

ADDENDUM No. 1
Issued May 1, 2024

The Town of Manchester-By-The-Sea, Massachusetts is hereby issuing this said Addendum Number 1 for the above noted project.

ADDENDUM 1

1.1 PROJECT INFORMATION

- A. Project Name: Mill, Forest and School Street Utility Improvement Project.*
- B. Owner: Town of Manchester by the Sea*

1.2 NOTICE TO BIDDERS

- A. This Addendum is issued to all registered plan holders pursuant to the Instructions to Bidders and Conditions of the Contract. This Addendum serves to clarify, revise, and supersede information in the Contract Bid Documents, Drawings, and previously issued Addenda. Portions of the Addendum affecting the Contract Documents will be incorporated into the Contract by enumeration of the Addendum in the Owner/Contractor Agreement.*
- B. The Bidder shall acknowledge receipt of this Addendum in the appropriate space on the Bid Form.*
- C. The time for receipt of bids is changed by this Addendum. The date and location remain the same.*

1. Bid Date: Delete May 15, 2024 at 11:00PM and **Replace with May 15, 2024 at 1:00 PM.**

1.3 ATTACHMENTS

- A. 00 31 00a Order of Conditions dated April 19, 2024*
- B. 00 41 01 Bid Form - Revised*

1.4 REVISIONS TO DIVISION 00 PROCUREMENT REQUIREMENTS AND CONTRACTING REQUIREMENTS

- A. Revisions to Section 00 01 10 Table of Contents*
 - 1. Section 22 00 00 Plumbing is removed from this section.*
- B. Revisions to Section 00 31 01 Available Project Information*
 - 1. 00 31 00a Order of Conditions is included as an attachment to this addendum.*
- C. Revisions to Section 00 41 01 Bid Form – Delete bid form and replace with Bid Form – Addenda*
 - 1.*
 - 1. Article 3 – Bidders Acknowledgements*

Part 3.02 Shall be revised as follows:

3.02 This Bid will remain subject to acceptance for ~~150 calendar days~~ **30 Business days** after the Bid opening or for such longer period of time that Bidder may agree to in writing upon request of Owner.

2. Article 4 – Basis of Bid

Part 4.02 Item No. 27 Owners Allowance for Police Detail:

Item No 27 is revised to **\$87,000**

D. Revisions to Section 00 45 13 Bidder's Qualification

1. Part 5. A. shall be revised as follows:

OWNER reserves the right to reject any Bid if the evidence submitted by, or the investigation of, such Bidder fails to satisfy OWNER that such Bidder is properly qualified to carry out the obligations of the Contract Documents and to complete the Work contemplated therein.

A. Following is a list of at least five (5) projects Bidder's organization has completed within the last ten (10) years which are similar in type, character and magnitude to that required by the Contract. Projects similar in type, character and magnitude shall include:

Delete:

- Installation of CLDI water main of at least 4,000 Linear Feet;
- Contract municipal project value at a minimum of \$2,000,000.

And Replace with:

- **Installation of CLDI water main of at least 3,000 Linear Feet;**
- **Installation of C900 sewer force main of at least 3,000 Linear Feet;**
- **Contract municipal project value at a minimum of \$2,000,000.**

E. Revisions to Section 00 52 03 Agreement Form

1. Article 4 – Contract Times, Part 4.02 Substantial Completion, Punchlist Completion, and Final Payment shall be revised as follows:

Delete:

A. The Bid Work shall be substantially complete within 120 calendar days and shall reach final completion within 150 calendar days of the Notice to Proceed in accordance with Paragraph 14.07 of the Standard General and Supplementary Conditions with the exception of the work included in Section 4.02 B.

And Replace with:

A. **The Onsite Work shall commence within 45 calendars days of the issuance of the Notice to Proceed.** The Bid Work shall be substantially complete within **210** calendar days and shall reach final completion within **240** calendar days of the Notice to Proceed in accordance with Paragraph 14.07 of the Standard General and Supplementary Conditions with the exception of the work included in Section 4.02 B.

1.5 REVISIONS TO DIVISION 01 TECHNICAL SPECIFICATION

A. Revisions to Section 01 11 00 Summary of Work

1. Part 1.03 DESCRIPTION OF THE WORK

A. The Work includes labor, material and equipment, services required in accordance with the Contract Documents and as more specifically described in the Specifications and Drawings, and includes, but is not limited to the following.

