

GLOVSKY

Counselors-at-Law

\$50
paid

Mark B. Glovsky
Direct Dial (978) 720-3121
mglovsky@glovsky.com

October 10, 2024

Kristan Farr, Conservation Coordinator
Town of Hamilton
650 Asbury Street
Hamilton, MA 01982

Re: *Mark & Elisabeth Massey*
920 Highland Street
Order of Conditions – DEP File #172-0481

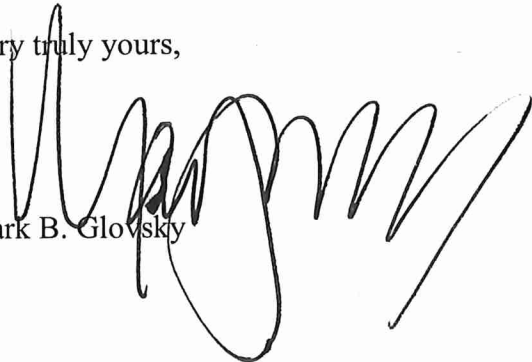
Dear Ms. Farr:

Enclosed are Request for Certificate of Compliance and a check in the amount of \$50.00 in connection with the above. As the Request indicates, the Order of Conditions has lapsed and the work regulated by it was never started.

If anything additional is required in order for the Conservation Commission to issue a Certificate of Compliance, please let me know.

Very truly yours,

Mark B. Glovsky



MBG/jlp
Enclosures
4853-7551-2302, v. 1



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8A – Request for Certificate of Compliance

172-0481

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
 Town of Hamilton Conservation Bylaw, Chapter XVII

Provided by DEP

A. Project Information

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



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

1. This request is being made by:

Mark Massey
 Name
 920 Highland Street
 Mailing Address
 South Hamilton MA 01982
 City/Town State Zip Code
 978-500-0165
 Phone Number

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

Mark & Elisabeth Massey
 Applicant
 2/13/2006 Dated 172-0481 DEP File Number

3. The project site is located at:

920 Highland Street Hamilton
 Street Address City/Town
 4 7
 Assessors Map/Plat Number Parcel/Lot Number

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

Property Owner (if different)
 Essex South District 27094 546
 County Book Page

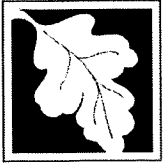
Certificate (if registered land)

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

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

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

A. Project Information (cont.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
Town of Hamilton Conservation Bylaw, Chapter XVII

DEP File Number:

172-0481

Provided by DEP

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

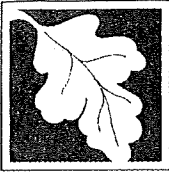
Yes

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

No

B. Submittal Requirements

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

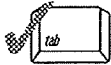


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 172-0481

A. General Information

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



From: Hamilton
 1. Conservation Commission

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

3. To: Applicant:
Mark & Elisabeth Massey
 a. First Name b. Last Name c. Company
920 Highland Street
 d. Mailing Address
South Hamilton MA 01982
 e. City/Town f. State g. Zip Code

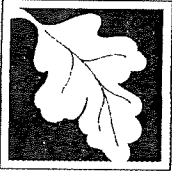
4. Property Owner (if different from applicant):
same
 a. First Name b. Last Name c. Company
 d. Mailing Address
 e. City/Town f. State g. Zip Code

5. Project Location:
920 Highland Street Hamilton
 a. Street Address b. City/Town
4 7
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known (**note:**
 electronic filers will click for GIS locator):
 e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Essex County (South) Registry of Deeds N/A
 a. County b. Certificate (if registered land)
14922 183
 c. Book d. Page

7. Dates: January 30, 2006 February 8, 2006 February 13, 2006
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Massey Residence
 a. Plan Title
Hines/Wasser Associates Michael Wasser
 b. Prepared By c. Signed and Stamped by
February 7, 2006 1:20
 d. Final Revision Date e. Scale
 f. Additional Plan or Document Title g. Date



B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

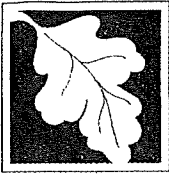
- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special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

Denied because:

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

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

3. <input type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				_____
				a. linear feet
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____	_____	_____	_____
	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
	_____	_____		
	e. cu.yd dredged	f. cu.yd dredged		



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

DEP File Number:
 172-0481

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	21,736 g. square feet	21,736 h. square feet	i. square feet	j. square feet

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

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

SPECIAL CONDITIONS (page 5a)

920 Highland Street

DEP File 172-0481

Finding:

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

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

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

Conditions:

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

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

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

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

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

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

24. Plans shall be followed as submitted by Hines/Wasser Associates, the applicant's representative, entitled "Massey Residence" final revision dated February 7, 2006, 1 sheet total, noted in handwriting as "Permit Plan" by Coordinator and also work shall be according to supplemental documents prepared and filed by Hines/Wasser Assoc., and work shall be followed as described in all documents listed in the Notice of Intent.

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

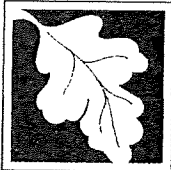
26. Applicant Must Require Compliance. Any contractor retained by applicant for work at the site shall be given a copy of this Order and associated plans and documents, and full compliance with this Order shall be made a condition of any contract for work to be done at the site.

