



SO.ESSEX #135 Bk:41510 Pg:420
04/07/2023 12:25 PM CONDN Pg 1/26
eRecorded

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

Provided by MassDEP:
MassDEP File #:172-0641
eDEP Transaction #:1523140
City/Town:HAMILTON

A. General Information

1. Conservation Commission HAMILTON
2. Issuance a. ☒ OOC b. ☐ Amended OOC
3. Applicant Details
a. First Name JOHN b. Last Name MURPHY
c. Organization SRJM REALTY LLC
d. Mailing Address 60 SUMMER STREET
e. City/Town MANCHESTER f. State MA g. Zip Code 01944
4. Property Owner
a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code
5. Project Location
a. Street Address 135 BRIDGE STREET
b. City/Town HAMILTON c. Zip Code 01982
d. Assessors 58 e. Parcel/Lot# 4-53
Map/Plat#
f. Latitude 42.61488N g. Longitude 70.84852W
6. Property recorded at the Registry of Deed for:
a. County b. Certificate c. Book d. Page
SOUTHERN ESSEX 39498 114
7. Dates
a. Date NOI Filed : 11/20/2022 b. Date Public Hearing Closed: 2/8/2023 c. Date Of Issuance: 3/1/2023
8. Final Approved Plans and Other Documents
a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
ASSESSOR'S MAP
58, LOT 4-53, 135
BRIDGE STREET BRIAN D. JONES,
HAMILTON MA ? REGISTERED CIVIL 11/30/2022
EROSION ENGINEER #49212
CONTROL PLAN,
SHEET C-101

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
Following the review of the 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:

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a. <input type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input type="checkbox"/> Private Water Supply	e. <input type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

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 interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, 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).**

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

50
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>a. linear feet</u>	<u>b. linear feet</u>	<u>c. linear feet</u>	<u>d. linear feet</u>
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>a. square feet</u>	<u>b. square feet</u>	<u>c. square feet</u>	<u>d. square feet</u>
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u>a. square feet</u>	<u>b. square feet</u>	<u>c. square feet</u>	<u>d. square feet</u>
	<u>e. c/y dredged</u>	<u>f. c/y dredged</u>		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>a. square feet</u>	<u>b. square feet</u>	<u>c. square feet</u>	<u>d. square feet</u>
Cubic Feet Flood Storage	<u>e. cubic feet</u>	<u>f. cubic feet</u>	<u>g. cubic feet</u>	<u>h. cubic feet</u>

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8. <input type="checkbox"/> Isolated Land Subject to Flooding		<u> </u> a. square feet		<u> </u> b. square feet	
Cubic Feet Flood Storage		<u> </u> c. cubic feet		<u> </u> d. cubic feet	
		<u> </u> e. cubic feet		<u> </u> f. cubic feet	
9. <input type="checkbox"/> Riverfront Area		<u> </u> a. total sq. feet		<u> </u> b. total sq. feet	
Sq ft within 100 ft		<u> </u> c. square feet		<u> </u> d. square feet	
		<u> </u> e. square feet		<u> </u> f. square feet	
Sq ft between 100-200 ft		<u> </u> g. square feet		<u> </u> h. square feet	
		<u> </u> i. square feet		<u> </u> j. square feet	
<hr/>					
Coastal Resource Area Impacts:					
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement	
<hr/>					
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below				
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. c/y dredged				
	<u> </u> d. c/y dredged				
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below				
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. c/y nourishment				
	<u> </u> d. c/y nourishment				
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. c/y nourishment				
	<u> </u> d. c/y nourishment				
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet				
	<u> </u> b. linear feet				
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet				
	<u> </u> b. square feet				
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. square feet				
	<u> </u> d. square feet				
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. c/y dredged				
	<u> </u> d. c/y dredged				
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet				
	<u> </u> b. square feet				
	<u> </u> c. square feet				
	<u> </u> 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				
	<u> </u> c. c/y dredged				
	<u> </u> d. c/y dredged				

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21. ☐ Land Subject to Coastal Storm Flowage

 a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

 a. square feet of BVW

 b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

 a. number of new stream crossings

 b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

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Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "172-0641"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or

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treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

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- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

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

1. Municipal Ordinance or Bylaw _____

2. 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw HAMILTON CH.
17

2. Citation _____

3. 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.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED SPECIAL CONDITIONS, MADE PART HEREOF

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

3/1/2023

1. Date of Original Order

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

4

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Lauren Lynch

Virginia Cookson

Sandy Coddington

Deborah Thompson

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

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

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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

G. Recording Information

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

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Commission listed below.

