

# Request for a Certificate of Compliance (COC)

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MassDEP File No. 172-633

Nary Residence  
8 Villa Road  
Hamilton, MA

August 20, 2025

Prepared for:

Silas Nary  
8 Villa Road  
Hamilton, MA 01982

Design Team:

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Hancock Associates  
121 East Berkeley Street, Boston, MA 02118

DeRosa Environmental Consulting, Inc.  
167 Main Street, PO Box 716, Rowley MA 01969

**AUGUST 20, 2025**

**BY HAND DELIVERY AND ELECTRONIC MAIL**

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

Attn: Ms. Bethany Barstow, Conservation Agent  
[bbarstow@hamiltonma.gov](mailto:bbarstow@hamiltonma.gov)

Mr. Mark Connors Planning & Development Director  
Phone: (978) 626-5247  
[mconnors@hamiltonma.gov](mailto:mconnors@hamiltonma.gov)



150 Newburyport Turnpike  
Suite C-9  
Rowley, MA  
01969

978.948.7717 Office

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

**RE: Request for a Certificate of Compliance  
8 Villa Road | Hamilton, MA 01982**

**DEP File Number: 172-0633**

Dear Ms. Barstow, Mr. Connors & Members of the Commission,

Our firm has prepared the following Request for a Certificate of Compliance (COC) application to meet the requirements of the Massachusetts Wetlands Protection Act (MGL Ch. 131 Sec. 40) and its Regulations (310 CMR 10.00, et seq) and the Town of Hamilton Conservation Bylaw (the Bylaw). We were authorized to prepare this filing at the request of Silas Nary, the owner of the property known as 8 Villa Road (Map 71 Lot 14), in Hamilton, MA (the "Site").

All work proposed at 8 Villa Road was described in the Notice of Intent (NOI) Application dated December 29, 2021. The Order of Conditions was issued by the Hamilton Conservation Commission on February 28, 2022, and was recorded at the Southern Essex District Registry of Deeds (Book 40759 Page 507). The Order of Conditions was valid for three (3) years to February 28, 2025. The Order of Conditions was extended for two (2) years pursuant to the 2024 Mass Leads Act, which resulted in a new expiration date of February 28, 2027.

A Conservation Bylaw (Ch. 17) Permit was also issued on February 28, 2022, and recorded at the Southern Essex District Registry of Deeds (Book 40760 Page 337). This Permit was valid for one (1) year to February 28, 2023. A One-Year Extension Permit was issued extending the permit to February 28, 2024. The Permit was extended for two (2) years pursuant to the 2024 Mass Leads Act, which resulted in a new expiration date of February 28, 2026.

Both the Order of Conditions and the Bylaw Permit are valid at this time.

*Summary*



Elements of the project were implemented as proposed:

- Construction of a Garage
- Construction of a Driveway
- Implementation of a Mitigation Plan

An As-Built Plan and accompanying Written Statement prepared by Hancock Associates are provided in Appendix B. The Written Statement confirms that the garage and associated hardscapes were constructed as proposed

### *Mitigation Plantings*

The mitigation plantings were installed in the Summer of 2024. In accordance with Special Condition #5 we can confirm that the shrub plantings exhibit a greater than 75% survivorship within the mitigation area and the trees exhibit 100% survivorship. Our firm has prepared a final monitoring report and photo appendix showing the completed plantings (Appendix C).

Accordingly, we recommend that the Town of Hamilton Conservation Commission issue a Certificate of Compliance for the project.

## Request for a Certificate of Compliance

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In our professional opinion, work on site was designed to avoid, minimize, and mitigate impacts to resource areas and the project was completed in substantial compliance with the Order of Conditions. We request that the Commission issue a Certificate of Compliance for the Order of Conditions associated with this project.

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

Respectfully submitted,

**DeRosa Environmental Consulting, Inc.**



Abigail Manzi  
Environmental Scientist



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

MJD/aem

Cc: Silas Nary (by email)

# Forms

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Request for COC WPA Form 8a





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

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

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

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:

Silas Nary

Name

8 Villa Road

Mailing Address

Hamilton

City/Town

MA

State

01982

Zip Code

603.781.7206

Phone Number

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

Silas Nary

Applicant

2/28/2022

Dated

172-633

DEP File Number

3. The project site is located at:

8 Villa Road

Street Address

Hamilton

City/Town

71

Assessors Map/Plat Number

14

Parcel/Lot Number

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

Property Owner (if different)

Essex

County

40759

Book

507

Page

Certificate (if registered land)

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

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

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

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

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



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

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

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

DEP File Number:

Provided by DEP

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

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

☒ Yes

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

☐ No

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**B. Submittal Requirements**

