

**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:

SE35-1441

MassDEP File #

eDEP Transaction #

Hull

City/Town

**A. General Information**

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

1. From: Hull  
 Conservation Commission

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

3. To: Applicant:

Philip

a. First Name

Lemnios

b. Last Name

c. Organization

253 Atlantic Ave

d. Mailing Address

Hull

e. City/Town

MA

f. State

02145

g. Zip Code

4. Property Owner (if different from applicant):

Philip

a. First Name

Lemnios

b. Last Name

c. Organization

253 Atlantic Ave

d. Mailing Address

Hull

e. City/Town

MA

f. State

02145

g. Zip Code

5. Project Location:

Beach Ave, Phipps-R St

a. Street Address

Hull

b. City/Town

Map N/A

c. Assessors Map/Plat Number

Lot N/A

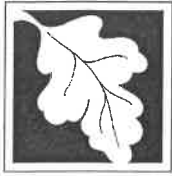
d. Parcel/Lot Number

Latitude and Longitude, if known:

          d          m          s            
 d. Latitude

          d          m          s            
 e. Longitude





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

Provided by MassDEP:  
 SE35-1441  
 MassDEP File #

eDEP Transaction #  
 Hull  
 City/Town

### A. General Information (cont.)

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

a. County	b. Certificate Number (if registered land)
N/A	N/A
c. Book	d. Page

7. Dates:
- |                                |                               |                     |
|--------------------------------|-------------------------------|---------------------|
| 09/11/2018                     | 10/23/2018                    | 10/24/2018          |
| 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):

See attached Special Conditions

a. Plan Title	b. Prepared By	c. Signed and Stamped by
d. Final Revision Date	e. Scale	
f. Additional Plan or Document Title	g. Date	

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



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

Provided by MassDEP:  
 SE35-1441  
 MassDEP File # \_\_\_\_\_

eDEP Transaction # \_\_\_\_\_  
 Hull  
 City/Town \_\_\_\_\_

**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 type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ 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	_____ 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. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet	_____ c. square feet	_____ d. square feet
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:  
SE35-1441  
MassDEP File #

eDEP Transaction #  
Hull  
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 checked="" type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	_____ portions of 4200	_____	_____ cu yd	_____ cu yd
		b. square feet	c. nourishment	d. 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 type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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

Provided by MassDEP:  
 SE35-1441  
 MassDEP File #

eDEP Transaction #  
 Hull  
 City/Town

## B. Findings (cont.)

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

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

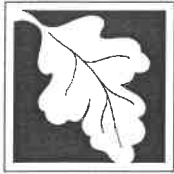
a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

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

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



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:

SE35-1441

MassDEP File #

eDEP Transaction #

Hull

City/Town

### 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            SE35-1441            "
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.



**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:

SE35-1441

MassDEP File #

eDEP Transaction #

Hull

City/Town

**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;



**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:  
 SE35-1441  
 MassDEP File #

eDEP Transaction #  
 Hull  
 City/Town

**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.





**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:  
 SE35-1441  
 MassDEP File #  
 eDEP Transaction #  
 Hull  
 City/Town

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

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

**See attached Special Conditions page**

---



---



---

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

Provided by MassDEP:  
 SE35-1441  
 MassDEP File #

eDEP Transaction #  
 Hull  
 City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

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

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

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

---



---



---



---



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

Provided by MassDEP:  
 SE35-1441  
 MassDEP File #  
 eDEP Transaction #  
 Hull  
 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.

10/24/2018

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

1. Date of Issuance

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.

Signatures:

[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]

[Handwritten Signature]  
[Handwritten Signature]

by hand delivery on

by certified mail, return receipt requested, on

10/24/2018

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.



