



Town Hall and Fire Department
Generator Installation Project
Town of Manchester by the Sea, Massachusetts

ADDENDUM #1

Date of Addendum 1: April 2, 2025

Bid Due Date: April 22, 2025 @ 11:00AM EST

Please see the clarifications below:

- Attached is the Order of Conditions issued by the MBTS Conservation Commission for the project.
- Attached is the DEP Minor Project Modification to a Project Exempt per 310 CMR 9.05(3)(c) for the proposed work at 12 School St – Fire Department.
- Attached is the DEP Minor Project Modification to a Project Exempt per 310 CMR 9.05(3)(c) for the proposed work at 10 Central St – Town Hall.

YOU MUST ACKNOWLEDGE THIS ADDENDUM IN YOUR SUBMISSION



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

Provided by MassDEP:
MassDEP File #:039-0914
eDEP Transaction
#:1742402
City/Town:MANCHESTER

A. General Information

1. Conservation Commission MANCHESTER
2. Issuance a. ☒ OOC b. ☐ Amended OOC
3. Applicant Details
- a. First Name NATE b. Last Name DESROSIERS
- c. Organization TOWN OF MANCHESTER-BY-THE-SEA
- d. Mailing Address 10 CENTRAL STREET
- e. City/Town MANCHESTER f. State MA g. Zip Code 01944
4. Property Owner
- a. First Name NATE b. Last Name DESROSIERS
- c. Organization TOWN OF MANCHESTER-BY-THE-SEA
- d. Mailing Address 10 CENTRAL STREET
- e. City/Town MANCHESTER f. State MA g. Zip Code 01944
5. Project Location
- a. Street Address 10 CENTRAL STREET AND 12 SCHOOL STREET
- b. City/Town MANCHESTER c. Zip Code 01944
- d. Assessors 45; 53 e. Parcel/Lot# 0 23; 0 36
- Map/Plat#
- f. Latitude 42.57483N g. Longitude 70.77233W
6. Property recorded at the Registry of Deed for:
- | a. County | b. Certificate | c. Book | d. Page |
|----------------|----------------|---------|---------|
| SOUTHERN ESSEX | | N/A | N/A |
7. Dates
- a. Date NOI Filed : 5/1/2024 b. Date Public Hearing Closed: 5/28/2024 c. Date Of Issuance: 6/17/2024
8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

ELEVATED
GENERATOR
PLATFORMS AT
TOWN HALL AND
FIRE
DEPARTMENT

FUSS & O'NEILL N/A April 2024 VARIES

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

Approved subject to:

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

Denied because:

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

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

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </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 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>	<u> </u>		



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	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>300</u>	<u>300</u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u>300</u>	<u>300</u>	<u>0</u>	<u>0</u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	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	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		

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21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>400</u>	<u>400</u>
	a. square feet	b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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



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

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

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "039-0914"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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



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- treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
 - d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
 - e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
 - f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
 - g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
 - h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.



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

Special Conditions:

SEE ATTACHED CONDITIONS



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

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

1. Municipal Ordinance or Bylaw _____
MANCHESTER
WETLANDS
BYLAW

2. Citation CHAPTER XVII

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

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED CONDITIONS



Massachusetts Department of Environmental Protection

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E. Signatures

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

6/17/2024

1. Date of Original Order

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

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2. Number of Signers

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

Signatures:

David Lumsden

Olga Hayes

Sarah Oseasohn

Stephen Gang

Jeffery Bodmer-Turner

Gordon Turner

Henry Oettinger

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

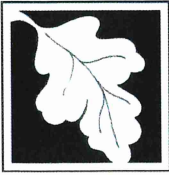
The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding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

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

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

G. Recording Information

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



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39-0914

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eDEP Transaction #

Manchester

City/Town

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.

June 17, 2024

1. 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.

7

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 5/5/2020, 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.

