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:
81-1320
MassDEP File #

eDEP Transaction #

Weymouth
City/Town

A. General Information

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

1. From: Weymouth
Conservation Commission

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

3. To: Applicant:

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

a. First Name: b. Last Name:
Algonquin Gas Transmission LLC
c. Organization
890 Winter Street, Suite 300
d. Mailing Address
Waltham | MA | 02451
e. City/Town | f. State | g. Zip Code

4. Property Owner (if different from applicant):

a. First Name: b. Last Name:
Calpine Fore River Energy
c. Organization
P.O. Box 3288
d. Mailing Address
Huston | TX |
e. City/Town | f. State | g. Zip Code

5. Project Location:

82-90 Bridge Street | Weymouth
a. Street Address | b. City/Town
Map 6 | Block 63, Lot 3
c. Assessors Map/Plat Number | d. Parcel/Lot Number

Latitude and Longitude, if known: d m s | d m s
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
   b. Certificate Number (if registered land)
   34726
   c. Book
   482
   d. Page

7. Dates: 07/12/2024 a. Date Notice of Intent Filed; 08/27/2024 b. Date Public Hearing Closed; 09/05/2024 c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
   KING'S COVE - COASTAL RESTORATION PLAN82-90 BRIDGE STREET, WEYMOUTH NORFOLK COUNTY, MASSACHUSETTS
   VHB
   b. Prepared By
   Mark A Costa PE
   c. Signed and Stamped by
   07/10/2024
   d. Final Revision Date
   1"=20'
   e. Scale
   Notice of Intent: Kings Cove Conservation Restriction Area MCP Response Action
   07-11-2024
   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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ 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.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☒ Coastal Beaches	37105 a. square feet	37105 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☒ Coastal Banks	590 a. linear feet	590 b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☒ Land Containing Shellfish	37105 a. square feet	37105 b. square feet	c. square feet	d. square feet
20. ☐ 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. ☒ Land Subject to Coastal Storm Flowage	46385 a. square feet	46385 b. square feet		
22. ☐ 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 _____ 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 then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number 81-1320 "

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;

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 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.

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

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

See Conditions #22-48

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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Weymouth 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:
      Town of Weymouth Code of Ordinances, Chapter 7, Section 301
      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):

   Conditions #21-48

APPLICANT: Algonquin Gas Transmission, LLC
LOCATION: 82-90 Bridge St

DEP FILE #: 81-1320

Additional Findings

This Notice of Intent submitted by Algonquin Gas Transmission, LLC is to address contaminated and hazardous materials in accordance with the Massachusetts Contingency Plan (MCP) at the Kings Cove Conservation Restriction Area. The Kings Cove Conservation Area consists of the beach and shoreline of Kings Cove and includes a walking path. The area is owned by Calpine but under a Conservation Restriction held by the Weymouth Conservation Commission. The area contains contaminated fill from prior industrial activities on the site. The unarmored portion of the eroding coastal bank contains arsenic and lead and the beach contains elevated levels of Nickel and Vanadium.

The project involves dredging 630 cubic yards from the beach that contain Nickel and Vanadium. Contaminated sediment will be removed down to a depth of 12" and replaced with appropriately sized clean cobbles. The dredged material will be either disposed of offsite or placed behind the proposed revetment along the eroding bank. The 200 feet of eroding bank with arsenic and lead is proposed to be armored with a geotextile material and stone revetment to contain contaminated sediments. The proposed toe of slope for the new revetment will be further out than the existing to preserve existing vegetation on top the coastal bank and to provide some capacity for the fill removed from the beach. A cobble berm is proposed continuing from the dredge area to the toe of the new revetment.

This project is being approved as a limited project meeting the requirements under 310 CMR 10.24(7)(c)(6). This project does not meet the performance standards for wetland resource areas including Coastal Bank under the Wetland Protection Act and the Weymouth Wetland Protection Ordinance. A waiver to these performance is being granted under the limited project provision.