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

## Figures

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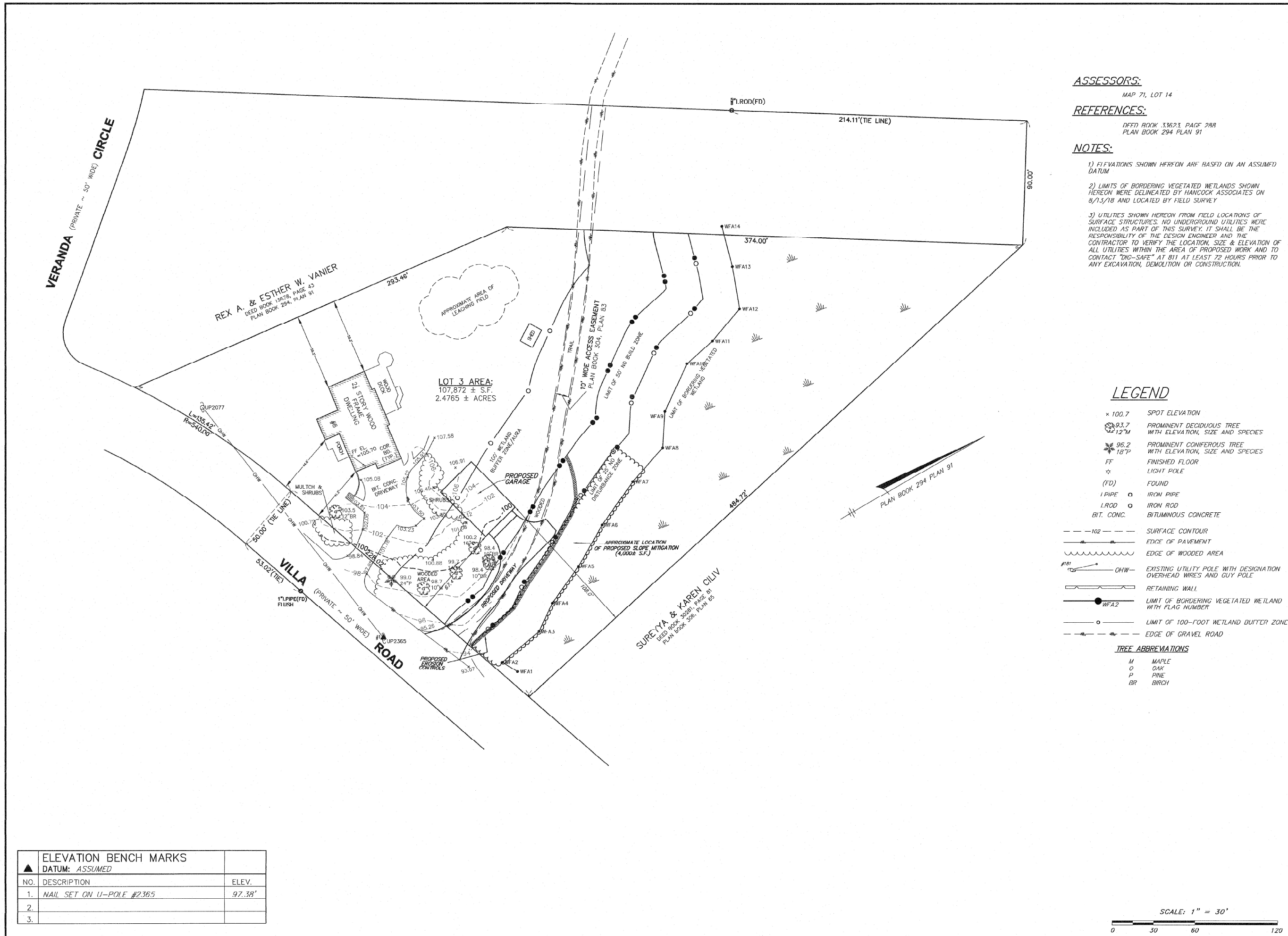
Partial Topographic Plan of Land in Hamilton, MA by Hancock Associates dated 12/1/2021

Project Elements Plan by DeRosa Environmental Consulting, Inc. dated 11/9/21

Invasive Species Managment Plan by DeRosa Environmental Consulting, Inc. dated 11/9/2021

Native Species Planting Plan by DeRosa Environmental Consulting, Inc. dated 11/9/2021





#8  
VILLA  
ROAD

Hamilton, Massachusetts 01982

PREPARED FOR:

SILAS  
G.  
NARY

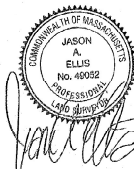
HANCOCK  
ASSOCIATES

Civil Engineers

Land Surveyors

Wetland Scientists

121 EAST BERKELEY STREET, BOSTON, MA 02118  
VOICE (617) 357-8145, FAX (617) 357-9495  
WWW.HANCOCKASSOCIATES.COM



4.	JAE	12/1/21	REVISED MITIGATION AREAS	
3.	JAE	11/30/21	REVISED MITIGATION AREAS	
2.	JAE	11/18/21	ADD EROSION CONTROLS & PROPOSED MITIGATION AREA	
1.	JAE	11/11/21	PROPOSED GARAGE REVISED	
NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

DATE: 11/04/20 DRAWN BY: KNB  
SCALE: AS SHOWN CHECK BY: JAE

PARTIAL  
TOPOGRAPHIC  
PLAN OF LAND  
IN  
HAMILTON, MA

PLOT DATE: Dec 08, 2021 8:08 am  
FILE: M:\CMT 30 Projects\21565 - Nary - Hamilton\Surv\DWG\

