions**

172-0479

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

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront area	<u>LtdProj</u> a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



**WPA Form 5 – Order of Conditions**

172-0479

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

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

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number" 172-0479 "



## WPA Form 5 – Order of Conditions

172-0479

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

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

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

#### Special Conditions:

Special Conditions on pages 5a and 5b attached. These are a part of this order and must be recorded with this Order at the Registry of Deeds.

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

## **SPECIAL CONDITIONS (page 5a)**

**951 Bay Rd.**

**DEP File 172-0479**

### **Finding:**

The Commission finds that the area in which work is proposed contains resource areas subject to protection under the Wetlands Protection Act (M.G.L. Ch. 131, §. 40) and Regulations (310 DMR 10.00) AND the Hamilton Town By Laws Chapter 17 ("Conservation") and Regulations issued pursuant to it, which are significant to the protections of interests identified in the Act and By Law, specifically:

The resource areas are Bordering Vegetated Wetland, AURA, Bank and Riverfront.

The resource areas are relevant to the following interest: Prevention of pollution, Storm damage, Wildlife habitat, Ground water supply, Soil erosion control, aesthetics, recreation, and Flood control.

The criteria for a **Limited Project under section 310 CMR 10.53(i)** have been met by the information included in the material contained in the Notice of Intent and material and testimony presented at the Public Hearing on December 14, 2005.

### **Conditions:**

18. Special conditions include the following, 18 through 30 on the attached pages 5a and 5b herewith declared to be part of this Order, and which must be recorded with it at the Essex County South, Registry of Deeds.

19. This Order shall be recorded within 30 days of its date of issuance. No activity of any kind shall occur until the Commission is presented with evidence of recording by the Applicant or their Representative.

20. Notice shall be given to the Commission no more than two (2) weeks nor less than two (2) days prior to the commencement of the work. The Commission will also receive notification when the work has been completed.

21. The Order shall apply to any successor in interest or successor in control as it does to the Applicant.

22. The applicant, as a condition of this Order, grants to the Commission members and agents of the Hamilton Conservation Commission the right to enter, inspect and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Act, and 310 CMR 10.00, and may require the submittal of any data deemed necessary by the Commission for that evaluation.

23. All facilities and equipment shall be continually operated and maintained so as to comply with the conditions and the Act.

24. Plans shall be followed as submitted by Bourne Consulting Engineering, Inc., the applicant's representative, entitled "Foundation Repairs" stamp dated December 21, 2005 annotated as "Permit Plan" and 2 sheets total, and work shall be followed as described in all documents listed in the Notice of Intent.

25. Certificate of Compliance Must Be Applied For. Within thirty days of completion of the project the applicant must apply for a Certificate of Compliance. This Order and Permit will not be considered complied with until the Certificate of Compliance has been requested, granted, and recorded at the Essex County Registry of Deeds.

26. Applicant Must Require Compliance. Any contractor retained by applicant for work at the site shall be given a copy of this Order and associated plans and documents, and full compliance with this Order shall be made a condition of any contract for work to be done at the site.

27. Documents Must Be Available On Site. A copy of this Order of Conditions and Permit, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection or referenced at the site during the construction period.

28. Erosion Control Measures. Applicant shall contact the Commission Office to inform the Commission that erosion control measures have been installed, **TO THE EXTENT THAT SUCH MEASURES ARE SHOWN ON THE APPROVED PLANS.** If no such measures are shown on the approved plan then this condition's terms do not apply. No further activity shall occur until the Commission's Agent/Coordinator or Chair informs the Applicant that erosion control measures are adequately installed. Should any erosion or sedimentation control measure fail, the Applicant shall immediately inform the Commission's Agent/Coordinator and immediate attention shall be given by the applicant or his representative to correcting the failure, for example, by the removal of any silt or debris that may have bypassed the control measure.