APPLICANT: Algonquin Gas Transmission, LLC
LOCATION: 82-90 Bridge St

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General Conditions

21. The Commission's actions on this project are taken under the Weymouth Code of Ordinances Chapter 7, subject to compliance with the conditions and limitations imposed herein, and any work authorized hereafter shall be completed within three (3) years from the date of issuance of this Order. This Order may be extended by the Weymouth Conservation Commission in accordance with Weymouth Code of Ordinances, Chapter 7, Section 301(k). A request for extension shall be made, in writing, not less than thirty (30) days before the expiration of this Order. An appeal of an Order issued under Weymouth Code of Ordinances Chapter 7, Section 301 may be taken in Superior Court.

22. No work may begin until the Commission has received certification from the Registry of Deeds or the Land Court or both, as appropriate, that this Order has been recorded in the line of title of the property.

23. A copy of this Order shall be kept on the work site at all times during construction. The applicant is responsible for providing a copy to all contractors and subcontractors, informing them of its requirements, and assuring that they comply with those requirements.

24. These Conditions are intended solely as a permit to perform work within areas of the Commission's jurisdiction, and nothing contained herein shall be construed as pre-empting or precluding any other bylaw, ordinance or local regulation.

25. Members and agents of the Commission have the right to enter and inspect the property, as per M.G.L. Ch. 131, §40, and Weymouth Town Code of Ordinances, Chapter 7, in order to evaluate and enforce compliance with this Order. The applicant shall submit data or information that the Commission deems necessary for that evaluation.

26. Before making any change in the project as designed in the plans listed above, with the exception of adding additional detail to make construction easier for the contractor, or as specified in this Order, the applicant shall inquire of the Commission, in writing, whether the change is so substantial as to require the filing of a new Notice, may be permitted as an amendment to this Order, or may be carried out under these Conditions as issued.

27. The Commission reserves the right to impose additional conditions or require the submission of additional information as necessary to protect the interests of the State and Local Wetland Protection Act.

Pre-Construction Conditions

28. All required local, state and federal permits shall be obtained before construction begins.

29. If construction drawings are prepared for the project that differ from the set of plans approved by the Commission under this Order, with the exception of adding additional detail to make construction easier for the contractor, the applicant shall provide the Commission with the drawings and a description of changes within the Commission's jurisdiction. If changes are proposed from the approved plans cited by this Order, the applicant shall notify the Commission and shall follow the procedures as described in Condition #26.

30. Prior to the start of work, the Applicant or Contractor shall provide the Commission with the name, business phone number, email address, and mailing address of the person responsible for ensuring on-site compliance with this Order, and his or her alternate. This person shall be the Environmental Monitor for the site and shall be given the authority to stop construction for erosion control or other environmental purposes.

31. Prior to the start of work, the Applicant and/or Contractor shall submit a construction sequence and anticipated schedule for major project elements.

32. Prior to the start of work, **the applicant and/or the project manager and the contractor shall meet on the site with the Conservation Administrator** to review the Order of Conditions issued for this project.

33. The Conservation Commission shall be notified 48 hours prior to the start of active work at the site.

Construction-Related Conditions

34. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include coffer dam sandbags, turbidity curtains as noted in the Notice of intent.

35. Erosion and sedimentation control measures shall be taken as described in the Notice of Intent and shall include turbidity curtains around the limits of beach excavation and a coffer dam around the revetment work.

36. Work in Coastal Wetland Resource Areas shall follow the narrative in the Notice of Intent, and include the following:

a. all work below Mean High Water to be completed during low tide conditions
b. all equipment to be removed from the beach at the close of work each day

37. Site entry and exit locations shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public roadway. Street sweeping shall be performed as needed to remove sediments that have entered the roadway.

38. A Time-of-Year (TOY) restriction for excavation of contaminated sediments from the beach and placement of clean cobble shall be observed from **May 1st – November 1st,** as recommended in the DMF review letter dated July 29th 2024.