DWG: 2156500.dwg

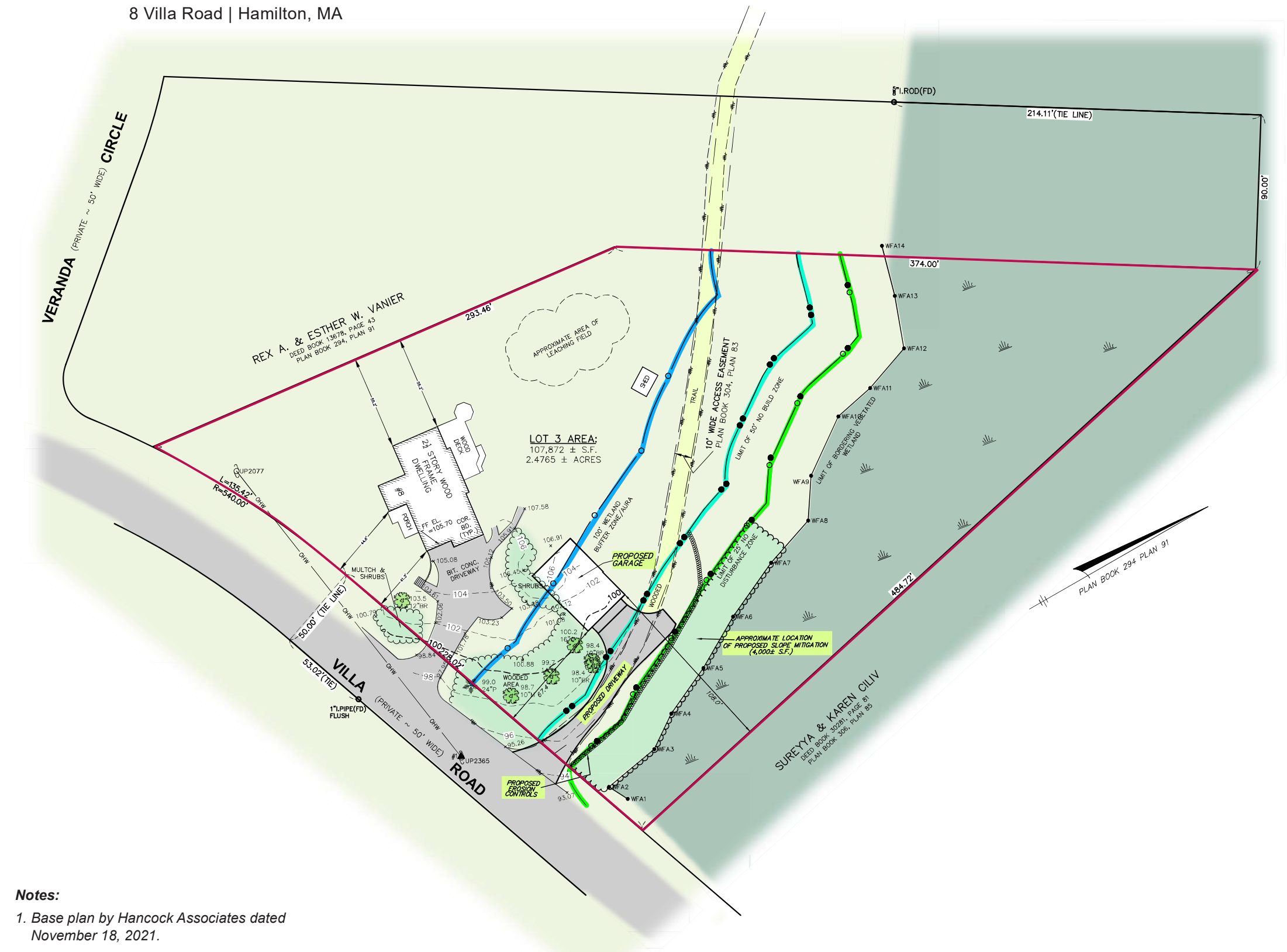
LAYOUT: BOS-EC

SHEET: 1 OF 1

PROJECT NO.: 21565

Figure 2b. Project Elements Plan

8 Villa Road | Hamilton, MA



ASSESSORS:

MAP 71, LOT 14

REFERENCES:

DEED BOOK 33623, PAGE 288  
PLAN BOOK 294 PLAN 91

NOTES:

- ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM
- LIMITS OF BORDERING VEGETATED WETLANDS SHOWN HEREON WERE DELINEATED BY HANCOCK ASSOCIATES ON 8/13/18 AND LOCATED BY FIELD SURVEY
- UTILITIES SHOWN HEREON FROM FIELD LOCATIONS OF SURFACE STRUCTURES. NO UNDERGROUND UTILITIES WERE INCLUDED AS PART OF THIS SURVEY. IT SHALL BE THE RESPONSIBILITY OF THE DESIGN ENGINEER AND THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.

LEGEND

- × 100.7 SPOT ELEVATION
- 93.7 PROMINENT DECIDUOUS TREE WITH ELEVATION, SIZE AND SPECIES
- 96.2 PROMINENT CONIFEROUS TREE WITH ELEVATION, SIZE AND SPECIES
- FF FINISHED FLOOR
- ☆ LIGHT POLE
- (FD) FOUND
- I.P.I.P.E. IRON PIPE
- I.ROD IRON ROD
- BIT. CONC. BITUMINOUS CONCRETE
- 102 — SURFACE CONTOUR
- — — EDGE OF PAVEMENT
- — — EDGE OF WOODED AREA
- #151 OHW— EXISTING UTILITY POLE WITH DESIGNATION OVERHEAD WIRES AND GUY POLE
- — — RETAINING WALL
- WFA2 — LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER
- — — LIMIT OF 100-FOOT WETLAND BUFFER ZONE
- — — EDGE OF GRAVEL ROAD

TREE ABBREVIATIONS

- M MAPLE
- O OAK
- P PINE
- BR BIRCH

- Notes:
- Base plan by Hancock Associates dated November 18, 2021.
  - Notes and color added by DeRosa Environmental Consulting, Inc. on November 19, 2021.

ELEVATION BENCH MARKS		
DATUM: ASSUMED		
NO.	DESCRIPTION	ELEV.
1.	NAIL SET ON U-POLE #2365	97.38'
2.		
3.		

Michael J. DeRosa  
PWS No. 2250

MJD/eg/ledr  
November 19, 2021



DEROSA  
Environmental  
CONSULTING, INC.

167 Main Street  
P.O. Box 715  
Rowley, Massachusetts  
USA

978.948.7717 Office  
derosaenvironmental.com

SCALE: 1" = 30'

0 30 60 120

#8  
VILLA  
ROAD

Hamilton, Massachusetts 01982

PREPARED FOR:

SILAS  
G.  
NARY

HANCOCK  
ASSOCIATES

Civil Engineers

Land Surveyors

Wetland Scientists

121 EAST BERKELEY STREET, BOSTON, MA 02118  
VOICE (617) 357-8145, FAX (617) 357-9495  
WWW.HANCOCKASSOCIATES.COM

NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION
4.	JAE		12/1/21	REVISED MITIGATION AREAS
3.	JAE		11/30/21	REVISED MITIGATION AREAS
2.	JAE		11/18/21	ADD EROSION CONTROLS & PROPOSED MITIGATION AREA
1.	JAE		11/11/21	PROPOSED GARAGE REVISED

DATE: 11/04/20 DRAWN BY: KNB  
SCALE: AS SHOWN CHECK BY: JAE

PARTIAL  
TOPOGRAPHIC  
PLAN OF LAND  
IN  
HAMILTON, MA

PLOT DATE: Dec 01, 2021 2:57 pm  
PATH: Q:\CH 30 Projects\21565- Nary -Hamilton\Sur\DWG\