29. Ban on Pesticides, Herbicides and Fertilizers. No herbicides, pesticides or organic or inorganic fertilizers of any type shall be used, in any manner, within any resource area, or within 100 feet of any resource area. *This Condition shall survive the issuance of a Certificate of Compliance and shall remain a perpetual condition upon the land.*

30. In the event that the title to this property is transferred in any manner, it shall be the Applicant's responsibility to inform the Commission, in writing, within 10 days of the transfer in title. This Written Notice shall contain (1) the name and address of the transferee(s) and (2) a statement that the Applicant, or their representative, has informed the transferee that this Order of Conditions regulates their property and is fully binding upon them.



## WPA Form 5 – Order of Conditions

172-0479

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

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

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Hamilton Conservation Commission hereby finds (check one that applies):
3. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

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

Conservation By Law

Ch. XVII

a. Municipal Ordinance or Bylaw

b. Citation

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

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

Permit for work under the by law is issued separately.

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



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

DEP File Number:

172-0479

**E. Issuance**

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

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

This Order must be signed by a majority of the Conservation Commission.

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.

12/21/05  
1. Date of Issuance  
5 (FIVE)  
2. Number of Signers

Signatures:

[Signature]  
[Signature]  
[Signature]

Virginia M. Cookson

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Essex

On this 14th of

Before me, the undersigned Notary Public, personally appeared

DECEMBER 2005  
Month Year  
ROBERT CROWN  
Name of Document Signer

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

personal knowledge

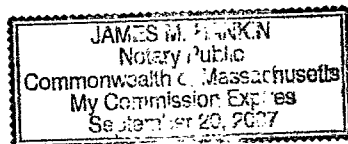
Description of evidence of identification

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

As member of

Hamilton  
City/Town

Conservation Commission



Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on

Date

[Signature]  
Signature of Notary Public  
James M. Hankin  
Printed Name of Notary Public  
September 20, 2007  
My Commission Expires (Date)

☒ regular, first class  
by certified mail, return receipt requested, on  
12/21/05

Date



## WPA Form 5 – Order of Conditions

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

DEP File Number:

172-0479

### F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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

CONSERVATION COMMISSION  
TOWN OF HAMILTON  
COMMONWEALTH OF MASSACHUSETTS

CONSERVATION BYLAW (Ch. 17) PERMIT

TO

William Friend	SAME
(Name of person making request)	(Name of property owner)
Address: 951 Highland Street South Hamilton, MA 01982	Address: SAME

This project is located at 951 Highland Street

The Notice of Intent for this project was filed on December 5, 2005. Public Hearing Closed December 14, 2005

Plans:

Title	Dated	Signed and Stamped by
Foundation Repairs (2 sheets)	Dec. 21, 2005	Bourne Consulting

**Findings**

The commission finds that the area in which work is proposed is within the AURA, and within the buffer zone to bordering vegetated wetlands and is subject to protection under the Hamilton Conservation Bylaw Chapter 17 and Regulations which are significant to the protection of interests identified in the Bylaw, specifically:

Resource Area	Significant to the protection of:
AURA BVW Bank Riverfront	public or private water supply ground water supply flood control storm damage prevention prevention of pollution aesthetics and recreation soil erosion control wildlife habitat

**Primary Standard for the project:** The primary standard to be applied in this project is that the applicant's structures and activities in Areas Subject to Protection under the Bylaw or adjacent Buffer Zone shall not alter an area subject to protection under the Bylaw in such a way as to adversely affect the protection provided by that area to the public interests identified in the Bylaw.

The Commission finds the design and mitigating measures proposed by the applicant in the Notice of Intent and adjunct documents and plans referenced on page one above, with the Standard and Additional Conditions attached to this Permit, will serve as a sufficient basis to commence the project with satisfactory protection to the interests of the Bylaw. The applicant's responsibility is not limited to following these procedures, however, but

## CONSERVATION BYLAW (CH. 17) PERMIT (contd.)

additionally to assure that the Primary Standard is met. Therefore additional or alternative measures may be called for if the Commission finds there is field evidence of any failure to meet that standard.

In such a case, applicants shall within a time deemed reasonable by the Commission propose alternative or additional measures to meet the standard, for the approval of the Commission. Applicant or representatives shall be responsible for notifying Commission within 48 hours if they become aware of any evidence of adverse effect on the interests of the Bylaw.