/Olga Hayes/

Signature

/David Lumsden/

Signature

/Jeffery Bodmer-Turner/

Signature

/Henry Oettinger/

Signature

/Stephen Gang/

Signature

/Gordon Turner/

Signature

/Sari Oseasohn/

Signature

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

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

June 17, 2024

Date

Date



**Massachusetts Department of Environmental
Protection**

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subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

MANCHESTER

Conservation Commission

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

To:

MANCHESTER

Conservation Commission

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

10 CENTRAL STREET AND 12 SCHOOL STREET

Project Location

039-0914

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner NATE DESROSIERS

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Rev. 4/1/2010

Manchester Conservation Commission

10 Central Street and 12 School Street Standard and Special Conditions Order of Conditions (DEP File #039-0914)

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

DEP File:	#39-0914
Applicant/Owner:	Town of Manchester
Project Location:	10 Central Street and 12 School Street Maps: 45; 53 Lots: 0-23; 0-36
Project Description:	Installation of elevated generator units at the Town Hall and Fire Station
Summary of Permitted Activities:	<ul style="list-style-type: none">Construction of new elevated generator platforms
Approved Plans and Documents	<ul style="list-style-type: none">"Fire House Generator Aerial" prepared for Town of Manchester by Fuss & O'Neill; last revision dated April 2024, signed and stamped by N/A; scale 1/8" = 1'; 1 Sheet S0.1."Town Hall Generator Aerial" prepared for Town of Manchester by Fuss & O'Neill; last revision dated April 2024, signed and stamped by N/A; scale 1/8" = 1'; 1 Sheet S0.2."Fire House Generator Pad Details" prepared for Town of Manchester by Fuss & O'Neill; last revision dated April 2024, signed and stamped by N/A; scale 3/4" = 1'; 1 Sheet S1.0."Town Hall Generator Pad Details" prepared for Town of Manchester by Fuss & O'Neill; last revision dated April 2024, signed and stamped by N/A; scale 3/4" = 1'; 1 Sheet S1.1.

Findings

- 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:
 - Riverfront Area (total of 300 sf)
 - Land Subject to Coastal Storm Flowage (400 sf)
 - 50-foot No Build Zone as protected under the By-LawThe project is not known to be within or adjacent to Estimated Habitat of rare or endangered species.
- The wetland depictions appearing on the Approved Plan(s) are confirmed for this project only and shall be reconfirmed and/or re-delineated for subsequent filings.
- The project as permitted allows (400 sf) alteration in Land Subject to Coastal Storm Flowage.
- The MCC finds that the BVW and its Buffer Zone 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. Groundwater supply
- b. Flood control
- c. Storm Damage Prevention;
- d. Prevention of Pollution;
- e. Fisheries
- f. Land Containing Shellfish
- g. 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 the following:
 - a. Installation of two elevated generator pads in the 50-foot No Build Zone;

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 that would have a materially less Significant Immediate or Cumulative Adverse Impact to the Resource Area in the No Build Zone.
- b. There is no other alternative location that would accomplish the project purpose.

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 is 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 the commencement of any activities subject to the Order of Conditions.**
12. Prior to the commencement of work:
 - a) Erosion controls (filter sock) shall be installed per the Approved Plan. The filter sock shall consist of biodegradable materials only.
 - b) The applicant or owner shall provide the name, address, and phone number of a contact person responsible for compliance with this Order.

c) 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 #39-0914**”, 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. In case of a major storm event, the site shall be secured beforehand in such a way to protect Sawmill Brook, 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 brook.
15. No fertilizers shall be applied within the 30-foot No Disturb Zone or 50-foot No Build Zone with the exception of the minimum amount of organic material required to establish the mitigation plantings or to reestablish grass on areas that were disturbed as a result of work associated with this project.
16. These conditions shall survive in perpetuity beyond the issuance of a Certificate of Compliance (Conditions 14-16).
17. Disturbed soils will be re-seeded as soon as possible.
18. Open trenches will be protected from erosion during storm events, and/or backfilled at the end of the workday.
19. Construction debris (including any spilled concrete) will be disposed of off-site.
20. Excavation/concrete pad will be done either by hand or small excavator.
21. An annual inspection report shall be forwarded to the Conservation Commission regarding the integrity of the fuel tank.
22. Prior to construction, the applicant shall provide a standard operating procedure/plan for the containment of a potential spill specifying materials, methods of containment, and other spill protocols.

