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PC.2



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 #:172-0593
eDEP Transaction #:964145
City/Town:HAMILTON

A. General Information

1. Conservation Commission HAMILTON
2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name _____ b. Last Name _____
c. Organization HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT
d. Mailing Address 5 SCHOOL STREET
e. City/Town WENHAM f. State MA g. Zip Code 01984

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 775 BAY ROAD
b. City/Town HAMILTON c. Zip Code 01982
d. Assessors 40 e. Parcel/Lot# 11
Map/Plat# _____
f. Latitude 42.62759N g. Longitude 70.84658W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SOUTHERN ESSEX	N/A	4717	216

7. Dates

a. Date NOI Filed : 9/13/2017 b. Date Public Hearing Closed: 10/11/2017 c. Date Of Issuance: 11/16/2017

8. Final Approved Plans and Other Documents

a. Plan Title: HAMILTON-WENHAM REGIONAL HIGH SCHOOL ATHLETIC CAMPUS IMPROVEMENTS PROJECT SOUTH HAMILTON MA (26 SHEETS)
b. Plan Prepared by: JOHN M. PERRY
c. Plan Signed/Stamped by: _____
d. Revised Final Date: June 27, 2017
e. Scale: _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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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:

Table with 3 columns and 3 rows of checkboxes for various interests like Public Water Supply, Land Containing Shellfish, Prevention of Pollution, etc.

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.

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). 30 a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Table with 5 columns: Resource Area, Proposed Alteration, Permitted Alteration, Proposed Replacement, Permitted Replacement. Rows include Bank, Bordering Vegetated Wetland, Land under Waterbodies and Waterways.



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

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. c/y dredged	d. c/y dredged	<u> </u>	<u> </u>
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. linear feet	b. linear feet	<u> </u>	<u> </u>
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	<u> </u>	<u> </u>
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. c/y dredged	d. c/y dredged	<u> </u>	<u> </u>
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet



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20. Fish Runs

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

c. c/y dredged d. c/y dredged

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.



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9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "172-0593"
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 control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to 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



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erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- 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")



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upon request; and

3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

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

Special Conditions:

SPECIAL CONDITIONS ARE LISTED ON PAGES 9A - 9C WHICH ARE A PART OF THIS ORDER AND SHALL BE RECORDED WITH IT.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

2. The 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 CONSERVATION 2. Citation CH. 17

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:
THE PERMIT PURSUANT TO THE BYLAW IS ISSUED SEPARATELY FROM THIS ORDER.

SPECIAL CONDITIONS (page 9a)

775 Bay Rd., Hamilton-Wenham Regional High School

DEP File#: 172-0593

Conservation Commission Findings:

The Conservation Commission finds that the area in which work is proposed is within Commission jurisdiction under the Wetlands Protection Act (M.G.L. Ch. 131, §40; the "Act") and The Act's Regulations (310 CMR 10.00) AND the work is within Commission jurisdiction under Hamilton Town Bylaw Chapter 17 entitled "Conservation", and the Regulations issued pursuant to the Bylaw. The jurisdictional areas are significant to the protection of interests identified in the Act and By Law.

The resource area for this project is AURA under the Bylaw and the jurisdictional areas is Buffer Zone under the Act.

The resource area and buffer zone are relevant to the following interests: Prevention of pollution, prevention of storm damage, protection of wildlife habitat, protection of ground water supply, soil erosion control, preservation of aesthetics, protection of recreation areas, and flood control.

The Commission further finds that the presumption of adverse impact to resource areas for work within the 50 foot No Disturb Zone (NDZ) and the 75 foot No Build Zone has been successfully rebutted by the Applicant's project plans (16 total sheets) dated June 27, 2017. The Plans show these zones as entirely consisting of areas currently disturbed by the existing high school athletic fields (existing track, existing football field and existing baseball field). The Commission finds these incursions to be no change in current use at the high school and therefore no adverse impact occurs to the adjacent resource areas. All provisions contained on all sheets of the Plans in Commission jurisdictional areas are hereby made special conditions of this Order and Permit.