Further findings are contained on attached page 5a

### **Conditions**

The attached conditions 18 through 30, on pages 5a and 5b, are included as conditions of this Hamilton Bylaw Permit.

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## **SPECIAL CONDITIONS (page 5a)**

**951 Bay Rd.**

**DEP File 172-0479**

### **Finding:**

The Commission finds that the area in which work is proposed contains resource areas subject to protection under the Wetlands Protection Act (M.G.L. Ch. 131, §. 40) and Regulations (310 DMR 10.00) AND the Hamilton Town By Laws Chapter 17 ("Conservation") and Regulations issued pursuant to it, which are significant to the protections of interests identified in the Act and By Law, specifically:

The resource areas are Bordering Vegetated Wetland, AURA, Bank and Riverfront.

The resource areas are relevant to the following interest: Prevention of pollution, Storm damage, Wildlife habitat, Ground water supply, Soil erosion control, aesthetics, recreation, and Flood control.

The criteria for a **Limited Project under section 310 CMR 10.53(i)** have been met by the information included in the material contained in the Notice of Intent and material and testimony presented at the Public Hearing on December 14, 2005.

### **Conditions:**

18. Special conditions include the following, 18 through 30 on the attached pages 5a and 5b herewith declared to be part of this Order, and which must be recorded with it at the Essex County South, Registry of Deeds.

19. This Order shall be recorded within 30 days of its date of issuance. No activity of any kind shall occur until the Commission is presented with evidence of recording by the Applicant or their Representative.

20. Notice shall be given to the Commission no more than two (2) weeks nor less than two (2) days prior to the commencement of the work. The Commission will also receive notification when the work has been completed.

21. The Order shall apply to any successor in interest or successor in control as it does to the Applicant.

22. The applicant, as a condition of this Order, grants to the Commission members and agents of the Hamilton Conservation Commission the right to enter, inspect and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Act, and 310 CMR 10.00, and may require the submittal of any data deemed necessary by the Commission for that evaluation.

23. All facilities and equipment shall be continually operated and maintained so as to comply with the conditions and the Act.

24. Plans shall be followed as submitted by Bourne Consulting Engineering, Inc., the applicant's representative, entitled "Foundation Repairs" stamp dated December 21, 2005 annotated as "Permit Plan" and 2 sheets total, and work shall be followed as described in all documents listed in the Notice of Intent.

25. Certificate of Compliance Must Be Applied For. Within thirty days of completion of the project the applicant must apply for a Certificate of Compliance. This Order and Permit will not be considered complied with until the Certificate of Compliance has been requested, granted, and recorded at the Essex County Registry of Deeds.

26. Applicant Must Require Compliance. Any contractor retained by applicant for work at the site shall be given a copy of this Order and associated plans and documents, and full compliance with this Order shall be made a condition of any contract for work to be done at the site.

27. Documents Must Be Available On Site. A copy of this Order of Conditions and Permit, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection or referenced at the site during the construction period.

28. Erosion Control Measures. Applicant shall contact the Commission Office to inform the Commission that erosion control measures have been installed, **TO THE EXTENT THAT SUCH MEASURES ARE SHOWN ON THE APPROVED PLANS.** If no such measures are shown on the approved plan then this condition's terms do not apply. No further activity shall occur until the Commission's Agent/Coordinator or Chair informs the Applicant that erosion control measures are adequately installed. Should any erosion or sedimentation control measure fail, the Applicant shall immediately inform the Commission's Agent/Coordinator and immediate attention shall be given by the applicant or his representative to correcting the failure, for example, by the removal of any silt or debris that may have bypassed the control measure.

29. Ban on Pesticides, Herbicides and Fertilizers. No herbicides, pesticides or organic or inorganic fertilizers of any type shall be used, in any manner, within any resource area, or within 100 feet of any resource area. *This Condition shall survive the issuance of a Certificate of Compliance and shall remain a perpetual condition upon the land.*

30. In the event that the title to this property is transferred in any manner, it shall be the Applicant's responsibility to inform the Commission, in writing, within 10 days of the transfer in title. This Written Notice shall contain (1) the name and address of the transferee(s) and (2) a statement that the Applicant, or their representative, has informed the transferee that this Order of Conditions regulates their property and is fully binding upon them.