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 at 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. 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.
40. Only slow-release organic granular-type fertilizers shall be used within the wetland buffer zone. This condition shall survive the expiration of this Order and shall be included as a continuing condition in
41. The use of de-icing chemicals (such as sodium chloride, potassium chloride, or any other chemicals) shall be limited to the amount necessary to maintain public safety. The Applicant shall assume the responsibility of informing any snow removal contractors working on the property of this requirement.
42. Any issues which arise at any time affecting the function of any of the Stormwater Management components, including the subsurface infiltration systems, shall be addressed immediately by the property owner at his or her sole expense.
43. No pesticides or herbicides shall be used within 100 feet of the resource areas.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

July 11, 2024

Town of Manchester-by-the-Sea c/o Nate Desrosiers
c/o Samantha Dow, Fuss & O'Neill
1550 Main Street, Suite 400
Springfield, MA 01103

RE: 24-WWAR-0048- APP

Minor Project Modification to a Project Exempt per 310 CMR 9.05(3)(c)
12 School Street (Town Fire Department), Filled Tidelands of Sawmill Brook (Central Pond), Manchester-by-the-Sea, Essex County

Dear Ms. Dow,

The Massachusetts Department of Environmental Protection Waterways Regulation Program (the "Department") received your letter, dated June 21, 2024, on behalf of the Town of Manchester-by-the-Sea (the "Applicant"), seeking approval as a Minor Project Modification pursuant to 310 CMR 9.22(3) for the reconstruction and elevation of a concrete pad supporting a backup generator located on Filled Tidelands of Sawmill Brook (Central Pond) at 12 School Street (Town Fire Department) in the Town of Manchester-by-the-Sea, Essex County (the "project site" or "licensed site"). This request included the following materials:

- Letter in support of a Minor Project Modification, signed by Alex Maxwell, Project Manager and Senior Environmental Planner of Fuss & O'Neill, dated June 21, 2024
- Design Plans titled "*Elevated Generator Platforms at Town Hall and Fire Department*" including a Fire House Generator Aerial illustrating the location of the concrete pad and generator; and generator pad details showing the specifications of the proposed pad; prepared by Fuss & O'Neill, 3 sheets, dated April 2024, not sealed;
- Notice of Intent filled with the Manchester-by-the-Sea Conservation Commission titled "*Elevated Generator Platforms at Town Hall and Fire Department*", dated May 1, 2024, prepared by Fuss & O'Neill;
- Order of Conditions (DEP File #039-0914) issued by the Manchester-by-the-Sea Conservation Commission on June 17, 2024;
- Property card of the Town Fire Department; and

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

- An email from Samantha Dow, Water Resources and Climate Resilience Specialist at Fuss & O'Neil, dated June 28, 2024, documenting the history of the Town Fire Department and generator pad

Regulatory Review

The proposed alteration is limited to reconstruction and elevating an existing concrete pad supporting a backup generator serving the Town Fire Department from the current elevation 8 feet (NAVD 88) to a proposed elevation of 13 feet (NAVD 88), corresponding to the predicted 1% annual probability storm, the so-called 100-year storm in 2070. The modifications are proposed to (i) enhance the resiliency of critical public infrastructure in the downtown and inner harbor area, and (ii) implement an element of the Manchester by-the-Sea Coastal Vulnerability Action Plan. The proposed work is limited to alteration of approximately 300 square feet of filled tidelands, consisting of the existing generator pad and areas of maintained lawn. Disturbed areas will be restored to existing conditions following replacement of the generator pad.

The proposed Project is limited to Town-owned land and facilities. The existing backup generator is a “*Public Service Project*”, as defined in 310 CMR 9.02. The Town Fire Department dates to 1974. No records were identified that indicate when the generator platform was installed at the Town Fire Department; however, representatives from the Town’s Department of Public Works estimated that it was installed by the late-1990s. While the concrete pad and backup generator is thought to have been installed after January 1, 1984, this addition to the Fire Department building represents an insignificant deviation to the footprint of the facility.