HAMILTON

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

HAMILTON

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

135 BRIDGE STREET

Project Location

172-0641

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Rev. 4/1/2010



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E. Signatures

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

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

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.

3/1/23

1. Date of Issuance

4

2. Number of Signers

Signature Anthony S. Coddington, Jr.
Signature Deborah Thompson
Signature Virginia M. Cookson
Signature Laurie M. Lynch

Printed Name Anthony S. Coddington, Jr.
Printed Name Deborah Thompson
Printed Name Virginia M. Cookson
Printed Name Laurie M. Lynch

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date _____

Date 3/1/23

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

ATTACHMENT A
SPECIAL CONDITIONS
Order of Conditions (OOC) –
135 Bridge Street, Hamilton
for John Murphy, SRJM Realty, LLC
DEP File # 172-0641

Under the Order of Conditions (hereafter “OOC”, “Order”, or “Conditions”), issued under MassDEP File Number **172-0641**, the Hamilton Conservation Commission (“the Commission”) hereby finds that in addition to the General Conditions Under the Massachusetts Wetlands Protection Act (WPA) on the MA DEP’s WPA Form 5, the following Special Conditions are necessary in accordance with the Performance Standards set forth in the regulations to protect the interests of the WPA for this project. Any violation of these Conditions will make the Applicant subject to an Enforcement Order. The following Conditions and Findings are being issued under both the WPA and Hamilton’s Conservation Bylaw (Ch. 17).

Findings:

The Hamilton Conservation Commission (HCC) makes the following findings:

Under the Order of Resource Area Delineation issued on Feb 2nd, 2021, DEP # 172-0619, the delineation of Bordering Vegetated Wetland (BVW), and Isolated Vegetated Wetlands (IVW), located at 0 Bridge Street Hamilton MA, (Hamilton Assessors Map 58, Parcel 4-53) was confirmed. The IVW are regulated under Hamilton’s Bylaw only, while the BVW is regulated by both the Bylaw and the WPA.

Property Description:

The project site is located at 135 Bridge Street, Hamilton, MA, and is identified on the Town Assessor’s Map 58 as Parcel 4-53. The project site is 3.01 acres and is undeveloped and wooded. The lot is bordered on the east and west by undeveloped parcels which are slated for development. The Gordon-Conwell Theological Seminary borders the lot to the south. The lot fronts on Bridge Street to the north. Across Bridge Street are single family houses. The site topography is steep and ranges from a high point of elevation 188 at the rear of the parcel to a low point of elevation 70 along Bridge Street. On the property presently, stormwater flows overland from the rear of the site towards Bridge Street. There is currently no existing impervious area on-site. Stormwater is collected by Town sewer, which discharges at a point between 156 & 165 Bridge St., on the other side of the roadway, where water flows freely until it reaches the Miles River marshes.

Project:

In this Notice of Intent (NOI), the proposed project seeks to construct a new five-bedroom single family house, with a driveway, septic system, and associated utilities. This NOI is required because the project proposes to conduct work within the 100’ state wetland buffer. The proposed impervious area on-site is approximately 8,400 square feet, which includes the driveway, building, walkways, and patio area. The project proposes a disturbance of approximately 42,484 square feet. Clearing of existing trees has been kept to the minimum required to construct the proposed house. In places where appropriate, the buffer zone will be restored with native tree plantings and NE wildflower seed mix. The local 50’ no disturbance zone surrounding the IVW/BVW has been preserved and the proposed building has been located outside of the 75’ no build zone. No wetland alteration is proposed.

Prior to the site walk conducted for this project on January 14th, 2023, a contractor or sub-contractor employee drove a heavy vehicle through the marked wetlands, leaving deep ruts and several cut tree stumps behind. The

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

resolution of the damages caused by this violation resulted in the Conditions requiring the entire property to be cleared of invasive species large enough to require tools to remove prior to the issuance of a Certificate of Compliance, and the Perpetual Condition that invasive species on this property will not grow beyond a level where they can be removed by hand. With the work to remove invasive species being conducted prior to the issuance of the Certificate of Compliance, and future maintenance of this benefit to the ecological functioning of the wetlands, being left to subsequent landowners, the Commission feels that the damage to the wetlands will have been sufficiently mitigated, and the invasive species will be perpetually managed, allowing the wetlands the opportunity to thrive. The project was submitted to the Hamilton Conservation Office on 11/30/2022, and the project was initially presented at the 12/14/2022 meeting of the Commission. The project was closed for public comment at the 2/8/2023 meeting of the Commission, and the Order of Conditions was approved at the 2/22/2023 meeting.