Special Conditions:

18. Special conditions include the following paragraphs numbered 18 through 32 on the attached pages 9a, 9b and 9c herewith. They are declared to be part of this Order and Permit, and they shall be recorded with the Order and Permit at the Essex County South, Registry of Deeds. No activity of any kind shall occur until the Commission is presented with proof of recording of the Order and Permit.

19. Notice shall be given to the Commission prior to the commencement of the work. Notice may be written, oral, or by email. Notice must be received by the Commission office between two weeks and two business days of work commencement.

20. The Order and Permit shall apply to any successor in interest, title or control of the subject property.

21. The applicant, as a condition of this Order and Permit, grants to the Commission members and Coordinator/Agent of the Commission the right to enter, inspect and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order and Permit. Inspections under this paragraph shall be conducted at reasonable times with reasonable notice to the applicant or the applicant's employees. No additional consent is required for any inspection under this paragraph.
22. All facilities and equipment shall be continually operated and maintained so as to comply with the conditions herein and with the Act and By Law.
23. Except as described in paragraph number 30 below, plans shall be followed precisely as submitted by Gale Associates Inc. the applicant's representative, entitled "Hamilton-Wenham Regional High School Athletic Campus Improvements Project South Hamilton MA (26 sheets) stamped by John M. Perry and dated June 27, 2017 (hereafter "the Plan"). All work shall be done as described in the Notice of Intent, and work shall be done as described in all documents listed in, and filed with, the Notice of Intent. No deviation from the Plan or the Notice or all documents filed with the Notice, are allowed unless and until they are approved by the Commission Coordinator/Agent, or by the full Commission. This includes any and all "field changes"; even if such deviations are considered "minimal" or "insignificant" by the Applicant or the Applicant's representatives or employees. The Applicant is hereby notified that they may be required to file a request to Amend this Order and Permit or they may be required to file a new Notice of Intent prior to executing any change from the approved plans and information contained in the Notice of Intent.
24. Within thirty days of completion of the project the applicant must apply for a Certificate of Compliance. Any Certificate of Compliance issued by the Commission shall be recorded at the Essex County Registry of Deeds, Southern District. Proof of recording shall be submitted to the Commission.
25. Any contractor retained by applicant for work at the site shall be given a copy of this Order and Permit associated plans and documents, and full compliance with this Order and Permit shall be made a condition of any contract for work to be done at the site. For all purposes of this Order and Permit, the Applicant shall be responsible for the actions of the Applicant's employees.
26. A copy of this Order and Permit, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection at the work site during the construction period.
27. No activity shall occur until the Commission's Agent/Coordinator informs the Applicant that erosion control measures have been adequately installed after inspection of same. Should any erosion or sedimentation control measure fail during the project, the Applicant or his agent or employees shall immediately correct the failure and inform the Commission's Agent/Coordinator. A compliance inspection of the repaired erosion control barrier shall take place as soon as possible. The removal of any silt or debris that may have passed through a failed control measure may be required by the Coordinator/Agent regardless of whether the material settles in a resource area under the Act or Bylaw.
28. Subject to all applicable federal and state laws, no herbicides, pesticides or organic or inorganic fertilizers of any type shall be used, in any manner, within any resource area under the Actor the Bylaw. *This Condition shall survive the issuance of a Certificate of Compliance and shall remain a perpetual condition upon the land.*

29. 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 and Permit regulates their property and is fully binding upon them.

30. The project area shown on the Plan which describes a proposed home grandstand and the handicap ramp for the grandstand is NOT INCLUDED IN THIS ORDER AND PERMIT. This part of the project shall not be constructed unless and until the Applicant files an appropriate application to receive either an Amended Order of Conditions and Bylaw Permit or an entirely new Order of Conditions and Bylaw Permit to allow this section of the project.

31. No snow shall be mechanically blown, plowed, dumped or otherwise artificially moved into the buffer zone as a result of any snow removal activity. This condition does not require the Applicant to clear all buffer zone areas of snow but rather the condition directs the applicant to dump all removed snow into areas outside the Commission jurisdiction.