1. Installation of 6" & 2" temporary potable water bypass and fire suppression service along abovementioned roadways.

Insert the following:

- A. By-pass pumping is required by the project along Forest Street. If the contractor chooses to provide for by-pass pumping along School or Mill Streets, the contractor shall include that cost within his bid. No additional fee shall be applied to the project.
- B. The contractor shall submit a plan for by-pass pumping to the Owner and Engineer for review and approval prior to any by-pass work beginning.

B. Revisions to Section 33 34 00 Sanitary Force Mains Part 2.06 Tapping Sleeves and Valves

2.06 Tapping Sleeves And Saddles

Delete:

A. Saddles: Ford Model H-10488 or Rockwell #313 Double strap saddles with epoxy coating and 304 Stainless Steel Straps and Nuts suitable for 200 psi working pressure, or approved equal.

B. Sleeves: Cast iron Split sleeves with both end seals and side seals are required for all taps of same size as run. Rockwell Model 622- XXXXXXXXX-031 - Fabricated Steel Sleeves with Epoxy Coating and 304 Stainless Steel Bolts and nuts will be acceptable for all reducing size taps. All Sleeves shall be suitable for 150 psi working pressure. Valves shall be supplied to integrally fit to the sleeve and provide connection to the existing water main without any interruption of service.

And Replace with:

A. Saddles: **Smith Blair (Rockwell)** #313 Double strap saddles with epoxy coating and 304 Stainless Steel Straps and Nuts suitable for 200 psi working pressure, or approved equal.

B. Sleeves: Cast iron Split sleeves with both end seals and side seals are required for all taps of same size as run. **Smith Blair (Rockwell) Model 622, or approved equal.** Fabricated Steel Sleeves with Epoxy Coating and 304 Stainless Steel Bolts and nuts will be acceptable for all reducing size taps. All Sleeves shall be suitable for 150 psi working pressure. Valves shall be supplied to integrally fit to the sleeve and provide connection to the existing **sewer** main without any interruption of service.

1.5 RESPONSE TO QUESTIONS

Q1. This is a \$4,000,000+ project, is the time for Substantial Completion actually 120 calendar days?

RESPONSE: Refer to changes to Section 00 52 03 above.

END OF SECTION

SECTION 00 41 01

BID FORM

ARTICLE 1 – DEFINED TERMS

- 1.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions and Supplementary Conditions, if any.

ARTICLE 2 – BID RECIPIENT

- 1.01 This Bid is submitted to:

Manchester-By-The-Sea
10 Central Street, Room 6
Manchester-By-The-Sea, Massachusetts 01944
ATTN: Charles Dam, Public Works Director

- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 3 – BIDDER'S ACKNOWLEDGEMENTS

- 1.01 Bidder accepts all the terms and conditions of the Bidding Documents including, without limitation:
- A. those dealing with disposition of Bid security;
 - B. those included in the Supplementary Instructions to Bidders;
 - C. insurance and bonding requirements (Payment Bond and Performance Bond each equal to 100% of the total Contract Price) set forth in the General Conditions and Supplementary Conditions, if any;
 - D. Contractor to fully comply with all provisions of MassDOT Standard Specifications for Highways and Bridges, including but not limited to Section 4:00 SCOPE OF WORK.
 - E. Contract Times as set forth in the Agreement; and
 - F. provisions for liquidated damages as set forth in the Agreement.
- 1.02 This Bid will remain subject to acceptance for ~~150 calendar~~ **30 business** days after the Bid opening or for such longer period of time that Bidder may agree to in writing upon request of Owner.

1.03 Bidder acknowledges receipt of the following Addenda:

Addendum No. Addendum Date

1.04 Bidder acknowledges the representations and certifications included in Section 00 45 05 are made a condition of the Bid.

ARTICLE 4 – BASIS OF BID

4.01 Bidder will complete the Work under Work Authorizations in accordance with the Contract Documents for the following price(s) based on unit prices included in the following schedule. Bidder must complete all items. BID PRICES SHALL EXCLUDE SALES AND USE TAX.