Conclusion

Based on the collective representations made by the Applicant, as supported by the materials referenced above, the Department finds that the continued use of the unlicensed generator pad is exempt from licensing pursuant to 310 CMR 9.05(3)(c). No new license is required for the existing generator pad.

The proposed modifications will be confined to the footprint of the existing historic fill and represent an insignificant deviation in terms of size, configuration, materials, and other relevant design or fabrication parameters of the existing conditions and the work will have no negative impact on the navigable waterway. The Department determines that the work, as proposed, complies with the Minor Project Modification standards pursuant to 310 CMR 9.22(3)(a) and does not require a new License or Amendment. The work approved herein is depicted on the attached plans.

The Department will place this letter and the referenced submissions into file. The proposed modifications must conform to and be consistent with all submitted documentation. Please be advised that this Departmental action does not relieve or exempt you of the requirement to obtain all other applicable local, State, and/or Federal authorizations necessary to perform said activities.

24-WWAR-0048-APP

Minor Project Modification to a Project exempt per 310 CMR 9.05(3)(c)

12 School Street (Town Fire Department), Sawmill Brook (Central Pond), Manchester-by-the-Sea, Essex County

Should you have any other questions, please contact the Waterways Regulation Program at dep.waterways@mass.gov. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Padien", with a stylized flourish at the end.