DWG: 21565ec.dwg

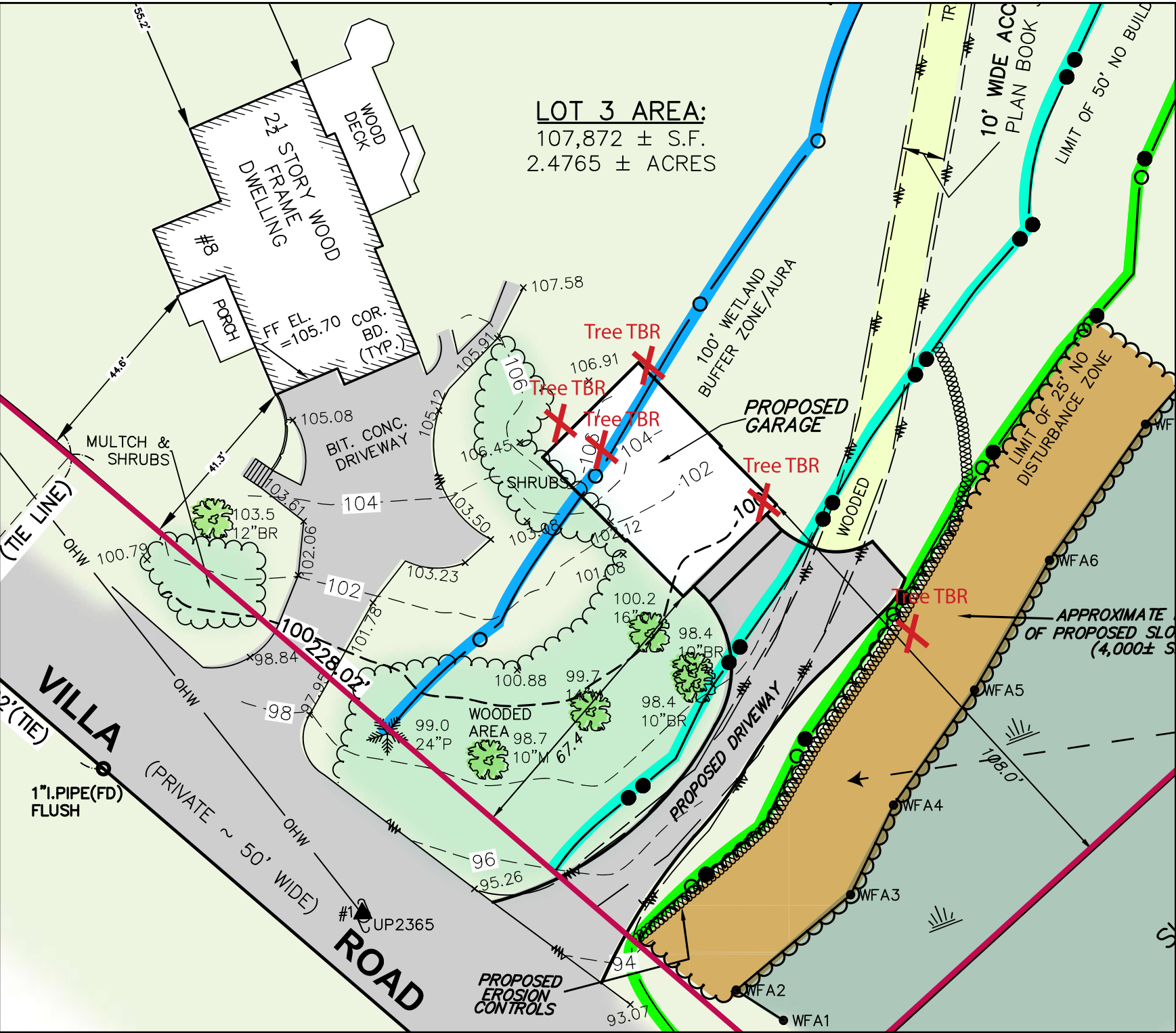
LAYOUT: BOS-EC

SHEET: 1 OF 1

PROJECT NO.: 21565

Figure 2c. Invasive Species Management Plan

8 Villa Road | Hamilton, MA



General Mitigation Notes:

- 1. All plant removal activities will follow whole plant removal techniques avoiding the use of chemical treatment.
- 2. Work will be conducted with a mini-excavator and by hand.
- 3. Removal of targeted invasive plant species will be overseen by a professional wetland scientist.
- 4. All harvested material will be removed from the site to a local composting operation (e.g., Brick Ends Farm, Hamilton or Marshall Farm, Gloucester, or equal). If work is conducted during the burning season then slash will be burned on site to reduce the volume of material required to be removed from the site.
- 5. Trees to be removed by professionals, stumps to be grounded.
- 6. Any disturbed soils will be stabilized with red fescue and salt marsh hay to avoid the effects of erosion and maintain moisture and protection for the seeded areas.

Asiatic bittersweet	( <i>Celastrus orbiculatus</i> )
multiflora rose	( <i>Rosa multiflora</i> )
bush honeysuckle	( <i>Lonicera spp.</i> )
Japanese barberry	( <i>Berberis thunbergia</i> )
burning bush	( <i>Euonymus alatus</i> )

Notes:

- 1. Base plan by Hancock Associates dated November 18, 2021.
- 2. Notes and color added by DeRosa Environmental Consulting, Inc. on November 19, 2021.

Michael J. DeRosa  
PWS No. 2250

MJD/eg/ledr  
November 19, 2021

DEROSA  
Environmental  
CONSULTING, INC.

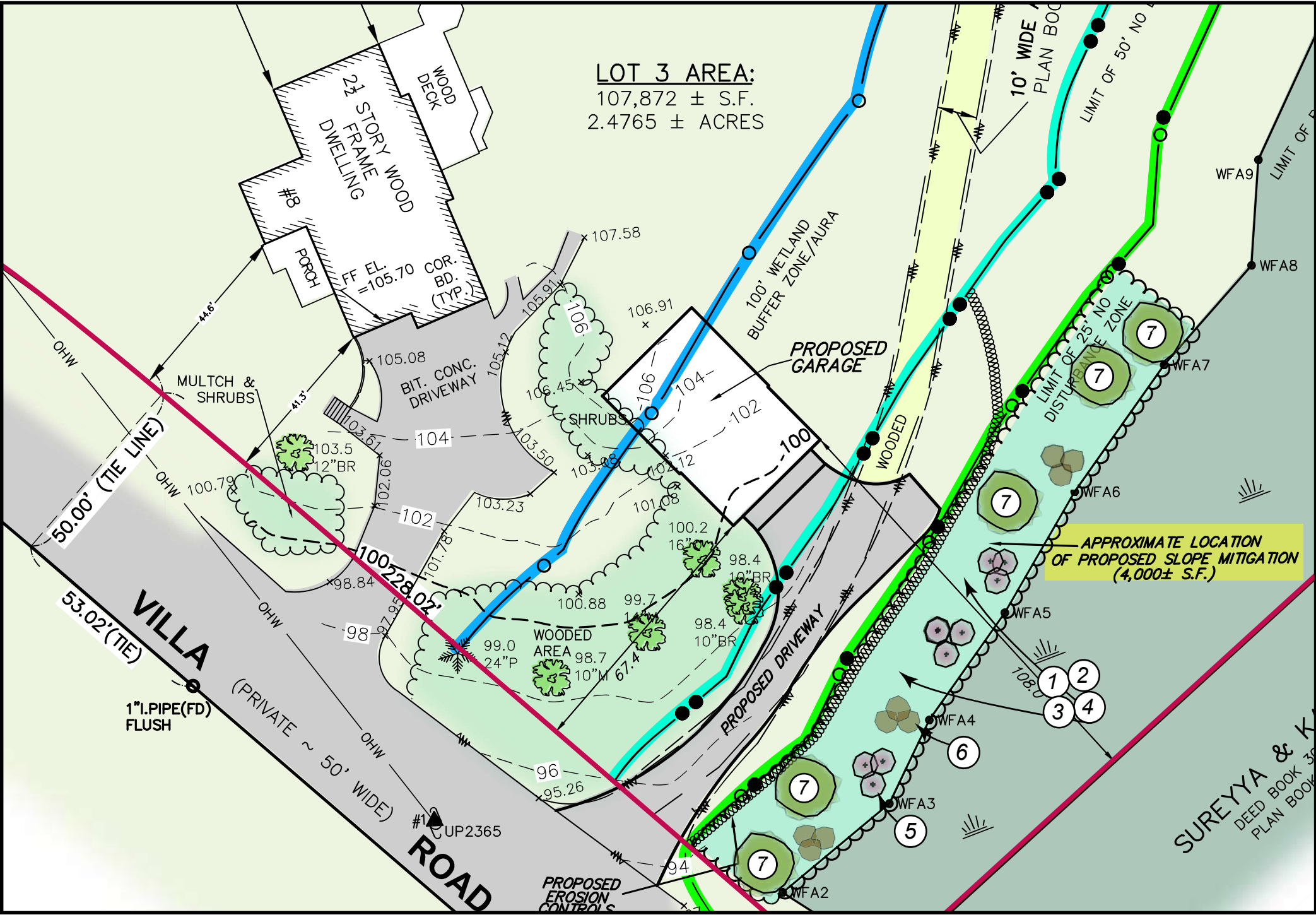
167 Main Street  
P.O. Box 716  
Rowley, Massachusetts  
USA  
978.948.7717 Office  
derosaeenvironmental.com