**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:  
 SE35-1441  
 MassDEP File #  
 eDEP Transaction #  
 Hull  
 City/Town

### 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.

Hull  
 Conservation Commission

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

To:  
 Hull  
 Conservation Commission

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

Beach Ave, Phipps - R St                      SE35-1441  
 Project Location                                      MassDEP File Number

Has been recorded at the Registry of Deeds of:

N/A  
 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

**DEP File#: SE35-1441**

**Project Site:**

**Beach Ave, Phipps-R St  
Map NA/Lot NA**

**Applicant: Philip Lemnios  
253 Atlantic Ave.  
Hull, MA 02145**

**Property Owner: Philip Lemnios  
253 Atlantic Ave.  
Hull, MA 02145**

Pursuant to the Authority of the Massachusetts Wetland Protection M.G.L. c. 131, §40, the Hull Conservation Commission has reviewed your Notice of Intent and plans, and has determined that the area which is the subject of the permit application is significant to the interests of the Act. The said Commission has determined that your application is approved.

### **HULL Standard Conditions**

Conditions numbered **9, 11, 14, 15, and 16** shall extend beyond the term of this Order and will be specifically referenced in the Certificate of Compliance as perpetual conditions applicable to this project.

1. Any changes to the approved plans shall require the applicant to inquire of the Conservation Commission, in writing, whether the change is so significant as to require a new Notice of Intent, an Amendment to the Order of Conditions, or a minor plan change.

2. No work shall begin until 1) the appeal period has lapsed, 2) the original Order has been recorded at the Registry of Deeds in Plymouth 3) the project manager has met with the Conservation Administrator or their designee to briefly review the project and to review and approve sedimentation barriers and/or erosion controls, and 4) a sign with the DEP File Number is placed in appropriate location.

3. The appropriate sedimentation barriers and/or erosion controls shall be constructed between the construction area and the resource area. They shall be placed in such a manner as to provide protection for the resource area. They shall be kept in good working order and must remain on-site until all areas have been stabilized with vegetation or other means or until the Commission determines that control measures are no longer necessary. Prior to the start of any construction on the project site, the Conservation Commission Office (781-925-8102) shall be notified that the sedimentation barriers and/or erosion controls are in place and ready for inspection.

4. Any excess material (e.g. soil and/or spoil) which is to remain on the Applicant's site as well as all areas of disturbed soil, shall be stabilized with the appropriate material (e.g. mulch, grass, and/or plantings) to prevent erosion and sedimentation.

5. Any excess material (e.g. soil and/or spoil) which was permitted for removal is to be removed and disposed of in a legal manner.

6. Notwithstanding the foregoing conditions, the Applicant is responsible throughout the construction period to take any and all measures necessary to protect the resource area. Should any damage occur during the course of construction, the Applicant, as the responsible party, shall bear the full cost of restoring the resource area to the satisfaction of the Commission.

7. Any and all contracts or subcontracts for this project shall include this document and the referenced plans. In the case of any conflicts, this document and the referenced plans shall be the rule. This document and the referenced plans shall be available on the job site at all times during construction. If the Conservation Administrator or their designee conducts an impromptu site visit and discovers that this Order and the approved plans are not on-site, no work may continue until proper documentation is on-site.

8. During construction, members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with these conditions, the referenced plans, and to ensure compliance with the Wetlands Protection Act. The applicant shall submit data or information deemed necessary by the Commission for such evaluation.

DEP File#: SE35-1441

Project Site: Beach Ave, Phipps-R St  
Map NA/Lot NA

Applicant: Philip Lemnios  
253 Atlantic Ave.  
Hull, MA 02145

Property Owner: Philip Lemnios  
253 Atlantic Ave.  
Hull, MA 02145

**9. This Order shall apply to any successor in interest or control. This condition is ongoing and will not expire at the end of three years.**

10. Any person who purchases, inherits or otherwise acquires real estate, upon which work has been done in violation of this Order, shall forthwith comply with this Order to restore such real estate to its condition prior to any such violation.

**11. There shall be no increase in sediment and/or siltation into the resource area. This condition shall not expire at the end of three years.**

12. The commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

13. All disturbed areas will be graded, loamed and seeded prior to November 1 of this year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.

**14. No pollutants of any kind shall be discharged or disposed of in the resource area. This condition is ongoing and will not expire at the end of three years.**

**15. No stumps or debris of any kind shall be buried on the site. This condition is ongoing and will not expire at the end of three years.**

**16. All hazardous materials (including but not limited to gasoline, paint, fertilizers, pesticides, etc.) shall be stored on shelves above the flood elevation. This condition is ongoing and will not expire at the end of three years.**

17. At the completion of the project, the Applicant shall submit WPA Form 8A and any or all of the following pertinent information to the Hull Conservation Commission in order to receive a Certificate of Compliance.