32. The applicant shall file, with the Request for the Certificate of Compliance, complete and comprehensive As Built Plans for the project stamped by an engineer and accompanied by a statement that the project is in compliance with the Order of Conditions and Bylaw Permit.



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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.

11/16/2017
 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.

5
 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: ORIGINAL SIGNATURES VIRGINIA COOKSON

ROBERT CRONIN NEXT PAGE CHRISTOPHER CURRIER

GEORGE E. TARR

RICHARD LUONGO
 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



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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.

10/16/17

1. Date of Issuance

5

2. Number of Signers

Signatures:

X Robert W. Brown
George C. Tapp
[Signature]

Virginia M. Cookson
Cheryl Plummer

by hand delivery on

by certified mail, return receipt requested, on

10/16/17

Date

Date

F. Appeals

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

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

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



**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 #:172-0593
eDEP Transaction #:964145
City/Town:HAMILTON

Signature of Applicant

Rev. 4/1/2010

6

pc2

CONSERVATION COMMISSION
 TOWN OF HAMILTON
 COMMONWEALTH OF MASSACHUSETTS

CONSERVATION BYLAW (Ch. 17) PERMIT

TO

Hamilton-Wenham Regional School Dist.	SAME
(Name of person making request)	(Name of property owner)
Address: 5 School Street Wenham, MA 01984	Address: SAME

This project is located at 775 Bay Road, HWRHS Athletic Fields

The Notice of Intent for this project was filed on Sept. 13, 2017. Public Hearing Closed October 11, 2017.

Plans:

Title	Dated	Signed and Stamped by
-------	-------	-----------------------

Hamilton-Wenham Regional High School Athletic Campus Improvements Project South Hamilton MA (26 Sheets) stamoeed by John M. Perry, dated June 27, 2017

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 BWV	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.

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

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 page 9a

Conditions

The attached conditions 18 through 32, on pages 9a, 9b, 9c are included as conditions of this Hamilton Bylaw Permit.

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SPECIAL CONDITIONS (page 9a)

775 Bay Rd., Hamilton-Wenham Regional High School

DEP File#: 172-0593

Conservation Commission Findings:

The Conservation Commission finds that the area in which work is proposed is within Commission jurisdiction under the Wetlands Protection Act (M.G.L. Ch. 131, §40; the "Act") and The Act's Regulations (310 CMR 10.00) AND the work is within Commission jurisdiction under Hamilton Town Bylaw Chapter 17 entitled "Conservation", and the Regulations issued pursuant to the Bylaw. The jurisdictional areas are significant to the protection of interests identified in the Act and By Law.

The resource area for this project is AURA under the Bylaw and the jurisdictional areas is Buffer Zone under the Act.

The resource area and buffer zone are relevant to the following interests: Prevention of pollution, prevention of storm damage, protection of wildlife habitat, protection of ground water supply, soil erosion control, preservation of aesthetics, protection of recreation areas, and flood control.

The Commission further finds that the presumption of adverse impact to resource areas for work within the 50 foot No Disturb Zone (NDZ) and the 75 foot No Build Zone has been successfully rebutted by the Applicant's project plans (16 total sheets) dated June 27, 2017. The Plans show these zones as entirely consisting of areas currently disturbed by the existing high school athletic fields (existing track, existing football field and existing baseball field). The Commission finds these incursions to be no change in current use at the high school and therefore no adverse impact occurs to the adjacent resource areas. All provisions contained on all sheets of the Plans in Commission jurisdictional areas are hereby made special conditions of this Order and Permit.

Special Conditions:

18. Special conditions include the following paragraphs numbered 18 through 32 on the attached pages 9a, 9b and 9c herewith. They are declared to be part of this Order and Permit, and they shall be recorded with the Order and Permit at the Essex County South, Registry of Deeds. No activity of any kind shall occur until the Commission is presented with proof of recording of the Order and Permit.

19. Notice shall be given to the Commission prior to the commencement of the work. Notice may be written, oral, or by email. Notice must be received by the Commission office between two weeks and two business days of work commencement.