Base Bid Price Form Mill, Forest and School Street Utilities Improvements

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
1	Mobilization/Demobilization @	1		
		LS		
	Dollars and _____ Cents PER LUMP SUM			
2a	4" Cement Lined Ductile Iron Pipe @	20		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
2b	6" Cement Lined Ductile Iron Pipe @	120		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
2c	8" Cement Lined Ductile Iron Pipe @	1500		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
2d	12" Cement Lined Ductile Iron Pipe @	3100		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
3	1" Copper Tubing @	850		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
4	1" Corporation @	30		
		EA		
	Dollars and _____ Cents PER EACH			
5	1" Curb Stop & Box @	30		
		EA		
	Dollars and _____ Cents PER EACH			
6a	4" Gate Valve & Box @	1		
		EA		
	Dollars and _____ Cents PER EACH			
6b	6" Gate Valve & Box @	8		
		EA		
	Dollars and _____ Cents PER EACH			
6c	8" Gate Valve & Box @	6		
		EA		
	Dollars and _____ Cents PER EACH			
6d	12" Gate Valve & Box @	4		
		EA		
	Dollars and _____ Cents PER EACH			

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
7	Hydrants @	5		
		EA		
	Dollars and _____ Cents PER EACH			
8	Fittings @	4,300		
		LBS		
	Dollars and _____ Cents PER POUNDS			
9	Water Distribution Bypass @	1		
		LS		
	Dollars and _____ Cents PER LUMP SUM			
10a	4' Diameter Air Release Manhole @	1		
		EA		
	Dollars and _____ Cents PER EACH			
10b	4' Diameter Cleanout Manhole @	3		
		EA		
	Dollars and _____ Cents PER EACH			
11	Test Pits @	5		
		EA		
	Dollars and _____ Cents PER EACH			
12	12" SDR-35 PVC Drain Pipe @	100		
		LF		
	Dollars and _____ Cents PER EACH			
13	Sewer Frame & Cover @	4		
		EA		
	Dollars and _____ Cents PER EACH			

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
14a	4" C900 Force main @	3100		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
14b	4" HDPE Welded Force main	280		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
15	1.25" Force main (Service) @	200		
		LF		
	Dollars and _____ Cents PER EACH			
16	Sewer Corporation Valve and box @	9		
		EA		
	Dollars and _____ Cents PER EACH			
17	4" Gate Valve (Sewer)	3		
		EA		
	Dollars and _____ Cents PER EACH			
18	Connect to Existing Sewer Manhole @	1		
		EA		
	Dollars and _____ Cents PER EACH			
19a	Temporary Trench Pavement (4") @	950		
		TON		
	Dollars and _____ Cents PER TON			
19b	Misc. Hot Mix Asphalt @	60		
		TON		
	Dollars and _____ Cents PER TON			

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
20	Permanent Roadway Mill & Overlay Top Course – 2” @	20500		
		SY		
	Dollars and _____ Cents PER SQUARE YARD			
21a	Rock Removal @ One Hundred	250	\$100	\$25,000
		CY		
	Dollars and _00_ Cents PER CUBIC YARD			
21b	Rock Removal Adjusted @	250		
		CY		
	Dollars and _____ Cents PER CUBIC YARD			
22	Erosion Control @	1		
		LS		
	Dollars and _____ Cents PER LUMP SUM			
23	Concrete Encasement @	500		
		LF		
	Dollars and _____ Cents PER LINEAR FOOT			
24	Loam and Seed @	100		
		SY		
	Dollars and _____ Cents PER SQUARE YARD			
25	Project Closeout @	1		
		LS		
	Dollars and _____ Cents PER LUMP SUM			
26	Traffic Management @	1		
		LS		
	Dollars and _____ Cents PER LUMP SUM			

Item No.	Item Description with Unit or Lump Sum Price in Written Words	Estimated Quantity & Unit	Unit Bid Price (Figures)	Total Bid Item Price (Figures)
27	Owner's Allowance for Police Detail @ EIGHTY-SEVEN THOUSAND	1	\$87,000	\$87,000
		ALL		
	Dollars and _____ Cents PER ALLOWANCE			

TOTAL MILL, FOREST and SCHOOL STREET BASE BID PRICE (based on Unit Price Schedule Above):

-
- 4.02 Unit Prices have been computed in accordance with Paragraph 11.03.A of the General Conditions and Supplementary Conditions, if any.
- 4.03 Bidder acknowledges that estimated quantities are not guaranteed and are solely for the purpose of comparison of Bids, and final payment for unit price items will be based on actual quantities determined and based on the unit prices included above, as provided in the General Conditions and Supplementary Conditions, if any.
- 4.04 Contract Price Adjustments:
- A. Owner's Contingency Allowance items will be processed per Article 11.02 of the General Conditions.
1. Base Prices for diesel fuel, gasoline, liquid asphalt, and portland cement in cast-in-place concrete to be used for Contract Price Adjustments are established in Section 00 73 73, SC-12.01 per MGL c30s38A.