CONSERVATION BYLAW (CH. 17) PERMIT (contd.)

This Permit is issued by the Town under its Bylaw and its effect is independent of any Wetlands Protection Act Order of Conditions, so that it is unaffected by any appeal of an Order of Conditions to the Department of Environmental Protection, or by any superseding order from the Department.

Issued by Hamilton Conservation Commission

Signature(s):

DEP#172-0479

Robert J. Cronin  
[Signature]  
[Signature]  
[Signature]  
Virginia M. Cook

This permit **EXPIRES** one year from the date of issuance, \_\_\_\_\_, 2006.  
Either all work pursuant to this permit is completed by the expiration date, or the Applicant must obtain an extension from the Commission.  
Applications for extensions must be filed no later than 30 days prior to the expiration date.

This Order must be signed by a majority of the Conservation Commission.

**ACKNOWLEDGEMENT**

On this 14<sup>th</sup> day of DECEMBER, 2005, before me, the undersigned notary public, personally appeared ROBERT CRONIN, et al

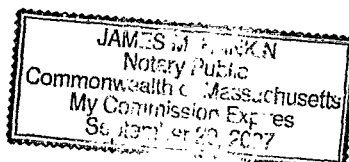
proved to me through satisfactory evidence of identification, which were the undersigned notary public's personal knowledge of the identities of the principals, to be the person whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

All signed as duly appointed Members of the Town of Hamilton Conservation Commission.

Notary Public

My Commission Expires

[Signature]



# Appendix C

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## Professional Qualifications



## **Abigail Manzi, BA**

### *Environmental Scientist*

Abby graduated with a bachelor's degree in Environmental Studies and Biology from Guilford College in Greensboro, North Carolina. Her studies focused on sustainable practices and ecology with courses including Sustainable Business, Animal Behavior, Rainforest Ecology and Environmental Policy.

Abby joined DeRosa Environmental Consulting in the fall of 2015. She is currently working at DeRosa Environmental as an Environmental Scientist.

While in college Abby spent a semester abroad in the rainforest in Australia studying Rainforest Ecology, Forestry Management and Socioeconomics. She also spent a month of her time there researching Lumholtz's Tree Kangaroos.

Prior to working at DeRosa Environmental Abby traveled to Hawaii to work on farms and learn about organic farming practices through World Wide Opportunities on Organic Farms (WWOOF).

Abby grew up with a love for the wildlife and nature taking trips every spring out to the vernal pools with her mom to check out the amphibians and camping every summer. She loves anything outdoors including hiking, diving, snowboarding and swimming. She travels as much as possible, especially to new places with animals she has never seen.

## **EDUCATION**

### **BA, Biology and Environmental Studies | 2014**

Guilford College, Greensboro, NC

## **PROFESSIONAL EXPERIENCE**

Environmental Scientist | 2015 – Present

DeRosa Environmental Consulting Inc

Intern | Summer 2013

Ipswich River Watershed Association

Student Researcher | August-December 2012

Center for Rainforest Studies, Queensland, Australia

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

AMWS | Association of Massachusetts Wetland Scientists

## **CERTIFICATION**

40 Hour Hazardous Waste Site Worker (OSHA)

PADI Open Water Diver | 2015

## **LICENSE**

Unmanned Aircraft License | FAA | Exp. 2/28/2019

## **REPRESENTATIVE PROJECTS**

### **Private Residence | Dune Grass Restoration**

Manchester, MA

### **Commercial Property | Wetland Restoration**

Rowley, MA

### **Willowdale State Forest | Culvert Repair**

Ipswich, MA

### **Saint Joseph's School | Well Monitoring**

Salem, MA

### **Private Residence | Reconstruction of a Single Family Home**

Ipswich, MA

### **Ipswich River Watershed Association | River Culvert Survey**

North Shore, MA

### **Invasive Plant Management | Restoration Project**

Ipswich, MA

### **Sally's Pond | Trail Restoration Grant**

Ipswich, MA



## **Michael J. DeRosa**

Principal, LSP, LEED AP BC&D

Michael J. DeRosa, Principal and project manager specializing in habitat restoration and wetland restoration projects. He has more than 24 years experience working with ecological systems focused on restoration and rehabilitation of damaged landscapes. Ecological principles inform his design and restoration practices.