20. The Order and Permit shall apply to any successor in interest, title or control of the subject property.

21. The applicant, as a condition of this Order and Permit, grants to the Commission members and Coordinator/Agent of the Commission the right to enter, inspect and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order and Permit. Inspections under this paragraph shall be conducted at reasonable times with reasonable notice to the applicant or the applicant's employees. No additional consent is required for any inspection under this paragraph.

22. All facilities and equipment shall be continually operated and maintained so as to comply with the conditions herein and with the Act and By Law.

23. Except as described in paragraph number 30 below, plans shall be followed precisely as submitted by Gale Associates Inc. the applicant's representative, entitled "Hamilton-Wenham Regional High School Athletic Campus Improvements Project South Hamilton MA (26 sheets) stamped by John M. Perry and dated June 27, 2017 (hereafter "the Plan"). All work shall be done as described in the Notice of Intent, and work shall be done as described in all documents listed in, and filed with, the Notice of Intent. No deviation from the Plan or the Notice or all documents filed with the Notice, are allowed unless and until they are approved by the Commission Coordinator/Agent, or by the full Commission. This includes any and all "field changes"; even if such deviations are considered "minimal" or "insignificant" by the Applicant or the Applicant's representatives or employees. The Applicant is hereby notified that they may be required to file a request to Amend this Order and Permit or they may be required to file a new Notice of Intent prior to executing any change from the approved plans and information contained in the Notice of Intent.

24. Within thirty days of completion of the project the applicant must apply for a Certificate of Compliance. Any Certificate of Compliance issued by the Commission shall be recorded at the Essex County Registry of Deeds, Southern District. Proof of recording shall be submitted to the Commission.

25. Any contractor retained by applicant for work at the site shall be given a copy of this Order and Permit associated plans and documents, and full compliance with this Order and Permit shall be made a condition of any contract for work to be done at the site. For all purposes of this Order and Permit, the Applicant shall be responsible for the actions of the Applicant's employees.

26. A copy of this Order and Permit, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection at the work site during the construction period.

27. No activity shall occur until the Commission's Agent/Coordinator informs the Applicant that erosion control measures have been adequately installed after inspection of same. Should any erosion or sedimentation control measure fail during the project, the Applicant or his agent or employees shall immediately correct the failure and inform the Commission's Agent/Coordinator. A compliance inspection of the repaired erosion control barrier shall take place as soon as possible. The removal of any silt or debris that may have passed through a failed control measure may be required by the Coordinator/Agent regardless of whether the material settles in a resource area under the Act or Bylaw.

28. Subject to all applicable federal and state laws, no herbicides, pesticides or organic or inorganic fertilizers of any type shall be used, in any manner, within any resource area under the Actor the Bylaw. *This Condition shall survive the issuance of a Certificate of Compliance and shall remain a perpetual condition upon the land.*

29. 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 and Permit regulates their property and is fully binding upon them.

30. The project area shown on the Plan which describes a proposed home grandstand and the handicap ramp for the grandstand is NOT INCLUDED IN THIS ORDER AND PERMIT. This part of the project shall not be constructed unless and until the Applicant files an appropriate application to receive either an Amended Order of Conditions and Bylaw Permit or an entirely new Order of Conditions and Bylaw Permit to allow this section of the project.

31. No snow shall be mechanically blown, plowed, dumped or otherwise artificially moved into the buffer zone as a result of any snow removal activity. This condition does not require the Applicant to clear all buffer zone areas of snow but rather the condition directs the applicant to dump all removed snow into areas outside the Commission jurisdiction.

32. The applicant shall file, with the Request for the Certificate of Compliance, complete and comprehensive As Built Plans for the project stamped by an engineer and accompanied by a statement that the project is in compliance with the Order of Conditions and Bylaw Permit.

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 10/16/17

Signature(s):

X Robert W. Crown

George E. Jaeger

Rudolph H. Long

Virginia M. Cooker

Christopher J. Lumen

DEP FILE #172-0593

This permit EXPIRES one year from the date of issuance, 10/16, 2018. 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 11th day of October 2017, before me, the undersigned notary public, personally appeared ROBERT CROWN 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

[Handwritten signature of James M. Hankin]

My Commission Expires