- a. A Request for Certificate of Compliance (WPA Form 8A), referencing the DEP File number.
- b. A written statement from a registered Professional Engineer that the project is substantially in compliance with this document and the referenced plans, and if different from the original plan, how and where it differs.
- c. A signed and stamped as-built topographic plan from a registered Professional Land surveyor that includes as-built elevations of all drainage structures within 100 feet of any resource area and all distances and elevations of all structures within 100 feet of any resource area.
- d. A written statement from a qualified wetland scientist attesting to compliance with state and local regulations is required for all wetland replication and/or restoration areas. Replicated areas must be constructed to provide the same functions and values that the natural area provided prior to impact. Only in-kind replication is acceptable (i.e. shrub to shrub, forested to forested, etc.). The replicated area shall be monitored through two growing seasons to achieve required standards.

**DEP File#: SE35-1441**

**Project Site: Beach Ave (Phipps to R St)  
Map NA/Lot NA**

**Applicant: Philip Lemnios  
253 Atlantic Avenue  
Hull, MA 02460**

**Property Owner: Philip Lemnios  
253 Atlantic Avenue  
Hull, MA 02460**

### **HULL Special Conditions**

Pursuant to the Authority of the Massachusetts Wetland Protection M.G.L. c. 131, §40, the Hull Conservation Commission has reviewed your Notice of Intent and plans, and has determined that the area which is the subject of the permit application is significant to the interests of the Act. The said Commission has determined that your application is approved. The approved work consists of: **repair primary dune along North Nantasket Beach from winter coastal storm erosion.** The work shall be in accordance to the work shown on the plan and as described during the public hearing. The homeowner is responsible for ensuring the below Plan/s of Record are followed. If any further work or changes are proposed, they must be approved by the Conservation Commission.

**The following section lists the plans of record and special conditions for the above project, DEP File #SE35-1441**

#### **Final Approved Plans:**

**(1)**

Plan entitled: "Project Narrative and accompanying 2018 Areas Map"

Prepared by: Chris Krahfurst, Town of Hull Conservation Administrator

For: Town of Hull

Signed & stamped by:

Date: September 2018

**(2)**

Plan entitled:

Prepared by:

For:

Signed & stamped by:

Date:

The referenced plans are on file in the office of the Conservation Office.

#### **Special Conditions for SE35-1441 if any:**

- 1) All dune and/or beach nourishment is prohibited during the period April 1 – August 31, to protect breeding shorebird species
- 2) All dune nourishment shall be limited to supplementing the existing dune by repairing voids in the dune. Dune nourishment shall not substantially increase the dune height or seaward location of the existing

**DEP File#: SE35-1441**

**Project Site: Beach Ave (Phipps to R St)  
Map NA/Lot NA**

**Applicant: Philip Lemnios  
253 Atlantic Avenue  
Hull, MA 02460**

**Property Owner: Philip Lemnios  
253 Atlantic Avenue  
Hull, MA 02460**

dune (i.e., nourishment shall not be placed seaward of the existing dune adjacent to the void) and shall be placed at a maximum of 6(H):1(V) or less.

- 3) If any nourishment will occur on the Coastal Beach, the material shall not exceed a slope of 10(H):1(V).
- 4) If the scope of dune nourishment expands from the September 2018 Narrative accompanying the Notice of Intent and/or the linear extent increases, then the Applicant must submit updated information to Mass Wildlife for review and written approval prior to the start of work
- 5) The Applicant must continue to allow regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by Mass Wildlife, during the period April 1 – August 31 and shall allow any nests, scrapes, or unfledged chicks to be protected with symbolic fencing (warning signs and twine fencing).
- 6) Upon filing for renewal, extension, or amendment of Orders of Conditions, the Applicant shall contact Mass Wildlife for written response regarding impacts to Resource Area habitat of state-listed wildlife.