Unless extended, this Order, DEP # 172-0641 will expire on March 1, 2026.

The Commission orders that all work shall be performed in accordance with said Conditions and with the referenced Notice of Intent and all other relevant documents listed below in Condition 22. 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 prevail.

GENERAL CONDITIONS (CONTINUED FROM WPA FORM 5)

Please review the preceding General Conditions on the DEP WPA Form 5, particularly Condition 1.

21. All work must be in compliance with the Hamilton Wetland Protection Bylaw, Regulations, and Policies.
22. The work shall conform to the following plans and documents, unless otherwise specified in this Order:

a. WPA Form 3/Notice of Intent:

Submitted for: SRJM Realty, LLC; 60 Summer St. Manchester, MA 01944

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

b. Site Plan:

Entitled: Assessor's Map 58, Lot 4-53, 135 Bridge Street Hamilton MA – Erosion Control Plan, Sheet C-101

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

Stamped: Brian D. Jones, registered Civil Engineer #49212

Entitled: Assessor's Map 58, Lot 4-53, 135 Bridge Street Hamilton MA – Landscape Plan, Sheet L-101

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

Stamped: Bethany C. Dermody, registered Landscape Architect #4071

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

c. Other:

Entitled: Order of Resource Area Delineation, DEP #172-0619

Prepared by: Town of Hamilton Conservation Commission

Issued: 2/2/2021

Entitled: Abbreviated Notice of Resource Area Delineation, 0 Bridge St.

Prepared by: Allen & Major Associates, Inc.

Prepared For: Summit Real Estate Strategies, LLC; 60 Summer St. Manchester MA, 01944

Dated: 12/8/2020

23. The approved wetland boundaries pertaining to this Order are only valid for this particular project, and not for any future projects.
24. The Commission reserves the right to require additional conditions if deemed necessary to protect the resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00) with proper notification of all parties.
25. This Order shall apply to any successor(s) in interest or successor(s) in control of any part of the Resource Areas or their buffers displayed on the plans referenced by this document, which may be divided off of the parcel currently known as 135 Bridge St., Hamilton Assessor's Map 58, Parcel 4-53 and shall survive the issuance of the Certificate of Compliance (COC), specifically for the project permitted as DEP # 172-0641. The Conditions listed in, and inclusive of, this Condition #25 & Condition #34: Conditions 69 – 75 are considered perpetual conditions. Within ten (10) calendar days inclusive of the transfer of ownership of the subject parcel, in whole or in part, including lots or buildings conveyed under individual deeds, the Conservation Commission shall be notified in writing by the seller of the name and address of the new owner.

Within ten (10) calendar days inclusive of such transfer, a written, signed, and notarized affidavit shall be filed with the Conservation Commission by the seller, stating that the new owner(s):

- Has read and understands the Order of Conditions;
- Understands all terms applicable to the project site;
- Understands that any work within 100 feet of wetlands or within 200 feet of perennial streams requires a permit from the Conservation Commission;
- Understands that the dumping of yard waste, brush, or other materials in the wetlands is not allowed;
- Intends to comply with all provisions of the Order, including obtainment of a Certificate of Compliance if the seller has not already done so;
- In addition, this affidavit shall include the following sentence: "I, _____, the new owner of _____, understand that any work within 100 feet of wetlands or within 200 feet of perennial streams requires approval by the Hamilton Conservation Commission and that dumping of yard waste, brush, or other materials in the wetlands is not allowed.";
- This affidavit shall also include a plan of the lot indicating the wetland boundary, building(s), and any other features.

All current and future new tenants shall be provided with a copy of this Order and a signed affidavit acknowledging receipt shall be provided to the Commission.