ARTICLE 5 – TIME OF COMPLETION

- 5.01 Bidder agrees to the Contract Times (Substantial Completion and ready for final payment) as stated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 6 – ATTACHMENTS TO THIS BID

- 6.01 The following documents are submitted with and made a condition of this Bid:

00 43 13 Bid Bond – Penal Sum Form

OR

Required Bid security in the form of 5% pf the Bidders Base Price

Supplements:

00 43 93 Bid Submittal Checklist
00 45 05 Bidder's Representations and Certifications including required submittals
00 45 13 Bidder's Qualifications
00 45 19 Non-collusion Affidavit

ARTICLE 7 – BID SUBMITTAL

7.01 This Bid is submitted by: _____

Fill out **ONE** of the following sections A, B, C or D as appropriate.

A. Corporation

Corporation Name: _____

State of incorporation: _____

Type: _____
(General Business, Professional, Service, other)

By: _____
(Signature – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____
(CORPORATE SEAL)

Attest: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

Date of qualification to do business as out-of-state corporation: _____

B. Limited Liability Company (LLC)

LLC Name: _____

State in which organized: _____

By: _____
(Signature – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

C. Joint Venture

First Joint Venturer Name:

By: _____
(Signature – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

Second Joint Venturer Name:

By: _____
(Signature – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, corporation, and limited liability company that is a party to the joint venture should be in the manner indicated above.)

Phone & Facsimile Nos: _____

Email address: _____

D. An Individual

Name (*typed or printed*): _____

By: _____
(*Individual's signature*)

Doing Business As: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

SUBMITTED ON: _____

EIN/FEIN: _____

Communications concerning this Bid shall be addressed to:

Name: _____

Title: _____

Business Address: _____

Phone & Facsimile Nos: _____

Email address: _____

END OF SECTION



MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-4397 FAX (978) 526-2001

19 April 2024

Chuck Dam, Director DPW
10 Central Street, Town Hall
Manchester, MA 01944

Re: Order of Conditions Mill and Forest Street Project DEP File #039-0906

Dear Mr. Dam:

Enclosed is the Order of Conditions for the Mill and Forest Street project which was approved by the Manchester Conservation Commission on March 19, 2024.

Before any work may begin, you must wait 10 business days (the appeal period) after which the Order must be recorded at the Registry of Deeds in its entirety. Once the Order is recorded, please submit proof of recording to me before the commencement of work. Efforts should be made to determine the book & page of this parcel for recording purposes.

Please review the Order carefully as it will govern how the work must be performed to comply with the Massachusetts Wetlands Protection Act and the Manchester Wetlands By-Law. Please note that this order includes several pre-construction conditions, **including a pre-construction meeting between your contractors and me before the commencement of work** (see Standard and Special Conditions, Section B).

The Order is valid for three years from the original issuance date, except where otherwise specified. Requests for extensions must be received at least 30 days before the expiration date. Also note that ANY deviation from the plans contained or required in the Order of Conditions will require a *de minimis* change request, an amendment to the order(s), or submittal of a new application. As always, any other applicable permits required from any other Board or Department (state or local) will have to be obtained before the commencement of work.

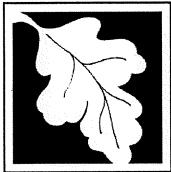
Please be advised that once work has been completed and the plantings have been monitored for two growing seasons, you should promptly seek a Certificate of Compliance from this office. Recording the Certificate of Compliance will clear the title for this property from the Order.

Please let me know if you have any questions or if I may be of further assistance.