# Figure 2d. Native Species Planting Plan

8 Villa Road, Hamilton, MA

- Notes:
- 1. Base Plan by Hancock Associates, November 18, 2021.
  - 2. Planting notes added by DeRosa Environmental Consulting Inc., November 19, 2021.
  - 3. Monthly inspections will be conducted for the first growing season to ensure establishment of the plantings and seed material.
  - 4. Specific locations of individual plants are approximate and subject to change based on site specific conditions at the time of planting.
  - 5. Soils may be augmented as needed with 1 part loam, 1 part organic compost, and 1 part sand, as needed.
  - 6. All plant installation is to be completed by hand.
  - 7. Exposed upland soils will be seeded with a drought tolerant native grass seed mix, then hay-mulched with salt marsh hay.
  - 8. If needed, irrigation shall be provided by the property owner as needed during the first two (2) growing seasons or until plants are established.



Native Species Planting List   8 Villa Road   Hamilton, MA				
Common Name	Botanical Name	Indicator	Size	Quantity
① Hayscented Fern	<i>Dennstaedtia punctilobula</i>	UPL	1 GALLON	300
② Lowbush Blueberry	<i>Vaccinium angustifolium</i>	FACU	1 GALLON	50
③ Oaksedge	<i>Carex pensylvanica</i>	UPL	1 GALLON	50
④ Red Fescue	<i>Festuca rubra</i>	FACU	SEED	5 lbs.
⑤ Red Osier Dogwood	<i>Cornus sericea</i>	FACW	3 GALLON	12
⑥ High-bush Blueberry	<i>Vaccinium corymbosum</i>	FACW	3 GALLON	12
⑦ Red maple	<i>Acer rubrum</i>	FAC	Bareroot	5

*Michael J. DeRosa*

Michael J. DeRosa  
PWS No. 2250  
MJD/AEM/EG  
November 19, 2021



**DEROSA**  
Environmental  
CONSULTING, INC.

167 Main Street  
P.O. Box 716  
Rowley, Massachusetts  
USA

978.948.7717 Office

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

# Appendix A

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## 2025 Annual Monitoring Report

July 23, 2025



**BY ELECTRONIC MAIL**

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

150 Newburyport Turnpike  
Suite C-9  
Rowley, MA  
01969

978.948.7717 Office

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

Attn: Ms. Bethany Barstow, Conservation Agent  
[barstowb@manchester.ma.us](mailto:barstowb@manchester.ma.us)  
Phone: 978-525-6435

Mr. Mark Connors Planning & Development Director  
Phone: (978) 626-5247  
[mconnors@hamiltonma.gov](mailto:mconnors@hamiltonma.gov)

**RE: 2025 Annual Plant Monitoring Report |  
8 Villa Road  
Hamilton, Massachusetts**

**MassDEP File No.: 172-0633**

Dear Ms. Barstow, Mr. Connors and Members of the Commission,

Our office has prepared the following Plant Monitoring Report to meet the requirements of the Order of Conditions that was issued for the approved construction of a garage and driveway at a Single-Family Home, and the accompanying Invasive Species Management and Native Species Planting Plans at 8 Villa Road in Hamilton, Map 71, Lot 14.

We were authorized to prepare this report at the request of Silas Nary, owner of the property located at 8 Villa Road, in Hamilton, MA. The objective of this Plant Monitoring Report is to provide a summary of the health and establishment of the restoration plantings.

## Summary

### General Site Conditions

The approved project included the implementation of the Invasive Species Management Plan and the Native Species Planting Plan (attached). Invasive species were removed from the site during the winter of 2023, following the approved methodology. After the removal, red fescue (*Festuca rubra*) was seeded into the disturbed areas. The red fescue has established successfully, and the area is now fully stabilized.

In spring of 2023, native plants were installed in two areas of the Site. The first area is located along the wetland resource area and is shown on the Native Species Planting Plan. The second area is located between the newly installed driveway and garage. Due to the additional planting area, the area of



restoration is larger than what was proposed in the original planting plan. As such, the quantities of the native shrub and herbaceous plants have increased as well, thus improving the ecological function of the area. It is our professional opinion that the function and value of the resource area has been improved from what was proposed due to the expansion of the resource area.

All planted species are native, adaptive to the site conditions of the Site, and will serve to substantially improve the function and value of the restoration area. The native plant species include red maple (*Acer rubrum*), sweet fern (*Comptonia peregrina*), hayscented fern (*Dennstaedtia punctilobula*), lowbush blueberry (*Vaccinium angustifolium*), oaksedge (*Carex pensylvanica*), red fescue (*Festuca rubra*), red osier dogwood (*Cornus sericea*), and high-bush blueberry (*Vaccinium corymbosum*). After the plants were installed, plants were irrigated as needed by landscapers.