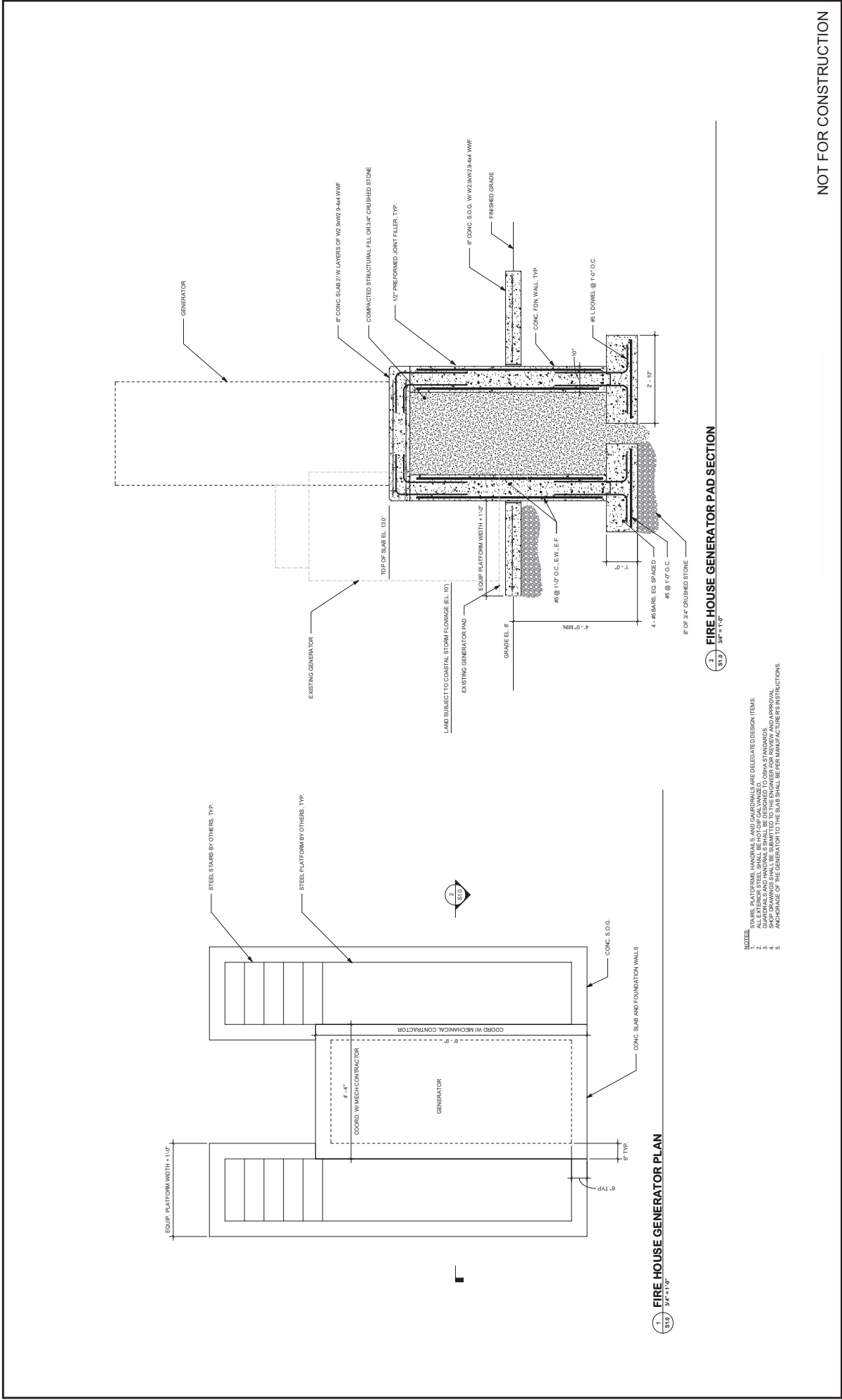
Daniel J. Padien

Program Chief

Waterways Regulation Program

cc: Manchester-by-the-Sea Conservation Commission
Manchester-by-the-Sea Harbormaster
Town of Manchester-by-the-Sea c/o Nate Desrosiers
Alex Maxwell, Fuss & O'Neill

encl: Project plan (3 sheets)



DATE		PROJECT NO.		DATE		PROJECT NO.		DATE		PROJECT NO.	
JUNE 2024		20240601		JUNE 2024		20240601		JUNE 2024		20240601	
THE TOWN OF MANCHESTER-BY-THE-SEA		FIRE HOUSE GENERATOR PAD DETAILS		ELEVATED GENERATOR PLATFORMS AT TOWN HALL AND FIRE DEPARTMENT MASSACHUSETTS		MANCHESTER-BY-THE-SEA		MANCHESTER-BY-THE-SEA		MANCHESTER-BY-THE-SEA	
FUSSELL & O'NEILL		FUSSELL & O'NEILL		FUSSELL & O'NEILL		FUSSELL & O'NEILL		FUSSELL & O'NEILL		FUSSELL & O'NEILL	
100 NICHOLS STREET		100 NICHOLS STREET		100 NICHOLS STREET		100 NICHOLS STREET		100 NICHOLS STREET		100 NICHOLS STREET	
603.524.4655		603.524.4655		603.524.4655		603.524.4655		603.524.4655		603.524.4655	
www.fusello.com		www.fusello.com		www.fusello.com		www.fusello.com		www.fusello.com		www.fusello.com	
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DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
SHEET NO.		SHEET NO.		SHEET NO.		SHEET NO.		SHEET NO.		SHEET NO.	
DATE		DATE		DATE		DATE		DATE		DATE	

S1.0

NOT FOR CONSTRUCTION



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

July 11, 2024

Town of Manchester-by-the-Sea c/o Nate Desrosiers
c/o Samantha Dow, Fuss & O'Neill
1550 Main Street, Suite 400
Springfield, MA 01103

RE: 24-WWAR-0047- APP

Minor Project Modification to a Project Exempt per 310 CMR 9.05(3)(c)
10 Central Street (Town Hall), Filled Tidelands of Sawmill Brook (Central Pond),
Manchester-by-the-Sea, Essex County

Dear Ms. Dow,

The Massachusetts Department of Environmental Protection Waterways Regulation Program (the "Department") received your letter, dated June 21, 2024, on behalf of the Town of Manchester-by-the-Sea (the "Applicant"), seeking approval as a Minor Project Modification pursuant to 310 CMR 9.22(3) for the reconstruction and elevation of an existing concrete pad supporting a backup generator on Filled Tidelands of Sawmill Brook (Central Pond) at 10 Central Street (Town Hall) in the Town of Manchester-by-the-Sea, Essex County (the "project site" or "licensed site"). This request included:

- Letter in support of a Minor Project Modification, signed by Alex Maxwell, Project Manager and Senior Environmental Planner of Fuss & O'Neill, dated June 21, 2024
- Design Plans titled "*Elevated Generator Platforms at Town Hall and Fire Department*" including a Town Hall Generator Aerial illustrating the location of the concrete pad and generator; and generator pad details showing the specifications of the pad; prepared by Fuss & O'Neill, 3 sheets, dated April 2024, not sealed;
- Notice of Intent filed with the Manchester-by-the-Sea Conservation Commission titled "*Elevated Generator Platforms at Town Hall and Fire Department*", dated May 1, 2024, prepared by Fuss & O'Neill;
- Order of Conditions (DEP File #039-0914) issued by the Manchester-by-the-Sea Conservation Commission on June 17, 2024;
- Property card of the Town Hall, and

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

- An email from Samantha Dow, Water Resources and Climate Resilience Specialist at Fuss & O’Neil, dated June 28, 2024, documenting the history of the Town Hall and generator pad.

Regulatory Review

The proposed alteration is limited to elevating an existing concrete pad supporting a backup generator serving Town Hall from elevation of 9 feet (NAVD88) to a proposed elevation of 13 feet NAVD88, corresponding to the predicted 1% annual occurrence storm (the so-called 100-year in 2070 as reported in the Massachusetts Coastal Flood Risk Model (MC-FRM)). The modifications are proposed to (i) enhance the resiliency of critical infrastructure in the downtown and inner harbor area and to (ii) implement an element of the Manchester by-the-Sea Coastal Vulnerability Action Plan. The proposed work is limited to alteration of approximately 400 square feet of previously filled tidelands. No impacts to Sawmill Brook/Central Pond are proposed or anticipated. Disturbed areas will be restored to existing conditions following replacement of the generator pad.

The proposed Project is limited to Town-owned land and facilities. The existing backup generator is a “*Public Service Project*”, as defined in 310 CMR 9.02. The Town Hall dates to 1896. No records were identified that indicate when the generator platform was installed; however, representatives from the Town’s Department of Public Works estimated it was in the mid-1990s. While the concrete pad and generator are thought to be installed after January 1, 1984, the addition of these structures represent an insignificant deviation to the exempt Town Hall facility.

Conclusion

Based on the collective representations made by the applicant, as supported by the materials referenced above, the Department finds that the continued use of the unlicensed generator pad is exempt from licensing pursuant to 310 CMR 9.05(3)(c). No new license is required for the existing generator pad.

The proposed modifications will be confined to the footprint of the existing historic fill and represents an insignificant deviation in terms of size, configuration, materials, and other relevant design or fabrication parameters of the existing conditions and the work will have no negative impact on the navigable waterway. The Department determines that the work, as proposed, complies with the Minor Project Modification standards pursuant to 310 CMR 9.22(3)(a) and does not require a new License or Amendment. The work approved herein is depicted on the attached plans.

The Department will place this letter and the referenced submissions into file. The proposed modifications must conform to and be consistent with all submitted documentation. Please be advised that this Departmental action does not relieve or exempt you of the requirement to obtain all other applicable local, State, and/or Federal authorizations necessary to perform said activities.

24-WWAR-0047-APP

Minor Project Modification to a Project exempt per 310 CMR 9.05(3)(c)

10 Central Street (Town Hall), Sawmill Brook (Central Pond), Manchester-by-the-Sea, Essex County

Should you have any other questions, please contact the Waterways Regulation Program at dep.waterways@mass.gov. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel J. Padien". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel J. Padien

Program Chief

Waterways Regulation Program

cc: Manchester-by-the-Sea Conservation Commission
Manchester-by-the-Sea Harbormaster
Town of Manchester-by-the-Sea c/o Nate Desrosiers
Alex Maxwell, Fuss & O'Neill

encl: Project plan (3 sheets)



