

Fairhaven Conservation Commission

FREQUENTLY USED SPECIAL CONDITIONS

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ACC – Access

ACC-1: The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Order of Conditions.

ADD – Additional Conditions

ADD-1: The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Fairhaven Wetlands Bylaw, subject to Chapter 192-6(D).

ADD-2: This Order applies only to: _____ (description of work). Any future work not approved within the Order subject to jurisdiction under the Wetlands Protection Act will require the filing, at a minimum, of a Request for Determination or Applicability or a new Notice of Intent with the Commission. Prior to the commencement of any such future work, a receipt of a Negative Determination or valid Order of Conditions will be required.

ADD-3: A new Notice of Intent or Request for Determination of Applicability shall be filed prior to the construction of any additional structure. This includes, but is not limited to; fences, storage sheds, yard or garden sheds, aboveground or in-ground swimming pools and related buildings, or any other structure not specifically addressed by this filing.

ADD-4a: The work shall conform to the following plans and special conditions:

Title:

Date:

Signed & Stamped By:

ADD-4b: All work shall be done in accordance with final plans dated _____ as approved by this Commission. Any deviation must be approved by this Commission in writing prior to commencing work involved in this deviation.

ADD-4c: Any changes to the plans identified 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.

ADD-5: 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.

BLD – Building Materials

BLD-1: The construction site shall be left in a stable condition at the close of each day.

BLD-2: Permeable material must be used to top the driveway or access road. This road/driveway topping must allow water to freely drain.

BLD-3: Any fill used for 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.

BLD-4: The source of the fill used for this project will be submitted to the Conservation Commission or its Agent for approval prior to its use.

BZ – Buffer Zone

BZ-1: After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the limit of work approved in this Order as well as the edge of wetland areas or buffer zone to ensure no inadvertent encroachment in to the wetland or buffer zone. The markers to be used shall be approved by the Conservation Commission. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant. These markers shall remain in place in perpetuity.

BZ-2: Prior to the issuance of a Certificate of Compliance, permanent boundary markers shall be installed to mark the 25-foot no disturbance buffer zone. The type of permanent markers shall be approved by the Conservation Commission or its Agent. These shall be shown on the as-built plan and clearly marked on the plan with a note indicating no work shall be performed beyond this point without permission from the Conservation Commission. A copy of the as-built plan shall be provided with the written request for a Certificate of Compliance. It shall be attached to and made part of the Certificate of Compliance and shall be recorded. Over the years, the wetland boundary line may move, however, these permanent markers shall provide a guideline to future homeowners as to the limit of work.

CAP – Approvals Conditional Upon Approvals By Other Boards

CAP-1: Construction shall conform to the requirements of the State Building Code and the Town of Fairhaven Zoning provisions for construction within the coastal floodplain. Work shall ensue only after consulting with the Building Commissioner.

CAP-2: This approval is contingent upon the approval by the Board of Health of the subsurface sewage disposal system.

CAP-3: Should other permits be required by the Army Corps of Engineers, Massachusetts Department of Environmental Protection, Planning Board, Zoning Board of Appeals, Board of Public Works, Board of Health, Building Department, and/or any other appropriate local, state, or federal agencies, proof of appropriate permits shall be submitted to the Conservation Commission prior to the start of the project. Any conditions outlined in those applicable permits shall also apply to this Order.

CHM – Chemical Treatments

CHM-1: Herbicide, pesticide and fertilizer use is discouraged on lawns within Conservation Commission jurisdiction. If fertilizer is used, only slow-release low-nitrogen low-phosphorus fertilizer shall be applied. Over-fertilizing shall be avoided.

CHM-2: No liquid or solid chemical lawn fertilizers, pesticides, herbicides or chemical or petroleum dust control agents shall be applied within the area of statutory interest or anywhere that the surface drainage is discharged into an area of statutory interest.

CHM-3: Pesticides, herbicides, fungicides, and fertilizers shall not be used within 100 feet of the wetlands, within the riverfront area, and within bordering land subject to flooding. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

CHM-4: Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

COC – Certificate of Compliance

COC-1: The Fairhaven Conservation Commission reserves the right to request an as-built plan as part of the requirements for a Certificate of Compliance.