The homeowner at 8 Villa Road reported significant plant loss over the summer of 2024, despite the installation of a drip irrigation system. Specifically, all of the blueberries, about half of the dogwoods, and most of the maples did not survive. In response, the homeowner added native pollinators and native ferns, which were monitored for their growth during the 2025 growing season.

During the 2025 growing season, the restoration area showed strong recovery and establishment following the supplemental plantings made in 2024. Native pollinator species and ferns added by the homeowner have adapted well to site conditions, and surviving shrubs, trees, and herbaceous species are exhibiting healthy growth and vigor. The red fescue continues to provide stable groundcover, and the diversity of plant species is enhancing the ecological value of the area. At this time, the plant community is functioning as intended, contributing to the long-term stability and habitat quality of the resource area.

### **Wildlife Habitat**

Observations during the growing season have shown that the newly planted material provides improved wildlife habitat compared to the pre-existing invasive species which occupied the site. The plantings are providing improved food, cover, nest sites, and overwintering areas for wildlife and the increase in biodiversity of plant material has welcomed more animal species that play an important role in the function of the ecosystem.

## Concluding Remarks

In conclusion, while the plantings were installed in substantial agreement with the approved plan, there has been significant plant loss since the time of planting. We will continue monitoring the health and survivorship of the new plantings over the next growing season and will submit another monitoring report following the 2025 growing season. We appreciate the Conservation Commission's understanding as we work toward a successful planting outcome.


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

Respectfully submitted,

**DeRosa Environmental Consulting, Inc.**



Abigail Manzi  
Environmental Scientist



Michael J. DeRosa, Principal  
Professional Wetland Scientist (PWS)



MJD/aem

### Attachments:

1. Photo Appendix

Photo 1 (November 15, 2023):

Photo of the Planting Area looking towards the resource area. All previously exposed soil has been seeded with native red fescue, and native plantings are establishing well. Erosion control remains intact.



Photo 2 (November 15, 2023):

Photo of the Planting Area looking towards the resource area following the 2023 planting season. Shrub and herbaceous species were installed in Spring 2023 and are establishing well.





Photo 3 (November 15, 2023):

View of additional plantings installed between the newly installed driveway and garage. Native shrub and herbaceous plants were installed in this additional area to replace lawn.



Photo 4 (November 15, 2023):

View of an oak sedge planting during the November 2023 inspection. All plantings were observed to have survived the 2023 growing season.





Photo 5 (November 15, 2023):

View of a high bush blueberry shrub installed in spring 2023.



Photo 6 (November 15, 2023):

Erosion control remains in place. The invasive species have been greatly reduced and are being outcompeted by native plantings. The native species now present on site are providing improved ecological and habitat function to the area.





Photo 7 (June 19, 2025):

View of the planting area along the driveway during the 2025 growing season. Plantings were establishing well and appeared in good health.



Photo 8 (June 19, 2025):

Oak sedge, ferns, and shrubs are establishing a healthy understory, contributing to the restoration of the area.





Photo 9 (June 19, 2025):

Another view of the planting area along the driveway during the 2025 growing season.

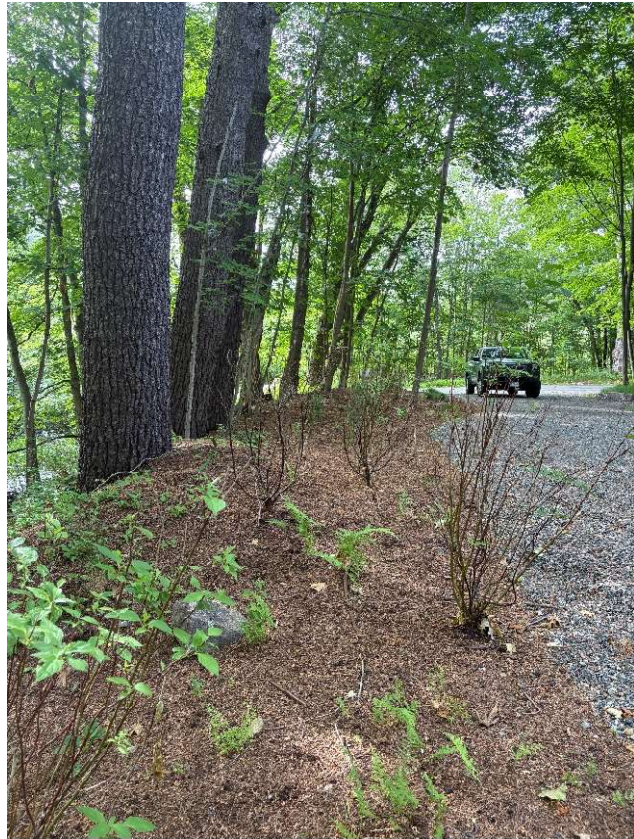


Photo 10 (June 19, 2025):

View of the additional planting area between the newly installed driveway and garage. Red fescue has established a dense groundcover, while other herbaceous species, including ferns, contribute to the ecological value of the space.



## Appendix B

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As-built Plan

Written Statement





**HANCOCK**  
**ASSOCIATES**  
Surveyors | Engineers | Scientists

#21565

August 18, 2025

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

Attn: Ms. Bethany Barstow, Conservation Agent  
[bbarstow@hamiltonma.gov](mailto:bbarstow@hamiltonma.gov)  
Phone: 978-525-6435

Mr. Mark Connors, Planning & Development Director  
[mconnors@hamiltonma.gov](mailto:mconnors@hamiltonma.gov)  
Phone 978-626-5247

**RE: 8 Villa Road, Hamilton, MA Certificate of Compliance Request**

Dear Ms. Barstow, Mr. Connors, and Members of the Commission.

Hancock was retained by Silas Nary in 2021 to conduct a survey of a portion of his property in preparation for a proposed garage.

After conducting the field survey, Hancock prepared a plan entitled, "Partial Topographic Plan of Land in Hamilton, MA", dated 12/01/21, detailing existing site conditions as well as the locations of the proposed garage, driveway, and slope mitigation.

In January of 2024, Hancock conducted an instrument survey of the garage, driveway, slope, and additional areas around the garage and prepared a plan entitled, "Conservation Commission As-built Plan of Land in Hamilton, MA" dated 1/31/24.

After review of the proposed conditions and the as-built plan, I can state that the garage and hardscapes associated with the garage are located where they were proposed.