2
E0.2




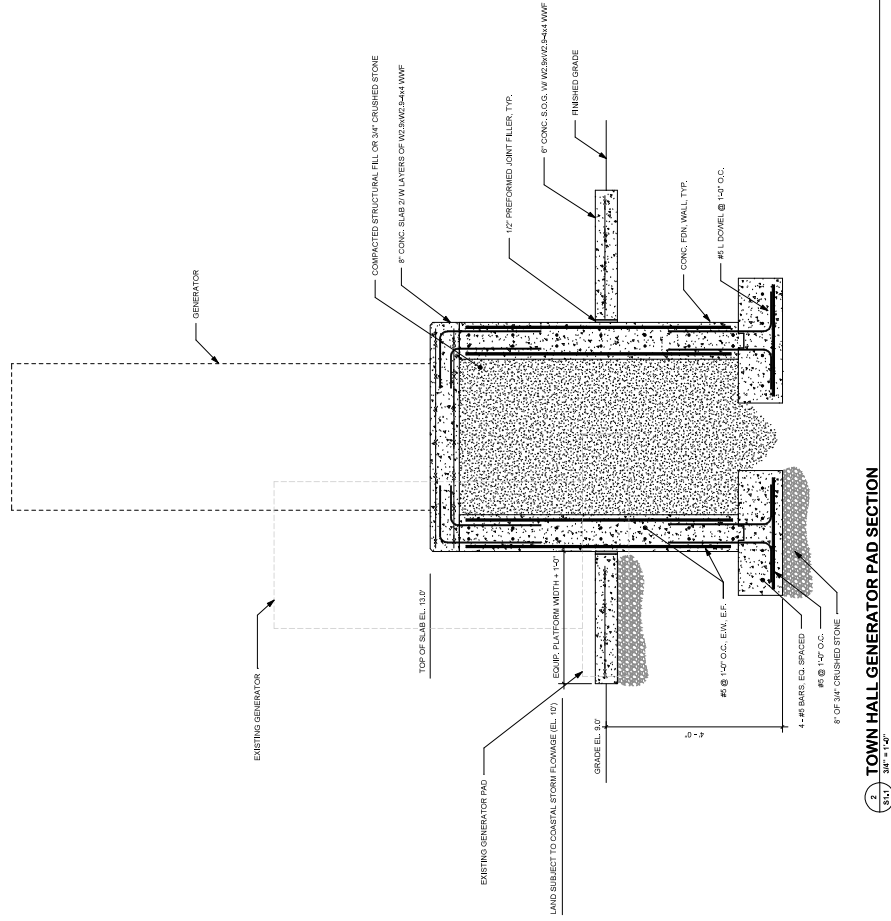
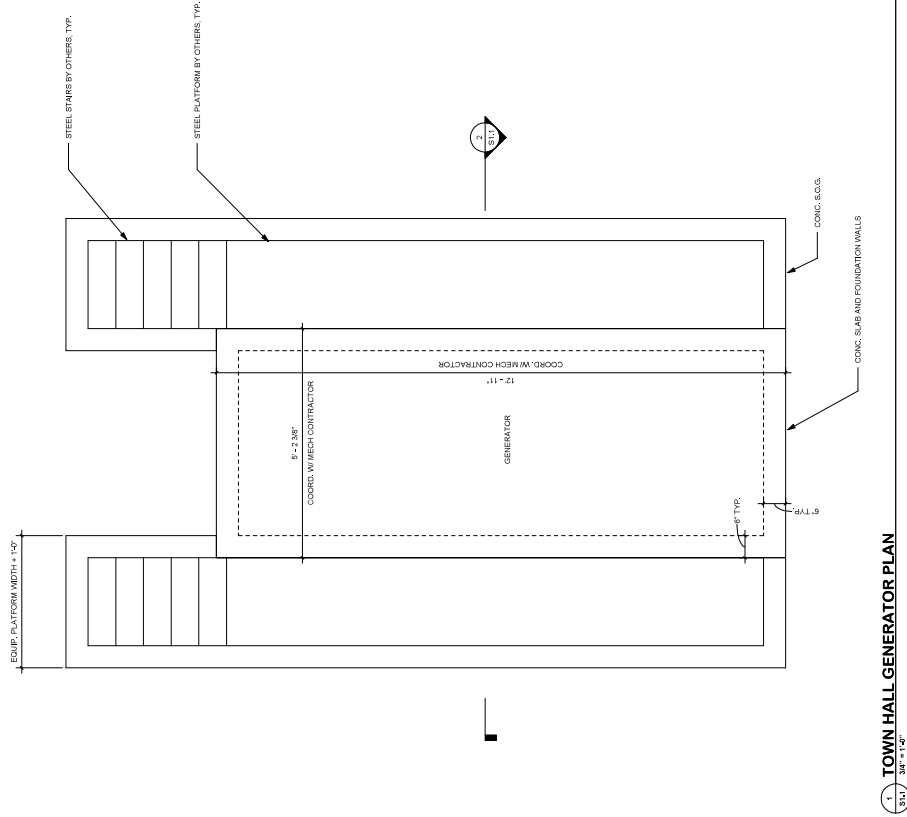
FUSS & O'NEILL
130 HUGH STREET
BOSTON, MA 02110
617.262.4675
www.fodoss.com