COC-2: Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

COC-3: Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been completed in compliance with this Order. As part of this request, an as-built plan shall be submitted documenting substantial compliance with this Order and the associated Plan-of-Record. The as-built plan shall include:

- i. Description of items required on the as-built plan

DEB – Debris Cleanup

DEB-1: The construction site shall be left in a stable condition at the close of each day. Construction refuse and debris shall be removed daily. The Commission may require specific approval for the disposition of such materials prior to the start of construction.

DEB-2: Debris generated during the construction phase, including, but not limited to, general refuse and construction debris, shall be collected and disposed of daily.

DEB-3: A refuse container or dumpster shall be located on the site and shall be used to hold refuse generated during the construction phase.

DEB-4: Construction and/or demolition debris shall be removed from site daily.

DEB-5: Food trash and related waste shall at all times be confined to appropriate containers, which shall enjoy a routine removal schedule. Air and water-borne disposal of non-indigenous materials from this project into resource areas is hereby prohibited.

DEB-6: Disposal records as to the destination of all demolition debris removed from the site shall be supplied to the commission by the applicant, immediately upon disposal of such debris. Such records shall include vessel and barge identification numbers, describe the location of the disposal, the type (contents) and volume of debris and the date of disposal.

DER – Deeds/Recording

DER-1: Proof of recording of these approved special conditions, plan of record, and materials at the

Bristol County Registry of Deeds shall be provided by the applicant's liaison to the *commission* enforcement agent prior to the commencement of any work (including site preparation) on the site.

DER-2: As proposed, prior to the commencement of any work at the site, the applicant, owner, and/or successor(s) shall record the Deed Restriction which limits the property to a "maximum of two (2) bedrooms, as defined in 310 CMR15.002" with the Bristol County 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. No work shall be undertaken until proof of this recording is submitted to the Fairhaven ConCom.

DER-3: A permanent deed restriction in the chain of title for the three (3) subject parcels shall be recorded at the Bristol County Registry of Deeds referencing the wetland line as delineated on the presented plan. The deed restriction shall also reference the so-called "living fence" 10-foot vegetated buffer.

DER-4: The owner of the property described in this Order must advise any potential buyer of the property that any construction or alteration to said property, including brush cutting or clearance, may require approval by the Fairhaven Conservation Commission. Any instrument conveying any or all of the owners' interest in said property or any portion thereof shall contain language similar to the following:

"This property is subject to the Fairhaven Wetlands Bylaw and/or the Massachusetts Wetlands Protection Act. Any construction or maintenance work performed on this property requires an Order of Conditions and/or a Determination of Applicability from the Fairhaven Conservation Commission."

This condition is ongoing and shall not expire with the issuance of a Certificate of Compliance and shall be recorded in the deed and on subsequent deeds.

DER-5: Permanent deed restrictions shall be placed on Lots _____ and shall contain language similar to the following, which shall be submitted to and approved by the Conservation Commission prior to recording:

"There shall be no application of fertilizers, herbicides, or pesticides to lawns in the buffer zone or any areas contributing runoff to the wetland, drainage swales, or detention/retention ponds/basins, except during initial lawn planting. After initial construction, use of fertilizers may only occur after verification of the lack of nutrients in the soil through testing."

DRG – Dredging

DRG-1: Each time a dredging operation is to occur, the Fairhaven Conservation Commission shall be notified, to allow for any additional conditions resulting from modifications in dredging operations in the life of these Orders.

DRG-2: Performance standards for dredging activities shall be designed to minimize changes in flushing rates and marine productivity. Updated grain size composition and petrochemical residue analysis results shall be provided to the commission prior to the commencement of this sections activity. Offshore disposal of any contaminated sediments originating from the dredging location(s) in any manner or fashion is prohibited by this special order of conditions.

DRG-3: Dredging activity shall be undertaken in compliance with National Marine Fisheries Service / Commonwealth of Massachusetts Division of Marine Fisheries permitted windows.

DRG-4: Siltation curtains shall be utilized at all times to prevent the intrusion of water-borne sediments into adjacent protected areas. It shall be the sole responsibility of the applicant to ensure the proper placement of this system during dredging, dewatering and spoil transfer activities.

DRG-5: Contaminated sediments shall be dewatered with the addition of a filter fabric secured around the deck of the barge in a manner which will prevent the re introduction of contaminated particulates into the resource area through the water column or tidal currents.

DRG-6: Disposal records as to the destination of all contaminated spoils removed from the site shall be supplied to the commission enforcement officer by the applicant's liaison, immediately upon disposal of such debris. Such records shall include vessel and barge identification numbers, describe the location of the disposal, the type (contents) and volume of said debris and the date of disposal.