Respectfully submitted,



JASON A. ELLIS, FLS  
Survey Manager/Sr. Associate

Cc: Silas Nary, DeRosa

## Appendix C

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Order of Conditions MA DEP No.: 172-0633  
Bylaw Permit





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

Provided by MassDEP:  
 172-0633  
 MassDEP File #

eDEP Transaction #  
 Hamilton  
 City/Town

## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Southern Essex  
 a. County Southern Essex b. Certificate Number (if registered land) 152  
 35857  
 c. Book 152 d. Page 2/28/22
7. Dates: 12.29.21 2/9/22 2/28/22  
 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):  
 Partial Topographic Plan of Land in Hamilton, MA  
 a. Plan Title Partial Topographic Plan of Land in Hamilton, MA  
 Hanock Associates Jason A. Ellis, 12/1/21  
 b. Prepared By c. Signed and Stamped by  
 12/1/21 1" - 30'  
 d. Final Revision Date e. Scale  
 Project Elements Plan, Invasive Species Management Plan, & 11/1/9/21  
 Native Species Planting Plan 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 (the 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.





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:  
172-0633  
MassDEP File #

eDEP Transaction #  
Hamilton  
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**B. Findings (cont.)**

**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 the 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 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).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

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

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



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

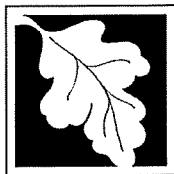
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## B. Findings (cont.)

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

	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	a. square feet	b. square feet		
	c. c/y dredged	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	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
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. c/y dredged	d. c/y 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. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input 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	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. 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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

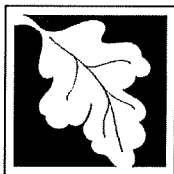
a. number of new stream crossings

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.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 2/28/2025 unless extended in writing by the Department.
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.



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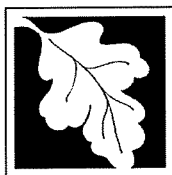
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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 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                      172-0633                      "
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 MassDEP.
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.



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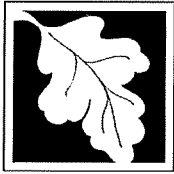
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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.
19. The work associated with this Order (the "Project")
  - (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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 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;





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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 18(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 Pollution 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 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(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.



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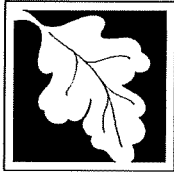
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 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.
- 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 (if you need more space for additional conditions, please attach a text document):

**Please see attached Conditions**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**Bureau of Resource Protection - Wetlands**

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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 Hamilton hereby finds (check one that applies):  
 Conservation Commission

- a. ☐ that the proposed work 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 of Conditions is issued.

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

1. Municipal Ordinance or Bylaw

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 (if you need more space for additional conditions, attach a text document):



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

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

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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.

2/28/22

1. Date of Issuance

5

2. Number of Signers

Signature Lauren M. Lynch  
 Signature Virginia M. Cookson  
 Signature Christopher Curran  
 Signature George E. Tarr  
 Signature Mary Lester

Printed Name Lauren M Lynch  
 Printed Name Virginia M Cookson  
 Printed Name Christopher Curran  
 Printed Name GEORGE E TARR  
 Printed Name Mary Lester

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

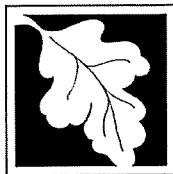
☒ by certified mail, return receipt requested, on

Date

Date

2/28/22





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### 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.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

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## G. Recording Information

Prior to commencement of work, 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 Commission listed below.

Conservation Commission

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

To:

Conservation Commission

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

Project Location

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

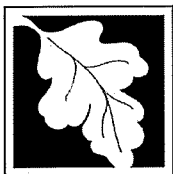
If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

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

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_

b. City/Town, Zip \_\_\_\_\_

c. Check number \_\_\_\_\_

d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

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







**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

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

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. 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.

**ATTACHMENT A**  
**SPECIAL CONDITIONS**  
**Order of Conditions (OOC) –**  
**#8 Villa Road, Hamilton**  
**for Silas Nary**  
**DEP File # 172-0633**

Under the Order of Conditions (hereafter “OOC”, “Order”, or “Conditions”), issued under MassDEP File Number **172-0633**, 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 WPA, the property contains 100' Buffer Zone to Bordering Vegetated Wetlands & Bordering Vegetated Wetlands. Under the Bylaw and its associated Regulations, further Resource Areas and their respective buffers exist, including Freshwater Wetlands greater than 1000 sq. ft, 100' Buffer Zone to Freshwater Wetlands greater than 1000 sq. ft, and Associated Upland Resource Area (AURA). These protect public & private water supply, groundwater supply, the Prevention of Pollution, and the Protection of Wildlife Habitat.

**Property Description:**

The subject property, 8 Villa Road, Assessors Map 71, Parcel 14, is approximately 2.5 acres in size and is centrally located between Beck Pond, Round Pond, and Chebacco Lake. The Property has frontage along Villa Road only, though a trail open to public use passes over and through the property.

**Project:**

The applicant is proposing to construct a 2 story, 2 bay garage, with an associated porous pavement driveway. The proposed garage would be located on already compacted soils, in a location that appears to have been previously excavated for a use that was never conducted. The control of invasive herbaceous shrubs in the buffer area has been proposed for mitigation purposes.

The public hearing for the Notice of Intent was closed on February 9, 2022. Based upon the Supporting Information, visual inspections of the Property, the findings of DEC, and testimony provided and evidence gathered during the public hearing the Commission issues the following Conditions under the Wetland Protections Act and The Hamilton Conservation Bylaw.

Unless extended, this Order, DEP # 172-0633 will expire on February 28, 2025.

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)**

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:* Silas Nary, 8 Villa Road, Hamilton, MA, Map 71, Lot 14  
*Prepared by:* DeRosa Environmental Consulting, Inc. 167 Main St., Rowley MA 01969  
*Dated:* December 29, 2021

b. Site Plan:

*Entitled:* Partial Topographic Plan of Land in Hamilton, MA  
*Prepared by:* Hancock Associates, 121 East Berkeley St., Boston MA, 02118  
*Dated:* 11/04/2020 Revised: 12/1/2021  
*Stamped:* Jason A. Ellis, 12/1/21  
*Project #:* 21565

c. Other:

*Entitled:* Figures 2b – 2d; Project Elements Plan, Invasive Species Management Plan, & Native Species Planting Plan  
*Prepared by:* DeRosa Environmental Consulting, Inc. 167 Main St., Rowley MA 01969  
*Dated:* 11/19/2021

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 8 Villa Road., Hamilton Assessor's Map 71, Parcel 14 and shall survive the issuance of the Certificate of Compliance (COC), specifically for the project permitted as DEP # 172-0633. The Conditions listed in, and inclusive of, Condition #34: Conditions 86 – 95 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.