THE TOWN OF MANCHESTER-BY-THE-SEA
EXISTING TOWN HALL GENERATOR AERIAL
ELEVATED GENERATOR PLATFORMS AT TOWN HALL AND
FIRE DEPARTMENT
MANCHESTER-BY-THE-SEA
MASSACHUSETTS



1. TOWN HALL GENERATOR AERIAL
1/8" = 1'-0"


PROJ. NO. 202008-011 DATE JUNE 2021	THE TOWN OF MANCHESTER-BY-THE-SEA TOWN HALL GENERATOR AERIAL ELEVATED GENERATOR PLATFORMS AT TOWN HALL AND MANCHESTER-BY-THE-SEA FIRE DEPARTMENT MASSACHUSETTS	 FUSS & O'NEILL 150 HIGHLAND STREET BOSTON, MA 02110 www.foss-on.com	SCALE: 1/8" = 1'-0"		GRAPHIC SCALE	DESIGNER	REVIEWER	DATE	DESCRIPTION
			VERT. SCALE	VERT. SCALE					
<div>S0.2</div>									



NOTES:

1. STAIRS, PLATFORMS, HANDRAILS, AND GAUDDRAILS ARE DELEGATED DESIGN ITEMS.
2. ALL EXTERIOR STEEL SHALL BE HOT-DIP GALVANIZED.
3. GAUDDRAILS AND HANDRAILS SHALL BE DESIGNED TO OSHA STANDARDS.
4. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL.
5. ANCHORAGE OF THE GENERATOR TO THE SLAB SHALL BE PER MANUFACTURER'S INSTRUCTIONS.

NOT FOR CONSTRUCTION

<div> <div>PROJ. NO.: 2020BRS-AT1</div> <div>DATE: JUNE 2024</div> </div>		<div> <div>THE TOWN OF MANCHESTER-BY-THE-SEA</div> <div>TOWN HALL GENERATOR PAD DETAILS</div> <div>ELEVATED GENERATOR PLATFORMS AT TOWN HALL AND MANCHESTER-BY-THE-SEA FIRE DEPARTMENT MASSACHUSETTS</div> </div>		<div> <div>  <div> <div>FUSS & O'NEILL</div> <div> <div>190 NEW STREET</div> <div>ROSLINDALE, MA 02130</div> <div>617.264.7672</div> <div>www.fuss-on.com</div> </div> </div> </div> </div>		<div> <div>SCALE: 3/4" = 1'-0"</div> <div> <div>HORIZ.</div> <div>VERT.</div> <div>DATUM</div> <div>HORIZ.</div> <div>VERT.</div> </div> </div>		<div> <div>GRAPHIC SCALE</div> </div>		<div> <div>SEAL</div> </div>		<div> <div>SEAL</div> </div>		<div> <div>DATE: 06/10/24</div> <div>BY: [signature]</div> </div>		<div> <div>DATE: 06/10/24</div> <div>BY: [signature]</div> </div>	
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