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

28. Erosion Control Measures. Applicant shall contact the Commission Office to inform the Commission that erosion control measures have been installed. No further activity shall occur until the Commission's Agent/Coordinator or Chair informs the Applicant that erosion control measures are adequately installed. Should any erosion or sedimentation control measure fail, the Applicant shall immediately inform the Commission's Agent/Coordinator and immediate attention shall be given by the applicant or his representative to correcting the failure, for example, by the removal of any silt or debris that may have bypassed the control measure.

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

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



WPA Form 5 – Order of Conditions

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

a. Municipal Ordinance or Bylaw

b. Citation

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

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

Conservation By Law

Ch. XVII

a. Municipal Ordinance or Bylaw

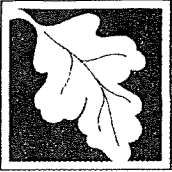
b. Citation

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

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

Permit for work under the by law is issued separately.

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



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

DEP File Number:

172-0481

E. Issuance

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

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

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

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

2/13/2006 *AK*
 1. Date of Issuance
~~FIVE (5)~~ SIX (6)
 2. Number of Signers

Signatures:

Robert Cronin

AK

AK

AK

Virginia M. Cookson

AK

Notary Acknowledgement

Commonwealth of Massachusetts County of Essex

On this 8th of February 2006
 Day Month Year

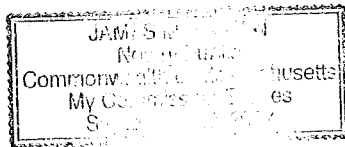
Before me, the undersigned Notary Public, personally appeared _____
 Name of Document Signer

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

Description of evidence of identification _____

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

As member of Hamilton Conservation Commission
 City/Town



Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

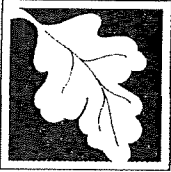
by hand delivery on

James M. Hankin

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

Date _____

regular by certified mail, return receipt requested, on
2/13/2006
 Date

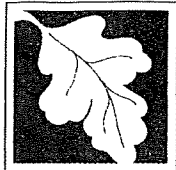


F. Appeals

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 DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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

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



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 Page 7 of this form shall be submitted to the Conservation 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:

920 Highland Street

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

Essex (South)

County

Book

Page

for:

Mark and Elisabeth Massey

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

CONSERVATION COMMISSION
TOWN OF HAMILTON
COMMONWEALTH OF MASSACHUSETTS

CONSERVATION BYLAW (Ch. 17) PERMIT

TO

Mark and Elisabeth Massey	SAME
(Name of person making request)	(Name of property owner)
Address: 920 Highland Street South Hamilton, MA 01982	Address: SAME

This project is located at 920 Highland Street.

The Notice of Intent for this project was filed on January 30, 2006. Public Hearing Closed February 8, 2006.

Plans:

Title	Dated	Signed and Stamped by
Massey Residence 1 sheet	February 7, 2006	Michael Wasser

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:
Riverfront	public or private water supply ground water supply flood control storm damage prevention prevention of pollution aesthetics and recreation soil erosion control wildlife habitat

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

The Commission finds the design and mitigating measures proposed by the applicant in the Notice of Intent and adjunct documents and plans referenced on page one above, with the Standard and Additional Conditions attached to this Permit, will serve as a sufficient basis to commence the project with satisfactory protection to the interests of the Bylaw. The

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

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 5a

Conditions

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

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SPECIAL CONDITIONS (page 5a)

920 Highland Street

DEP File 172-0481

Finding:

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

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

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

Conditions:

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

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

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

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

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

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

24. Plans shall be followed as submitted by Hines/Wasser Associates, the applicant's representative, entitled "Massey Residence" final revision dated February 7, 2006, 1 sheet total, noted in handwriting as "Permit Plan" by Coordinator and also work shall be according to supplemental documents prepared and filed by Hines/Wasser Assoc., and work shall be followed as described in all documents listed in the Notice of Intent.

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

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

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

28. Erosion Control Measures. Applicant shall contact the Commission Office to inform the Commission that erosion control measures have been installed. No further activity shall occur until the Commission's Agent/Coordinator or Chair informs the Applicant that erosion control measures are adequately installed. Should any erosion or sedimentation control measure fail, the Applicant shall immediately inform the Commission's Agent/Coordinator and immediate attention shall be given by the applicant or his representative to correcting the failure, for example, by the removal of any silt or debris that may have bypassed the control measure.

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

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

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

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

Issued by Hamilton Conservation Commission

2/13/2006 2/13/2006

Signature(s):

Robert Cronin

Carol

[Signature]

[Signature]

Virginia M. Cookson

[Signature]

DEP FILE #
172-0481

This permit **EXPIRES** one year from the date of issuance, 2/13, 2007.

Either all work pursuant to this permit is completed by the expiration date, or the Applicant must obtain an extension from the Commission.

Applications for extensions must be filed no later than 30 days prior to the expiration date.

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

ACKNOWLEDGEMENT

On this 8th day of FEB, 2006, before me, the undersigned notary public, personally appeared ROBERT CRONIN, et al

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

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

Notary Public

[Signature]

My Commission Expires

9/20/07

