

**ORIGINAL**



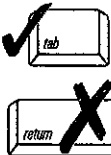
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE 13-1337  
MassDEP File # \_\_\_\_\_  
eDEP Transaction # \_\_\_\_\_  
Cohasset  
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: Cohasset (NOI 21-16)  
Conservation Commission

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

3. To: Applicant:  
Brian Crumley  
a. First Name      b. Last Name

137 Nichols Road  
c. Organization  
d. Mailing Address  
Cohasset MA 02025  
e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
Minot Partners, LLC  
a. First Name      b. Last Name

Univ. Cntr. 1, S.Univ. Dr, Ste. 501  
c. Organization  
d. Mailing Address  
Fort Worth TX 76129  
e. City/Town      f. State      g. Zip Code

5. Project Location:  
137 Nichols Road  
a. Street Address      b. City/Town  
21 03  
c. Assessors Map/Plat Number      d. Parcel/Lot Number

Latitude and Longitude, if known:                                          
d. Latitude      e. Longitude



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### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Norfolk

a. County

30501

c. Book

b. Certificate Number (if registered land)

2

d. Page

7. Dates: 03/22/2021 04/08/2021 04/20/2021  
 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):

"Dock Plan, 137 Nichols Road"

a. Plan Title

Cavanaro Consulting

b. Prepared By

04/14/2021

d. Final Revision Date

John Cavanaro, P.E.

c. Signed and Stamped by

1"=10'

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.



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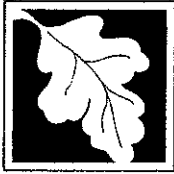
**B. Findings (cont.)**

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	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	3 a. square feet _____	3 b. square feet _____	0 c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding Cubic Feet Flood Storage	a. square feet _____ e. cubic feet _____	b. square feet _____ f. cubic feet _____	c. square feet _____ g. cubic feet _____	d. square feet _____ h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage	a. square feet _____ c. cubic feet _____	b. square feet _____ d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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 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. <sup>cu yd</sup> nourishment _____	d. <sup>cu yd</sup> nourishment _____
14. <input type="checkbox"/> Coastal Dunes	a. square feet _____	b. square feet _____	c. <sup>cu yd</sup> nourishment _____	d. <sup>cu yd</sup> nourishment _____
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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	10 a. square feet _____	10 b. square feet _____		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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## B. Findings (cont.)

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

### The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on April 20, 2024 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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**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            SE 13-1337 "
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):

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.



**Massachusetts Department of Environmental Protection**  
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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 Cohasset Conservation Commission hereby finds (check one that applies):

- 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:

Cohasset Wetlands Bylaw  
 1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

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

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Special Conditions # 21 - 51



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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.

04/20/2021

1. Date of issuance

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

One

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.

These signatures are made in accordance with M.G.L. c.110G and pursuant to the board's electronic or wet ink signature authorization vote recorded on October 20, 2020 in Bk. 38493 and Pg. 480 at the Norfolk Registry of Deeds.

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Jeffrey Summers, Conservation Agent

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

04/20/2021

CM # 7020 1290 0000 4218 8194



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## F. Appeals

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

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

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



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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.

Cohasset  
 Conservation Commission

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

To:

Cohasset  
 Conservation Commission

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

137 Nichols Road  
 Project Location

SE 13-1337  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk  
 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**

SE 13-1337

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**  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

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

DEP File Number:

SE 13-1337

Provided by DEP

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**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.

## SPECIAL CONDITIONS FOR ORDERS OF CONDITIONS

Applicant: Brian Crumley for work at 137 Nichols Road

DEP FILE # SE 13-1337

Town of Cohasset Conservation Commission NOI #21-16

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21. With reference to General Condition No. 9 above, no building permit shall be issued, and no work shall be undertaken until the final order has been recorded in the Registry of Deeds for the County of Norfolk within the chain of title of the affected property. The recorded information shall be stamped and submitted to the Cohasset Conservation Commission (CCC) on the form at the end of this Order prior to the commencement of any work.
22. In addition to this Order being recorded pursuant to Condition No. 21, reference to this Order shall be made in all subsequent deeds of property and in all deeds of any lots subdivided from the property.
23. With respect to General Condition No. 10 above, the sign bearing the Massachusetts DEP File Number shall not be attached to any living tree. The sign shall be placed so that it is clearly visible from a public right-of-way and the sign shall remain in place until the project is completed.
24. If any change(s) are made to the above-described plan, unless specified otherwise in this Order, which will alter an area subject to protection under the Wetlands Protection Act or the Cohasset Wetlands Bylaw, or if any change(s) are proposed in activities subject to regulation under MGL Chapter 131, Section 40 or the Cohasset Wetlands Bylaw, the Applicant shall make written inquiry to the CCC, prior to commencement of work, whether or not the changes are significant enough to require further CCC review or the filing of a new Notice of Intent.
25. The contractor(s) responsible for the project's completion shall be notified of and shall be held accountable to the requirements of this Order. A copy of this Order, the Notice of Intent, plans, and all supporting exhibits shall be retained on-site while activities regulated by this Order are being performed.
26. No construction related materials, or any other type of materials shall be buried within 100 feet of any wetland.
27. The Applicant and the project contractor must contact the CCC at least 48 hours prior to the commencement of approved activities described in the application.
28. All approved temporary erosion/sedimentation controls must be completely and properly installed before the commencement of approved activities at the site. The erosion controls must be inspected daily and maintained or replaced, as necessary. The Applicant must notify the CCC in writing to request an inspection of the erosion controls prior to the commencement of approved activities and photographs of the installed erosion controls must be submitted to the CCC. Erosion controls must be maintained at the site.
29. Any excess excavated soils or other materials must be removed to an upland (non-wetland) area and outside of all protected resource areas.
30. All disturbed soils at this site must be loamed and seeded to establish permanent ground cover, to avoid potential erosion at the site. All disturbed or exposed soils shall be temporarily stabilized after each workday with hay, straw, or mulch.