Sincerely,

Kristan Farr
Manchester Conservation Administrator

Cc: DEP-NERO
file



**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
and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
39-0906
MassDEP File #

eDEP Transaction #
MANCHESTER
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

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



1. From: Manchester
Conservation Commission

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

3. To: Applicant:

Charles

a. First Name

Dam

b. Last Name

Town of Manchester-Department of Public Works

c. Organization

10 Central Street

d. Mailing Address

Manchester

e. City/Town

MA

f. State

01944

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Mill and Forest Streets

a. Street Address

Manchester

b. City/Town

37

c. Assessors Map/Plat Number

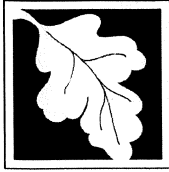
65

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s
d. Latitude

d m s
e. Longitude



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
 and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
 39-0906
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 MANCHESTER
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Essex South
 a. County _____ b. Certificate Number (if registered land) _____
- c. Book _____ d. Page _____
7. Dates: February 22, 2024 March 19, 2024 April 19, 2024
 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):
 Utility Expansion Plan: Mill, Forest, and School Street
 a. Plan Title _____ b. Prepared By _____
 Hancock Associates _____ Matthew T. Connors, PE
 c. Signed and Stamped by _____
 January 22, 2024 _____ 1"=500'
 d. Final Revision Date _____ e. Scale _____
- f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

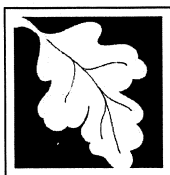
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). 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
and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
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MANCHESTER
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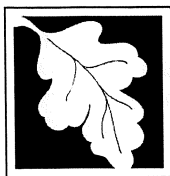
B. Findings (cont.)

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> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>0</u> a. square feet	<u>0</u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u>0</u> e. cubic feet	<u>0</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 checked="" type="checkbox"/> Riverfront Area	<u>0</u> a. total sq. feet	<u>0</u> b. total sq. feet		
Sq ft within 100 ft	<u>0</u> c. square feet	<u>0</u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u>0</u> g. square feet	<u>0</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
 and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
 39-0906
 MassDEP File #

eDEP Transaction #
MANCHESTER
 City/Town

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



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
 and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
 39-0906

MassDEP File #

eDEP Transaction #

MANCHESTER

City/Town

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 April 19, 2027 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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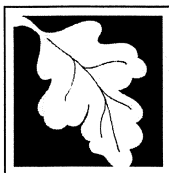
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C. General Conditions Under Massachusetts Wetlands Protection Act

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 39-0906 "
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:

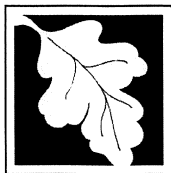
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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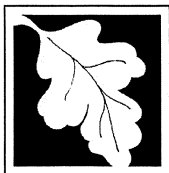
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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):

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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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Manchester 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:

Manchester Wetlands Bylaw

Chapter XVII

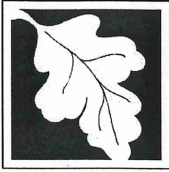
1. Municipal Ordinance or Bylaw

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):

See attached conditons



**Massachusetts Department of Environmental Protection
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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.

4/19/2024

1. Date of Issuance

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

6

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

2. Number of Signers

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

By Vote on 5/5/20, the individuals listed below have authorized the Conservation Administrator to sign on their behalf pursuant to the signature authorization recorded with the Southern Essex Registry of Deeds in Book 38501 Page 530. They also intend for their typed names below to serve as their electronic signatures for any entity (MassDEP) that accepts electronic signatures.

Signatures:

/Stephen Gang/

/Sarah Oseasohn/

/Olga Hayes/

/David Lumsden/

/Gordon Turner/

/Jeffrey Bodmer-Turner/

Kristan Farr, Conservation Administrator, duly authorized (Book 38501, Page 530)

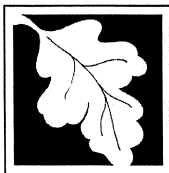
☒ by hand delivery on

4/19/2024

Date

☐ by certified mail, return receipt requested, on

Date



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
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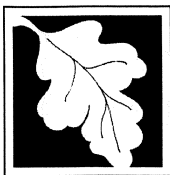
eDEP Transaction #
MANCHESTER
 City/Town

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
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WPA Form 5 – Order of Conditions

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and Manchester-by-the-Sea General Wetlands Bylaw

Provided by MassDEP:
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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: _____

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



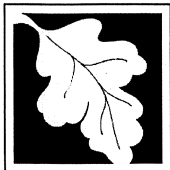
B. Instructions

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



Massachusetts Department of Environmental Protection
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**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

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.