Mike was the principal wetland permitting leader for the Turner Hill Resort Center in Ipswich Massachusetts. He has consulted with the Archdiocese of Boston since 1989 in all environmental areas. His firm is known for their expertise in wetland and wildlife habitat restoration and rehabilitation and invasive species control and management.

Mike incorporated DeRosa Environmental Consulting, Inc., in May 1994 after spending 8 years working in the environmental consulting industry as technical director and project manager. Prior to his consulting career he was a researcher at the Harvard School of Tropical Public Health working with infectious diseases and tick transmitted Lyme disease, in particular.

Mike has been involved with many projects associated with MGL Ch. 21e and Massachusetts Contingency Plan (MCP) projects. He received his Licensed Site Professional (LSP Lic. 3452) registration in 1993. Mike is uniquely credentialed in hazardous waste site assessment and remediation and has over 24 years experience in wetland permitting, habitat restoration and mitigation. Mike has permitted projects with all federal, state and local environmental agencies. Mike is on the Practice Faculty at The Boston Architectural College. His new passion is the incorporation of urban agriculture and food justice initiatives in mixed use community based projects.

## **EDUCATION**

MA, Boston University, 1993  
North Carolina State University, 1986  
Harvard University, 1985  
BA, University of Denver, 1982

## **REPRESENTATIVE PROJECTS**

**Ipswich River Watershed Association**  
Ipswich MA

**Miles River Task Force |  
Watershed Restoration**  
Beverly Wenham Hamilton Ipswich MA

**Paumier Residence |  
Dune Restoration**  
Manchester MA

**Matignon High School Athletic Fields |  
Landfill Cap Remediation**  
Cambridge/Somerville MA

**Turner Hill Golf Course |  
Wetland Mitigation & Pond Design**  
Ipswich MA

**Saint Aidan's Church |  
UST Remediation**  
Brookline MA

**Saint Kevin's School |  
AST Remediation**  
Dorchester MA

**Saint Joseph's School |  
UST Remediation**  
Salem MA

**Ipswich Country Club |  
Wetland Restoration**  
Ipswich MA

**Ould Newbury Golf Club |  
LID Runoff Design**  
Newbury MA

**Ferncroft Country Club |  
Pond Restoration**  
Topsfield/Middleton MA

## **PROFESSIONAL EXPERIENCES**

Principal, LSP, LEED AP BC&D

DeRosa Environmental Consulting, Inc. | 1994-Present  
Technical director, Environmental Engineering Division

Web Engineering Associates, Inc. | 1990-1994

Project manager/Environmental Scientist,  
Dennison Environmental, Inc. | 1988-1989

Population Ecologist & Wetlands Specialist,  
Lelito Environmental Consultants, LLC | 1987-1988

Research Assistant,  
North Carolina State University | 1985-1987

Air Pollution Analyst  
Entropy Environmentalists, Inc. | 1985-1987

Senior Research Assistant  
Harvard University | 1983-1985

Naturalist  
The Trustees of Reservations | 1983-1985

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

New England Wildflower Society

USGBC | United States Green Building Council

NGWA | National Ground Water Association

AMWS | Association of Massachusetts Wetland Scientists

LSPA | Licensed Site Professional Association

SWS | Society of Wetland Scientists

MACC | Massachusetts Association of Conversation Commissioners

## **CERTIFICATIONS AND SPECIAL TRAINING**

Licensed Site Professional (LSP), Lic. No. 3452

Professional Wetland Scientist (PWS)

LEED Accredited Professional | 10342989

Certified Ecologist, The Ecological Society of America |  
June 2002 – May 2007

CERCLA 40 Hour Hazardous Materials Safety Training |  
OSHA 29 CFR 1910.120

Confined Space Entry Training | OSHA 29 CFR 1910.146

Management Training Workshop | Dun and Bradstreet

Hazardous Materials Chemistry Seminar | University of Toledo

Unmanned Aircraft License | FAA | Exp. 2/28/2019