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

26. Any violation of these conditions will make the Applicant subject to an Enforcement Order.
27. Members and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with these conditions and to require submittal of any data deemed necessary by the Commission for that evaluation.
28. **The Applicant, contractor, or site engineer responsible for the project's completion shall have on site at all times a copy of this Order**, including all referenced documents, while activities regulated by this Order are being performed.
29. The Commission designates the “limit of work” under this Order as the erosion control barriers and the limit of work line as depicted on the project site plans approved by the HCC as referenced herein.
30. No vehicles or equipment are to enter or cross wetland resource areas at any time unless the location of the disturbance is marked on the plans referenced in this Order and is within the limit of work shown on the plan.
31. Any change in the plans approved under this OOC, including those due for review by other boards or resulting from the aforementioned conditions, must be submitted to the Commission in writing for approval prior to implementation. The Commission will then decide whether the change is substantial enough to require a new Notice of Intent filing or a request for an amendment to this OOC. Any errors found in the plans or information submitted by the Applicant shall be considered as changes.
32. If any unforeseen problem occurs during the Project which affects any of the seven statutory interests of the Massachusetts Wetlands Protection Act and/or the Hamilton Wetland Protection Bylaw and Regulations, the Applicant shall notify the Conservation Commission and an immediate (within 24 hours) meeting shall be held between the Commission, the Applicant, the Applicant's representative and/or engineer/contractor, and other concerned parties to determine the corrective measures agreed upon. In the event of a dispute amongst the participants of any meeting, the Commission's view shall prevail.
33. Upon completion of this project the owner or his designee shall submit the following to the Conservation Commission to receive a Certificate of Compliance per Condition 12:
 - a. A **written request** from the Applicant/Property Owner or his designee for a Certificate of Compliance (WPA Form 8A) for DEP File # 172-0641.
 - b. A written statement from a registered professional engineer of the Commonwealth of Massachusetts certifying that the work has been completed in compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). Any discrepancies shall be noted. If the work completed differs significantly from the work proposed in the Notice of Intent and approved by the Commission, the Commission may require the Applicant implement measures necessary to comply with this Order.
 - c. An as-built topographic plan signed and stamped by a registered professional land surveyor of the Commonwealth of Massachusetts, showing post-construction conditions for the public record. This plan will include as-built elevations of all drainage ways constructed within 100 feet of any wetland or 200 feet of a perennial stream, distances to all structures and elevations within 100 feet of wetlands and 200 feet of perennial streams. The as-built plan must show all wetland resource area boundaries with associated buffer zones and any No Cut/No Disturbance Zones taken from the plan(s) approved in this OOC. The as-built plan must show

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elevations of all filled, altered, or replicated wetlands. This as-built plan MAY NOT be the originally submitted final approved site plan with changes highlighted and explained.

34. The following special conditions shall extend beyond the issuance of a Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property. **This Condition shall survive the issuance of the Certificate of Compliance.**
- 25. Regarding notification of new property owners.
 - 34. Regarding Perpetual Conditions
 - 69. Regarding invasive species control
 - 70. Regarding a prohibition on the use of sodium chloride
 - 71. Regarding a prohibition on the use of fertilizers, pesticides, and herbicides
 - 72. Regarding a prohibition on tree removal
 - 73. Regarding a prohibition on underground fuel storage
 - 74. Regarding Conservation Commission notification of maintenance activities
 - 75. Regarding a prohibition on invasive species
35. No proposed earthen embankment in the buffer zone shall have a slope steeper than 2H:1V, (or as shown on the project site plans approved by the HCC as referenced herein) without prior written approval of the Commission.
36. Failure of the Applicant to comply with one or more individual conditions set forth in this OOC does not exonerate the Property Owner, successor in control, or successor in interest of the property described in the Notice of Intent in meeting or complying with the remaining conditions in this OOC.

PRIOR TO CONSTRUCTION

Please note General Conditions 8, 9, and 10.

37. Prior to the commencement of any work on the site, the Applicant shall submit in writing to the Commission the names, addresses, and telephone numbers (both business and 24-hour emergency numbers) of the person(s) responsible on-site for compliance with this Order and his/her alternate. The Applicant shall also notify the Commission in writing of any changes to this information.
38. The Applicant or designee shall report in writing (via e-mail or US mail service) to the Hamilton Conservation Commission prior to the commencement of construction, every week during construction, and for as long thereafter as the ground remains unstable, as well as upon completion of the project until such time as the Certificate of Compliance (COC) is issued for the project. These reports shall include an update on the status of the erosion controls, what work within 100 feet of wetlands or within 200 feet of perennial streams has been completed to date, and what work is proposed for the next month.
39. Prior to the commencement of any work on site, the Property Owner or his designee shall **submit for approval by the HCC/staff a detailed Construction Sequence** with a timetable and details, including the **construction of compensation areas**, to be completed before other work begins on site.
40. Prior to the commencement of any work on site, all erosion and sedimentation control measures shall be installed for inspection and approval by the Commission or its agent, in accordance with the

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

SEDIMENT AND EROSION CONTROLS portion of this Order of Conditions. **The Commission must be notified at least 7 days prior to the commencement of work for such inspection.**