Manchester Conservation Commission

Mill & Forest Streets Standard and Special Conditions Order of Conditions (DEP File #039-0906)

Massachusetts Wetlands Protection Act M.G.L. C. 131 §40 and the Manchester General Wetlands By-Law

DEP File:	#39-0906
Applicant/Owner:	Town of Manchester-by-the-Sea: Department of Public Works
Project Location:	Mill and Forest Street Map: various Lot: various
Project Description:	Construction activities related to the replacement of existing water services and installation of sewer services
Summary of Permitted Activities:	Trenching of roadway Replacement of the water line Installation of sewer line Use of excavated pits to facilitate lining operations Backfilling of a section of roadway Repaving roadway
Approved Plans and Documents	"Utility Expansion Plan: Mill, Forest and School Street"; prepared for Town of Manchester-by-the-Sea by Hancock Associates; dated January 22, 2024; signed and stamped by Matthew T. Connors, PE on 1/22/2024; scale 1" = 500'; 16 Sheets Notice of Intent, dated February 22, 2024

Findings

1. The Manchester Conservation Commission (MCC) finds that the site on which the work is proposed contains resource areas subject to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, sec. 40 (the Act) and its Regulations, 310 CMR 10.00 and the Manchester General Wetlands By-Law which are significant to the protection of interests identified in the Act and the By-Law, specifically:
 - a. Riverfront Area (total of 25,600 sf, alteration total = 0 sf temporary alteration, inner riparian 0 sf, outer riparian 0 sf)
 - b. 30-foot No Disturbance Zone to Inland Bank as protected under the By-Law
 - c. 50-foot No Build Zone to Inland Bank as protected under the By-LawThe project is not known to be within or adjacent to Estimated Habitat of rare or endangered species.
2. Wetland lines depicted on the Approved Plan serve the purpose of identifying resources and buffers for planning purposes and for the purpose of this Notice of Intent.
3. The MCC finds that Riverfront and Inland Bank are significant to the protection of the following interests as defined in the Act and its Regulations and the Manchester General Wetlands By-Law:
 - a. Public water supply
 - b. Private water supply
 - c. Groundwater supply
 - d. Flood control
 - e. Storm Damage Prevention
 - f. Prevention of Pollution

- g. Fisheries
- h. Protection of Wildlife Habitat

Specific Findings under the Manchester General Wetlands By-Law and its regulations

1. In addition to those interests protected under the Act and its Regulations, the MCC finds that the resource areas and their buffer zones are significant to the protection of the following interests:
 - a. Water quality
 - b. Erosion and sedimentation control
2. The MCC grants a waiver for proposed activities proposed in the resources and which may occur in the 30-foot No Disturb Zone and the 50-foot No Build Zone not specifically depicted on the Approved Plan but which, nevertheless, lie within the 100-foot buffers to the above-mentioned resources.

The MCC grants the waiver under the by-law for the following reasons:

- a. The applicant has satisfied the requirement of demonstrating, by clear and convincing evidence as set forth in the Alternatives Analysis, that there is no Practicable Alternative to the proposed activity which would have a materially less Significant Immediate or Cumulative Adverse Impact to the Resource Area in the No Disturb Zone. The applicant has also satisfied the requirement of demonstrating, by a preponderance of credible evidence as set forth in the Alternatives Analysis, that there is no Practicable Alternative to the proposed activity which would have a materially less Significant Immediate or Cumulative Adverse Impact to the Resource Area in the No Build Zone.
- b. A “no construction” alternative would fail to address serving the public need to maintain a water supply and the ongoing need to maintain the roadway surface.
- c. The project is entirely within the School Street roadway which crosses Sawmill Brook, a perennial stream (see plan sheet C-102), near Knight Circle. The existing water main runs beneath the stream. An alternative route, if even feasible, would result in disturbance to the stream & inland banks

General and Special Conditions

A. General Conditions

1. The term “Applicant” as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The MCC shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
2. With respect to all conditions the MCC designates the Conservation Administrator as its agent with full powers to act on its behalf in administering and enforcing this Order.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.
4. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to procure all required permits or approvals. These reviews, permits and approvals may include but are not limited to the following:

- a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit Activity, and procurement of any permits or approvals identified by the Corps.
 - b. Review by the DEP and procurement of any permits or approvals identified by the DEP.
 - c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program.
 - d. Review by local Planning Boards, Boards of Health, Zoning Boards, and Building Inspectors, and procurement of any permits or approvals required by these boards or agencies.
5. The MCC shall be informed of all changes that may be made to the Plan(s) of Record by any other Board, Commission or Authority or as a result of changes by the Applicant. All changes shall require additional approvals from the MCC.
 6. The MCC reserves the right to impose additional conditions on this project, including but not limited to, additional or modified erosion/siltation controls during the project, if it deems that site conditions warrant such measures to mitigate potential impacts.
 7. Members and agents of the MCC shall have the right to enter and inspect the property to evaluate compliance with this Order, the Wetlands Protection Act, Wetlands Protection Bylaw, and to require submittal of any data deemed necessary by the MCC for that evaluation.
 8. The site engineer or contractor shall have a copy of this Order of Conditions and the final approved plans at the site and available for inspection during all phases of construction. It is the applicant's responsibility to provide the contractors with a set of the approved documents, plans, and this Order, and to ensure that the contractors are aware of the Order's provisions, and that they follow them. If the conditions of the Order are not clear, the MCC or its Administrator shall be asked to clarify them.
 9. **Any change in the plans approved under this Order, including those due to review by other boards or resulting from the aforementioned conditions, must be submitted to the MCC in writing for approval prior to implementation.** The MCC 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 Order of Conditions. Any errors found in the plans or information submitted by the applicant shall be considered as changes.
 10. If any changes are made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 or the Manchester Wetlands By-Law, the applicant shall inquire from the MCC or its Administrator, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

B. Pre-Construction Requirements

11. This Order shall be recorded at the Registry of Deeds in its entirety. The form provided at the end of WPA Form 5 shall be completed and stamped at the Registry of Deeds after the expiration of the 10-day appeal period and within 30 days of the issuance if no request for appeal has been filed with the Department of Environmental Protection. This form shall be returned to the MCC within 21 days of recording **and prior to commencement of any activities subject to the Order of Conditions.**
12. Prior to the commencement of work:
 - a) The Applicant or his designee shall submit to the MCC/staff a detailed Construction Sequence with a timetable and details.

- b) The Applicant or his designee shall submit to the MCC/staff storm damage prevention protocols for securing the site and protecting the resources.
 - c) The Applicant or his designee shall submit to the MCC/staff a dewatering plan for trench work and have the elements of the plan on site ready for deployment.
 - d) Erosion controls shall be installed per the Approved Plans. Coir bags shall be comprised entirely of biodegradable materials with **no** synthetic netting.
 - e) The Limit of Work shall be clearly marked in the field.
 - f) The Applicant or his designee shall provide the name, address, and phone number of a contact person responsible for compliance with this Order.
 - g) The Applicant or his designee shall install a sign no less than 2 square feet or more than 3 square feet, visible from the street reading **"MA DEP File #39-0906"**, and not placed on a living tree.
13. Once all of the above pre-construction requirements stated in Conditions #11 and #12 have been fulfilled, the Conservation Administrator shall be contacted at least 48 hours prior to the start of work in order to schedule a pre-construction meeting at the site. The Administrator may be contacted by email at: farrk@manchester.ma.us or by phone at 978-526-4397.

C. Special Conditions

- 14. There shall be no change in the finish grade as compared to the existing grade of the paved surface.
- 15. There shall be no increase in the width of the paved surface as compared to the existing paved surface. New pavement shall not extend beyond existing paved areas.
- 16. Erosion control shall be properly installed, and filter socks installed in the catch basins, prior to construction. The erosion control and filter socks shall remain in good working condition during construction and removed after construction.
- 17. Excavated material shall be stockpiled on trucks: materials suited for re-use shall be in one truck; material unsuitable for re-use (bituminous concrete for example) shall be stockpiled in a 2nd truck to be removed from site and disposed of at an appropriate facility.
- 18. Existing water main shall be lined or replaced per appropriate state regulations and as described in the narrative and shown on the Approved Plans.
- 19. An As-built Plan shall be prepared as soon as possible after completion of the project and shall include information to be able to confirm the first two special conditions.
- 20. Routine road maintenance shall be consistent with the Town of Manchester's Road Maintenance Plan. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
- 21. In case of a major storm event the general storm damage prevention protocols shall be implemented and the site shall be secured beforehand in such a way to protect the Resource Areas, including covering of any stockpiles of soil; installation of erosion control mats over areas of exposed soil; and removal of any debris, equipment, materials, etc. that could potentially enter the resource.
- 22. Site shall be restored to, at a minimum, pre-construction conditions.