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 # **172-0633**.
  - 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 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
  - 68. Regarding a prohibition on the use of sodium chloride
  - 69. Regarding a prohibition on the use of fertilizers, pesticides, and herbicides
  - 70. Regarding a prohibition on tree removal
  - 71. Regarding a prohibition on underground fuel storage
  - 72. Regarding Conservation Commission notification of maintenance activities
  - 73. Regarding snow management
  - 74. Regarding a prohibition on invasive species
  - 75. Regarding Certificate of Compliance issuance

35. No proposed earthen embankment in the buffer zone shall have a slope steeper than 5.5H: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 30 days 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 commencement of any work on site, the wetland boundaries shall be clearly marked and/or repaired with flags/stakes so that said areas are clearly distinguishable, and shall be confirmed by the Commission or its agent. **The Applicant shall maintain wetland flagging until the Certificate of Compliance is issued.**
41. 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 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.**
42. 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.
43. 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.

44. **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.
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, compost, 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 **Villa Road, 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 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 other 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, 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.

### **STORMWATER MANAGEMENT**

60. There shall be no direct discharge of stormwater runoff into streams or other wetland resource areas. Runoff from the site shall be directed overland to maximize groundwater recharge and cleansing of the runoff through contact with natural soils and vegetation.
61. The Applicant or his designee shall report any runoff problems/concerns immediately to the Hamilton Conservation Commission office at (978) 626-5247 extension 70247.

### **TIME LIMITS**

62. 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** of each year, unless given prior written approval by the HCC/staff.

### **OTHER CONDITIONS**

63. 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.
64. 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.
65. 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.

66. 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.
67. 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**

68. 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.**
69. 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.**
70. 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.**
71. 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.**
72. 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.**
73. As applicable, prior to the start of work, the applicant shall submit a snow management plan to the HCC for review and approval. Snow shall not be stockpiled within resource areas or their buffers, and shall not be plowed into same. Prior to April 15 of each year, all gravel and other loose materials that have been moved beyond the approved limits during the winter shall be hand raked back into the confines of the approved area or removed from the site. **This condition shall survive the issuance of the Certificate of Compliance.**

8 Villa Road – Silas Nary– Hamilton, MA

74. No plants listed on the latest Massachusetts DAR Prohibited Plant List (available at [http://www.mass.gov/agr/farmproducts/Prohibited\\_Plant\\_Index2.htm](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/](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](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](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.**
75. **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

Applicant:	Property Owner:
Silas Nary	SAME
Address: 8 Villa Rd., Hamilton MA, 01982	SAME

This project is located at 8 Villa Road.

The Notice of Intent for this project was filed on 12.29.21. Public Hearing Closed 2.9.22.

Plans:

Title: Partial Topographic Pland of Land in Hamilton, MA	Dated: 12/1/21	Signed and Stamped by Jason A. Ellis, 12/1/21
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**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:

Resource Area	Significant to the protection of:
Bordering Vegetated Wetlands	Public Water Supply
Freshwater Wetlands greater than 1000 sq. ft	Private Water Supply
Associated Upland Resource Area (AURA)	Groundwater Supply
	Prevention of Pollution
	Protection of Wildlife Habitat

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

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



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

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

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

Further findings are contained on attached

### **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# 172-0633. 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):

Lauren M. Lynch

Virginia M. Lockner

Chris [unclear]

George P. Tarr

Mamie [unclear]

DEP FILE # 172-0633

This permit EXPIRES one year from the date of issuance, 2/28, 2022.  
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.

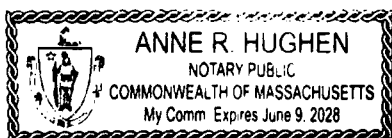
This Permit must be signed by a majority of the Conservation Commission.

ACKNOWLEDGEMENT

On this        day of 2020, before me, the undersigned notary public, personally appeared Lauren Lynch 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 Anne R. Huguen My Commission Expires June 9, 2028



## Appendix D

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### Professional Qualifications

*Abigail Manzi*

*Michael DeRosa*



## **Abigail Manzi, BA**

### *Environmental Scientist*

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

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

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

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

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

## **EDUCATION**

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

Guilford College, Greensboro, NC

## **PROFESSIONAL EXPERIENCE**

Environmental Scientist | 2015 – Present

DeRosa Environmental Consulting Inc

Intern | Summer 2013

Ipswich River Watershed Association

Student Researcher | August-December 2012

Center for Rainforest Studies, Queensland, Australia

## **REPRESENTATIVE PROJECTS**

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

Manchester, MA

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

Rowley, MA

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

Ipswich, MA

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

Salem, MA

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

Ipswich, MA

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

North Shore, MA

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

Ipswich, MA

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

Ipswich, MA



## **Michael J. DeRosa**

Principal, LSP, LEED AP BC&D

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

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

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

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

## **EDUCATION**

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

## **REPRESENTATIVE PROJECTS**

**Ipswich River Watershed Association**  
Ipswich MA

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

**Paumier Residence |  
Dune Restoration**  
Manchester MA

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

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

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

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

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

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

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

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



## **PROFESSIONAL EXPERIENCES**

Principal, LSP, LEED AP BC&D

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

Web Engineering Associates, Inc. | 1990-1994

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

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

Research Assistant,  
North Carolina State University | 1985-1987

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

Senior Research Assistant  
Harvard University | 1983-1985

Naturalist  
The Trustees of Reservations | 1983-1985

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

New England Wildflower Society

USGBC | United States Green Building Council

NGWA | National Ground Water Association

AMWS | Association of Massachusetts Wetland Scientists

LSPA | Licensed Site Professional Association

SWS | Society of Wetland Scientists

MACC | Massachusetts Association of Conversation Commissioners

## **CERTIFICATIONS AND SPECIAL TRAINING**

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

Professional Wetland Scientist (PWS)

LEED Accredited Professional | 10342989

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

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

Confined Space Entry Training | OSHA 29 CFR 1910.146

Management Training Workshop | Dun and Bradstreet

Hazardous Materials Chemistry Seminar | University of Toledo

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