41. A Pre-construction meeting shall be held, between the Applicant and their designated Project Superintendent and Site Contractor with the HCC or its agent to review the proposed work and measures designed to mitigate any impact on the wetlands, and to ensure that all conditions of the OOC are understood.
42. It is the Applicant's responsibility to **ensure that the work to be performed hereunder will be properly supervised** by the design engineer and the wetlands biologist, or by persons of equivalent qualifications.
43. **No additional clearing or grading** in the 100' Buffer Zone to wetlands, other than what is shown on the approved plans, may be done without written approval of the HCC/staff.
44. No build & No disturb areas are to be permanently demarcated and signed.
45. Natural areas within the designated work area that are not part of the explicit scope of work, are not to be used for parking of any vehicles, storing of any materials, or are otherwise allowed to be impaired by approved activities. Placing of temporary fences, approved by the HCC or its agent, around such areas to prevent accidental impairment is encouraged.
46. The Applicant/Responsible Party **shall ensure a hazardous materials spill containment kit is maintained on site at all times** throughout construction. The kit **shall be appropriately sized** for the cumulative volumetric capacity of hazardous fluids contained by on-site equipment.
47. At the commencement of work, and again prior to the roadway and stormwater facility completion, the Applicant **shall collect and remove by hand all trash and loose man-made debris** from the site's resource areas and buffer zones.
48. **No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre- Activity Meeting.** Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion control marker-stakes and to establish stakes designating the "limit of work" where required.
49. To insure the accuracy of the tree cutting, the HCC/staff **recommends implementing a two color system for marking the limit of work line.** The trees on the edge of the limit of work line to be cut should be marked with orange marking paint on the stump and then at breast height The trees on the other side of the limit of work line NOT to be cut should have yellow caution tape tied around the trunk to provide a visual distinction to inform the tree clearing firm to reduce the possibility of excessive clearing.

INVASIVE SPECIES

50. Any fill or other materials brought on site must be clean, debris-free, and devoid of invasive plants or their parts or seeds.

51. All construction vehicles must be cleaned of accumulated soil or plant matter from other sites prior to entering the site, through washing, brooming, or another method approved in advance by the HCC.
52. In order to prevent the spread of invasive species from one portion of the project site to another, construction vehicles may not enter locations infested with invasive species. If this is unavoidable, vehicles shall be washed or broomed clean prior to leaving the infested portion of the site.

SEDIMENT AND EROSION CONTROLS

Please note General Condition 18.

53. Installation of **temporary gravel or crushed stone construction entrance/exit pad** (30' x 50' minimum) to reduce off site transport of soils into **Bridge St., shall occur prior to earth disturbance activities**. Possible specifications are: 6-1 O inch depth of 2-3 inch coarse aggregate over a geotextile fabric to stabilize the foundation.
54. Soil erosion and deposition into wetland resource areas shall be prevented at all times by effective control methods. The Applicant shall implement the methods indicated in the referenced Notice of Intent and as specified below:
 - a. The *minimum* required erosion control barriers shall consist of a **staked compost filter sock, with the sock composed of biodegradable material**, and of an appropriate diameter (10" minimum), to be inspected and approved by the Commission or its agent before work commences. To minimize wildlife entanglement and plastic debris pollution, choose temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute or sisal fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives. Natural materials sourced from outside the U.S. are also unacceptable, due to the risk of importing exotic invasive pests. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Avoid the use of silt fences reinforced with metal or plastic mesh. When no longer required, temporary erosion and sediment control products should be promptly removed.
 - b. The use of haybales and woodchip is strictly prohibited for erosion control, unless specifically allowed by the Commission (as shown on the project site plans approved by the HCC as referenced herein), due to the potential for invasive species introductions and their inferior sediment and pollution controls compared to compost based erosion control materials.
 - c. Erosion control measures shall be installed and maintained in accordance with U.S. Natural Resources Conservation Service recommended methods.
 - d. The limit of work shall be the erosion control barriers beyond which no work shall occur. Erosion control barriers shall not be placed within 25 feet of the wetland boundary, (or as shown on the project site plans approved by the HCC as referenced herein) without written permission of the Commission.