39. As shown on the approved plan, clean cobble shall be placed between the revetment and sediment removal work to further contain residual slag on the shallow portions of the Coastal Beach. Replacement cobble shall be rounded and of similar size as that removed.

40. All work related to contaminated materials, including dewatering, shall be overseen by a licensed site professional (LSP) as specified in the Massachusetts Contingency Plan (310 CMR 40.0000).

41. Dewatering is anticipated for sediments removed from the beach. Dewatering shall be conducted in the location shown on the approved plan and shall be conducted in a manner that prevents discharge of turbid water to wetland resource areas.

42. All work areas, including site access areas, shall be stabilized and restored in accordance with the Notice of Intent and this Order of Conditions. Upland areas shall be loamed and seeded. If shrubs or trees are removed for this project they shall be replaced in kind or with an approved substitute, in consultation with the Conservation Administrator.

43. Measures shall be taken to ensure that work will not contribute to the spread of invasive plant species. Invasive plant species nearby the work area include the invasive plants: common reed (*Phragmites australis)* and Japanese knotweed (*Fallopia japonica).* If invasive plant species are within the limit of work, then the plants shall be cut at ground level and the plant material bagged and taken off site for disposal as solid waste. Upon completion of the project, the site shall be monitored and managed for invasive species for two years.

44. If unforeseen problems occur during construction which may affect the statutory interest of the Wetlands Protection Act or the Town of Weymouth's Wetlands Protection Ordinance, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an

immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity, resulting actions and timeframes shall be documented in writing.

45. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and either (a) loamed and seeded in accordance with USDA Soil Conservation Service Guidelines for permanent stabilization, or (b) stabilized in another way approved by the Conservation Commission. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures acceptable to the Commission.

46. Overnight storage and servicing of equipment (including, but not limited to, fueling, changing, adding or applying lubricants or hydraulic fluids) shall be done as far as possible from the delineated resource areas as shown on the plans referenced herein. Such equipment must be maintained to prevent leakage or discharge of pollutants. A spill kit shall be kept on site for response to accidental spills or leakage.

Post-Construction Conditions

47. Upon completion of the project, the project site shall be monitored for two years for the establishment native cover in disturbed areas, survival of any shrubs or trees planted and the management of invasive species. The applicant shall be eligible for a Final Certificate of Compliance after the two years and upon submission of a monitoring report from a wetland professional demonstrating compliance with this condition.

48. Upon completion of the project, the applicant shall request a Certificate of Compliance. The applicant may request a Partial Certificate of Compliance upon completion of any discrete phase of the project. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate. The request shall be accompanied by the following items:

    a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this Order of Conditions and setting forth what deviations exist, if any;

    b. Two sets of as-built site plans prepared by a registered professional engineer showing those activities for which the Certificate of Compliance is sought. The as-built plans shall include the location and elevations of major project elements including the sediment removal from the beach and stone revetment. The as-built plan shall provide sufficient detail of the

revetment, including toe of slope, cross-sections, and materials, to document compliance with the approved plan. Coastal wetland resource areas must also be shown on the final as-built plan.

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:
81-1320
MassDEP File #

eDEP Transaction #

Weymouth
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.

09/05/2024
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.

5
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.

Signature	Alexander Donovan Printed Name
Signature	Scott Dowd Printed Name
Signature	George Lorring Printed Name
Signature	Charles McCrosson Printed Name
Signature	Frank Singleton Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

09/05/2024
Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Weymouth
City/Town

F. Appeals

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

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

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

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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.

Weymouth
Conservation Commission

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

To:

Conservation Commission

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

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

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

Book | Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:

Provided by DEP

A. Request Information

1. Location of Project

a. Street Address | b. City/Town, Zip

c. Check number | d. Fee amount

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

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

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

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

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

4. DEP File Number:

B. Instructions

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

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

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:

Provided by DEP

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.