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31. Only site alterations as approved in writing by the CCC on the approved site plan, "Dock Plan 137 Nichols Road," plan prepared by Cavanaro Consulting, John Cavanaro, P.E., shall be made. Original filings were received March 14, 2021. The revised and approved site plan is dated April 14, 2021.
  32. Only approved wetland areas and buffer zones are to be altered with this approval.
  33. The Applicant shall inform the CCC in writing of the name, address, business, and home telephone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this Order.
  34. All other required local, state, and federal permits must be obtained for this project, and these approvals must be submitted to the CCC.
  35. All construction or other approved activities must comply with the above referenced approved plans and this Order of Conditions. For any proposed change in the approved plans or in the work, the applicant shall file a new Notice of Intent or inquire, in writing, of the CCC whether the change is substantial enough to require a new Notice of Intent. No change in the plans or work activities, under this filing, is permissible without prior approval from the CCC.
  36. This document shall be included in all construction or work contracts and subcontracts dealing with the work proposed and shall supersede all other contract requirements where conflicts or discrepancies exist.
  37. No work activity, including the cutting of vegetation, shall take place in a wetland resource area or buffer zone other than that specifically allowed under this Order of Conditions. Alterations within the 100' buffer zone of a wetland must be minimized to the greatest extent possible and alterations within the 50' buffer zone must be avoided; neither is permissible without the prior approval of the CCC.
  38. Any damage to any wetland resource area or buffer zone because of the proposed work, or any other activities, shall be immediately mitigated and repaired. The applicant shall immediately notify the CCC of such damages and of the intended repair plan.
  39. All projects near designated Areas of Critical Environmental Concern, such as Straits Pond and Little Harbor, for example, must have additional protection measures to protect these environmentally sensitive wetland resource areas.
  40. No use of herbicides, pesticides, insecticides, or fertilizers are allowed within the 100' buffer zone to the resource area. Only low nitrogen fertilizers should be used in other locations outside of the 100' buffer zone at this site.
  41. All plantings associated with this project must survive three full growing seasons or be replaced by the Applicant and/or Owner.
  42. Comprehensive photographs of the construction or work area shall be submitted to the CCC before work activities commence. Comprehensive photographs of the construction or work area shall be submitted to the CCC after work activities are completed.

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43. An onsite meeting with the Conservation Agent is required with the project manager or engineer prior to the commencement of any construction, work activities, or alterations at this site.
  44. Any approved work in wetland resource areas should be done during low flow conditions. Any approved work within rivers and streams must be done during low flow conditions, and not immediately after any storm event.
  45. The CCC, in evaluation of this Notice of Intent submittal, has relied solely upon the data and representations made by the Applicant and his agents. Any discrepancies, error, or omissions discovered may result in revocation, suspension, or modification of this Order.
  46. This Order is to be reviewed by the supervising professionals with the Conservation Agent prior to implementation to avoid any conflict in interpretation.
  47. During the construction or other approved activities for this project, an on-site foreman, directing engineer, or designated construction manager shall have a copy of this Order and the approved plans referenced herein at the site, shall familiarize him/herself with all the conditions of this permit, and shall adhere to said conditions. The excavating subcontractor shall also have a copy of this Order at the site and shall familiarize him/herself with all the conditions of this permit and shall adhere to said conditions.
  48. Only physical alterations approved by the CCC are allowed within the 100' buffer zone and wetland resource areas within this subject property.
  49. When the project under this Order of Conditions for the Notice of Intent has been completed, the owner or representative shall immediately file a Request for a Certificate of Compliance on the Massachusetts Department of Environmental Protection, Wetlands Protection Act Form 8A (WPA Form 8A). The owner or representative shall submit two As-Built plans to the CCC upon completion of this project. The plans shall be marked "As-Built" and be signed by a Professional Engineer, Land Surveyor, Architect, or Landscape Architect registered in the Commonwealth of Massachusetts or other person authorized by the CCC, who shall certify that the work has been done in accordance with the approved plan and the Order of Conditions. These plans must be submitted prior to the issuance of a Certificate of Compliance by the CCC. The CCC or its Agent will conduct an inspection of the property to ensure compliance with the Order of Conditions prior to issuing a Certificate of Compliance.
  50. The owner or representative shall provide semiannual reports, in writing, to the CCC describing in detail the progress of the project. If the project is not completed by the date of expiration of this Order of Conditions, the owner or representative shall provide the CCC with a written explanation as to why this is the case.
  51. The limits of work line, or no disturbance line, must be installed prior to the commencement of any construction or other approved activities.