- e. The Commission may require the Applicant to employ additional erosion and/or damage prevention measures as it deems necessary.
 - f. Erosion controls shall be inspected weekly and immediately following storm events. Damaged or non-functioning erosion control devices shall be maintained, reinforced, or replaced as necessary.
 - g. Any failure of erosion control measures resulting in deposition of soils into the wetland resource area(s) shall be **immediately** reported to the Conservation Commission office at (978) 626-5247.
 - h. The Applicant shall take immediate steps to control any erosion that occurs on site that impacts areas under jurisdiction of the Wetlands Protection Act and the Hamilton Wetlands Bylaw and Regulations.
 - i. Any sedimentation that occurs outside of the erosion control barriers shall be immediately removed using hand tools. The cause of the erosion/sedimentation shall be immediately addressed.
 - j. All accumulated sediment shall be removed from the face of the erosion control barriers using hand tools (e.g. shovels, rakes, and wheelbarrows) whenever the level of sediment is within six (6) inches of the top of the barrier.
 - k. The Applicant shall maintain a reserve of the approved erosion control materials equal to at least 10% of the maximum length of erosion control materials used on site during the duration of the project, with stakes, to be used for emergency repairs. These materials are not to be used for daily maintenance of erosion controls.
 - l. Soil, sediment, debris, or other material removed during maintenance or repair of erosion control barriers, or remediation of erosion damage, shall be disposed of outside the wetlands or riverfront buffer zone.
 - m. Exposed soils shall be stabilized as soon as practical following disturbance. Slopes and other disturbed areas not subject to construction activities shall be stabilized (either temporarily or permanently) immediately following excavation/grading. Temporary stabilization shall consist of seeding with **annual oats** or other approved species, or installation of jute netting, staked mulches, or other Natural Resources Conservation Service accepted methods, maintaining respect to the minimum required erosion control barriers conditioned by this Order.
 - n. Immediately following any storm event, the Applicant shall regularly inspect all stabilized areas for erosion, wash-out, rills, or other damage. Any noted damage shall be immediately reported to the HCC, and repaired using the original stabilization method or other Natural Resources Conservation Service accepted methods.
55. **Erosion control devices and wetland flags shall remain in place until all disturbed surfaces have been permanently stabilized and a Certificate of Compliance is issued by the Commission.** The erosion control devices can only be removed once the Applicant has submitted a Request for Certificate of Compliance AND the HCC and/or its agent has conducted a site visit and granted permission to do so. The biodegradable erosion controls may be broken up and spread on site,

135 Bridge Street – John Murphy, SRJM Realty, LLC– Hamilton, MA

but not within any wetland resource area(s) or Conservation Easement. Any non-biodegradable material used within the erosion controls must be removed and discarded off-site. The erosion control devices must be removed prior to final issuance of the Certificate of Compliance.

SOIL STOCKPILES AND FILL STORAGE

56. At no time shall debris or other material be buried or disposed of within the buffer zone, other than that fill which is allowed by this Order and as shown on the referenced plans.
57. Stockpiled earth and other materials **shall be located on the upland side of the temporary erosion control or limit-of-work line and shall have erosion control set at the base for a minimum of 67% of its circumference, or otherwise be stabilized** to prevent erosion into wetland resource areas and/or prevent any runoff from the construction area into a Resource Area. If stockpiles sprout invasive plant species, the HCC/staff may direct that appropriate control methods be employed to combat the invasive plants.
58. All fill, stumps, brush, logs, rubbish, construction debris, excavated materials, construction equipment and vehicles, and construction materials (i.e. gravel, bentonite, etc.), if permitted to be stored within the Commission's jurisdiction, shall be stored in a designated location approved by the Commission.
59. Any soil stockpiles that will remain within the Commission's jurisdiction for longer than two weeks must either be fully covered with an impermeable material, or seeded with a short-lived (incapable of reseeding) annual herbaceous cover crop.

TIME LIMITS

60. All **disturbed areas in the Buffer Zone** will be stabilized by vegetation, heavy mulching, sodding, or matting **prior to November 15 each year**. No work within the Buffer Zone or resource areas may be done between **November 15 and March 15**

OTHER CONDITIONS

61. An invasive species control plan is to be developed and executed prior to the submission of a Certificate of Compliance request. It is expected that at the time of the Certificate of Compliance request, no invasive species individuals or populations shall be present on the property which require tools to kill, inclusive of handtools, mechanical tools, and/or herbicides. This means:
 - a. For woody plants, plants on site at the time of inspection for the Certificate of Compliance are to be a size easily removed by hand, and no more than ten plants of any species are to be located in the 100 sq. meters most densely populated by said species.
 - b. For any given invasive herbaceous plant species, in addition to being removable by hand, no more than ten plants are to be located in the most densely populated 100 sq. meters.
 - c. For reference on which plants are to be considered invasive, please see Condition #75.