D. Project Period

- 23. The erosion control devices shall function throughout the project to prevent erosion and sedimentation. They shall be inspected and maintained routinely by the applicant or his contractor

throughout the duration of the project and after every storm event of 1/2 inch of precipitation or more. Breaks in the line shall be immediately repaired to prevent siltation into the wetlands. Additional erosion controls shall be available on site for such repairs.

24. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass (conservation mix) shall be established to prevent erosion. Once final grading is completed, loaming and seeding of each area shall be completed promptly. Vegetative cover, either temporary or permanent, shall be established prior to winter. If the season is not appropriate for plant growth, exposed soils shall be stabilized with jute netting, staked mulches, or other U. S. Natural Resource Conservation Service methods.
25. The limit of work shall be the erosion control devices beyond which no work may occur. The MCC reserves the right to require additional erosion controls and storm damage prevention measures at any time if it deems necessary.
26. The contractor or responsible party shall have an appropriately sized spill containment kit on site whenever vehicles or mechanized equipment is operating or present. The kit shall be sized to accommodate the total volume of fluids in the largest piece of equipment present. Appropriately trained personnel shall also be present and have access to this material. The contractor or responsible party shall be required to have additional absorbent materials (pads) and additional length of boom on site.
27. Equipment fuel storage and refueling and lubrication operations shall be situated least 100 feet from any wetland resource area.
28. Heavy equipment shall be stored in an upland area at least 100 feet from any wetland resource area when not in use or overnight.
29. Absolutely no washing of trucks or other equipment shall take place within 100 feet of the resource areas.
30. Only clean fill may be used in connection with this project. Any fill used in connection with this project shall not contain trash, refuse, rubbish, or debris, including but not limited to lumber, brick, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
31. Any excavated materials resulting from the work shall be moved outside the 100 foot buffer zone at the end of each day.
32. Stockpiled earth and other materials or debris shall be located outside of the 100 foot buffer zone of the resource areas(s).
33. All stumps, brush, and debris shall be removed from the site, including existing and construction debris. This material shall be disposed of promptly and properly at an off-site facility licensed to receive the material. Records as to the destination of all materials including stumps, brush, and excess fill shall be kept and supplied to the Commission if requested.
34. Any refuse material generated through the project construction will be removed to an approved landfill, and in no case will these materials be allowed to be buried or disposed of on site or on abutting property. REMOVAL MUST BE DONE WEEKLY DURING THE CONSTRUCTION PHASE OF THE PROJECT. REFUSE MUST NOT BE ALLOWED TO ENTER ANY WETLAND AREAS.
35. No blasting shall be permitted under this Order of Conditions. If it is discovered during the course of work that blasting will be necessary, the applicant shall file for an Amended Order of Conditions with plans and evidence describing the blasting activities.
36. If weather conditions cause the terrain to be excessively soft, the MCC may halt work until dry conditions permit work to continue without excessive churning of the soil.

E. Post Project

37. After the completion of construction, the applicant shall submit the following to the MCC:

- a. A completed Request for a Certificate of Compliance – WPA form 8A.
- b. A letter from a Registered Professional Engineer certifying compliance of the project with this Order of Conditions, and detailing any deviations that exist and their potential effect on the project. **A statement that the work is in “substantial compliance” with no detailing of the deviations shall not be accepted.**
- c. An “As-Built” plans stamped and signed by a Registered Professional Engineer or Land Surveyor showing post-construction conditions. This plan shall note any deviations from the Approved Plans and include at a minimum:
 1. All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 2. Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 3. Distances from any structures constructed under this Order to wetland resource areas - “structures” include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 4. Wetland resource replication areas constructed under this order.
- d. Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

F. Perpetual Conditions The following conditions shall run with the land and be binding in perpetuity on all successors in title and assigns of the applicant; they are ongoing and do not end upon completion of this project or the issuance of a Certificate of Compliance; they shall be the responsibility of the owner of record of this property.

38. Additional Alteration Prohibited: There shall be no additional alterations of the jurisdictional buffers and resource areas without express permission from the MCC through a Request of Determination of Applicability or a Notice of Intent application. This condition shall survive the expiration of this Order and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
39. Routine road maintenance shall be consistent with and incorporated into the Town of Manchester’s Road Maintenance Plan. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.