62. All seed mixes and plantings on site will be sourced locally and efforts will be made to prioritize natives.

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- a. All non-native plants or seeds utilized must be justified in writing to the Commission, and the Commission reserves the right to reject any such justifications as sufficient. Aesthetics are no grounds for justification, while safety, privacy, or other purpose driven objectives shall be grounds for justification.
63. Temporary water retention basin and associated erosion controls will be constructed and used for the duration of the construction process to facilitate drainage and prevent spill-over of site sediments into adjacent wetlands resource areas. Functionality of these basins and controls will be assessed and ensured on a weekly basis, and after all precipitation events.
 - a. Photos are to be provided to the Conservation Office by Noon on Wednesday of each week structures are in use, as well as immediately following any precipitation event.
 - b. It is expected that these structures will prevent any sediment from reaching Bridge St., and the on-site wetlands and their respective buffers. Sedimentation into any of these locations during or after a precipitation event will result in an Enforcement Order to strengthen the stormwater and sedimentation control features on site.
64. No oil, calcium chloride, or other salt shall be used within 100 feet of a wetland resource area or within 200 feet of a perennial stream during any construction phase for the control of dust.
65. Any runoff resulting from washing of vehicles or equipment shall neither be directed to, nor dumped into, any on-site drainage system or wetland resource area. Runoff shall be managed in accordance with the stormwater management plan developed for this project.
66. Equipment fuel storage, refueling, and lubrication operations shall be situated in an upland area outside the buffer zone. The Commission shall be notified immediately of any leakage of contaminants from this area and all fueling operations shall be suspended.
67. Pumps, generators, or other stationary equipment containing fuel, oil, hydraulic fluid, or other potential contaminants shall not be stored or operated within the resource area or buffer zone without written approval of the Commission. Equipment shall be located in a containment area on an impervious barrier. The barrier shall be of light color to allow observation of any liquid spillage. If spillage is observed, the equipment shall be taken out of service immediately and repaired or replaced.
68. All vegetative debris, all uprooted stumps, brush cuttings, and other debris shall be removed from the construction area and other Resource Areas and buffer zones, including existing on-site debris and construction debris, on a daily basis. The Applicant or his designee shall be responsible for removing and disposing of such materials and surplus soils promptly and properly to an off-site disposal area which complies with all federal, state, and local requirements and regulations. Records as to the destination of all materials, including stumps, brush, and excess fill, shall be kept and supplied to the Commission if requested.

PERPETUAL CONDITIONS – Including Conditions #25 & #34

69. To maintain the benefits created by adherence to Condition #61, no invasive species individuals or populations are to be present on this property which require tools to kill, inclusive of handtools, mechanical tools, and/or herbicides. **This condition shall survive the issuance of the Certificate of Compliance.** This means:
 - a. For woody plants, plants on site at the time of inspection for the Certificate of Compliance are to be a size easily removed by hand, and no more than ten plants of any species are to be

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- located in the 100 sq. meters most densely populated by said species. Any individuals or populations found too large for hand removal are to be immediately brought to the attention of the Conservation Commission.
- a. For any given invasive herbaceous plant species, in addition to being easily removed by hand, no more than ten plants are to be located in the most densely populated 100 sq. meters. Any population found too large for hand removal are to be immediately brought to the attention of the Conservation Commission.
 - b. For reference on which plants are to be considered invasive, please see Condition #75.
70. No sodium chloride shall be used within 100 feet of a wetland resource area or within 200 feet of a perennial stream if the area will drain to a resource area and regulated buffer zone without significant dilution treatment, and any contract or agreement for snow or ice removal shall so stipulate. **This condition shall survive the issuance of the Certificate of Compliance.**
71. Non-organic fertilizers, pesticides, and herbicides shall not be used within 100 feet of a wetland resource area or within 200 feet of a perennial stream. Organic fertilizers used within 100 feet of a wetland resource area or within 200 feet of a perennial stream shall be slow-release. **This condition shall survive the issuance of the Certificate of Compliance.**
72. No work or alteration, including but not limited to removal of any standing or fallen trees or vegetation, except as approved by the Commission and shown on the approved plan(s), shall be conducted within any wetland resource area or any area outside the limit of work under this Order. **This condition shall survive the issuance of the Certificate of Compliance.**
73. No underground storage of fuels is allowed within 100 feet of wetland resource areas or within 200 feet of a perennial stream. **This condition shall survive the issuance of the Certificate of Compliance.**
74. The Conservation Commission shall be notified in writing when any maintenance functions that may impact wetlands are to be performed, such as but not limited to replacing leach fields, repairing drains, road maintenance/repaving, and cleaning of stormwater appurtenances. **This condition shall survive the issuance of the Certificate of Compliance.**
75. No plants listed on the latest Massachusetts DAR Prohibited Plant List (available at http://www.mass.gov/agr/farmproducts/Prohibited_Plant_Index2.htm), the Massachusetts Invasive Plant Advisory Group's Invasive, Likely Invasive, Potentially Invasive, or Not Currently Meeting Criteria lists (<http://www.massnrc.org/mipag/index.htm>), the Connecticut Invasive Plant Working Group's Invasive and Potentially Invasive plant list (http://cipwg.uconn.edu/invasive_plant_list/), the Rhode Island Natural History Survey Invasive Species List (http://rinhs.org/wp-content/uploads/2011/10/Rhode-Island-Invasive-Species-2013_b.pdf), New York's Prohibited & Regulated Invasive Species List (http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf), Vermont's Noxious Weed List (<http://www.vtinvasives.org/plants/plant-quarantine-rule>), New Hampshire's Prohibited Invasive Species List (<http://agriculture.nh.gov/publications-forms/documents/prohibited-invasive-species.pdf>), and Maine's Noxious Weed List (<http://www.invasive.org/species/list.cfm?id=48>), may be brought onto or planted anywhere on the property. If at any point these hyperlinks are out of date, this Condition must still be observed, according to the prohibitions on each State's plant list. **This condition shall survive the issuance of the Certificate of Compliance.**
76. Prior to the issuance of the Certificate of Compliance, all disturbed areas shall be stabilized to the satisfaction of the Commission.

CONSERVATION COMMISSION
TOWN OF HAMILTON
COMMONWEALTH OF MASSACHUSETTS

CONSERVATION BYLAW (Ch. 17) PERMIT

TO

	PROPERTY OWNER:
John Murphy, SRJM Realty, LLC	Name: SAME
Address: 60 Summer St. Manchester, MA 01944	Address: SAME

This project is located at Assessor's Map 58, Lot 4-53, 135 Bridge Street, Hamilton, MA

The Notice of Intent for this project was filed on **11/30/2022**. Public Hearing Closed **2/8/2023**.

Plans:

WPA Form 3/Notice of Intent:

Submitted for: SRJM Realty, LLC; 60 Summer St. Manchester, MA 01944

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

Site Plan(s):

Entitled: Assessor's Map 58, Lot 4-53, 135 Bridge Street Hamilton MA – Erosion Control Plan, Sheet C-101

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

Stamped: Brian D. Jones, registered Civil Engineer #49212

Entitled: Assessor's Map 58, Lot 4-53, 135 Bridge Street Hamilton MA – Landscape Plan, Sheet L-101

Prepared by: Allen & Major Associates, Inc.; 400 Harvey Road, Suite D, Manchester, NH 03103

A & M project #: 2399-04

Dated: 11/30/2022

Stamped: Bethany C. Dermody, registered Landscape Architect #4071

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

Other:

Entitled: Order of Resource Area Delineation, DEP #172-0619

Prepared by: Town of Hamilton Conservation Commission

Issued: 2/2/2021

Entitled: Abbreviated Notice of Resource Area Delineation, 0 Bridge St.

Prepared by: Allen & Major Associates, Inc.

Prepared For: Summit Real Estate Strategies, LLC; 60 Summer St. Manchester MA, 01944

Dated: 12/8/2020

Findings:

The commission finds that the area in which work is proposed is within the AURA, and within the buffer zone to Inland Bank 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:

Under the Order of Resource Area Delineation issued on Feb 2nd, 2021, DEP # 172-0619, the delineation of Bordering Vegetated Wetland (BVW), and Isolated Vegetated Wetlands (IVW), located at 0 Bridge Street Hamilton MA, (Hamilton Assessors Map 58, Parcel 4-53) was confirmed. The IVW are regulated under Hamilton's Bylaw only, while the BVW is regulated by both the Bylaw and the WPA.

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 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

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

Conditions

The conditions for this permit may be found on WPA Form 5 "Order of Conditions" and attached to the WPA Form 5 issued for this work under DEP File# 172-0641. This permit shall be recorded with the WPA Form 5 "Order of Conditions" at the Southern Essex Registry of Deeds.

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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 FILE # 172-0633

**This permit EXPIRES one year from the date of issuance, _____, 2021.
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 Permit must be signed by a majority of the Conservation Commission.

ACKNOWLEDGEMENT

On this _____ day of 2020, before me, the undersigned notary public, personally appeared _____ 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

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):

SS, Jr.

Debra L. Stinson

Virginia M. Cooker

Laurie M. Lynch

DEP FILE # 172- 0641

3/1/23

This permit **EXPIRES** one year from the date of issuance,

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 Permit must be signed by a majority of the Conservation Commission.