DRG-7: Dredging is neither proposed nor permitted under this filing.

EMC – Emergency Contacts

EMC-1: The Applicant shall provide the Commission with the name(s) and telephone numbers of the site contractor and the project manager(s) responsible on site for compliance with this Order. The project manager shall oversee any emergency placement of erosion and sedimentation controls and be responsible for the regular inspection or replacement of control devices and for the proper disposal of waste products. The commission shall be notified in the event that the project manager or site contractor is changed.

EMC-2: In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its Agent during business hours at (508) 979-4023, ext. 128 or after hours/weekends at (508) 837-4427.

EC – Erosion Control

EC-1: All work shall be conducted in such a manner that minimizes the area of exposed, destabilized soil to the maximum extent possible to prevent runoff and erosion on site.

EC-2: All disturbed areas shall be graded, loamed, and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material shall be left unprotected or without erosion controls during the winter.

EC-3: It shall be the responsibility of the landowner to continually maintain the site in a manner that assures stabilization and precludes any soil erosion. This condition is perpetual and does not end with the issuance of a Certificate of Compliance.

FZ- Flood Zone

FZ-1: All work shall comply with all local, state, and federal flood zone regulations, including, but not limited to, regulations regarding fill in the flood zone.

FZ-2: The design flood elevation of the structure shall be at least ____ feet above base flood elevation.

FZ-3: A certificate shall be issued by the foundation design engineer that the breakaway walls are installed correctly and will function properly.

FZ-4: Breakaway walls shall not be modified at any point so they no longer function as breakaway walls.

INV – Invasive Species

INV-1: Invasive species monitoring shall be conducted for three years after site stabilization to ensure no non-native or invasive species have been introduced to the site or are spreading on site.

INV-2: No plants listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List (available at http://www.mass.gov/agr/farmproducts/Prohibited_Plant_Index2.htm) are permitted to be brought onto or planted anywhere on the property.

LOW – Limit of Work

See Restrictions/Buffers for further conditions related to LOW

LOW-1: The straw wattle and/or silt fencing shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on the resource area side of the erosion control barrier.

LOW-2: The erosion and sedimentation barrier shall serve as the alteration limit line. Said barrier shall fully protect the adjacent wetland/resource area, and no work shall be permitted beyond this limit line.

LOW-3: There shall be no disturbance of the site, including cutting of vegetation, beyond the work limit.

LOW-4: Work limit markers (wood stakes) shall remain until a Certificate of Compliance is issued for this project.

LOW-5: All work within the area of statutory interest shall be performed so as to create minimum disturbance to the existing vegetative cover and contours.

LOW-6: The proposed limit of work shall be clearly marked with stakes or flags and shall be inspected and approved by the Commission or its agent. Such markers will be maintained until all construction on the site is complete. Workers shall be informed that no construction activity is to occur beyond this line at any time.

MAC – Construction Machinery

MAC-1: All vessels under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry on board absorbent materials to immediately respond to inadvertent discharge of petrochemicals. Vessels in excess of thirty feet in length shall have spill control booms aboard as well.

MAC-2: All bilged vessels under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry in their bilges, materials to selectively absorb petrochemicals.

MAC-3: All mechanized vehicles under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry on board absorbent materials to immediately respond to inadvertent discharge of petrochemicals.

MAC-4: Prior to the commencement of the project, a fuel transfer protocol shall be submitted to the Commission. This protocol shall provide guidelines to regulate safe transfer of any fuels within or above resource areas and outline response protocol to mitigate inadvertent discharges.

MAC-5: Equipment used for the construction of the site shall be no larger than a small Skid-Steer Loader such as or equivalent to the Bobcat "mini bob 400 series, or New Holland compact series LS 120 and LS 125 models.

MAC-6: Vehicles and/or equipment shall enter the project site only by the access route specified on the plans and approved by the Conservation Commission

MAC-7: No motorized/construction equipment is to enter or cross a wetland resource area at any time, unless the location of entry or disturbance is clearly indicated on plans and within information contained within the Notice of Intent and approved with the issuance of this Order of Conditions.

MAC-8: All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.

MAC-9: Spill kits shall be maintained on site at all times for the immediate response to any potential spill of anything that could cause harm to resource areas and water bodies.

NC – Non-Compliance

NC-1: If a cease and desist needs to be issued at any point for non-compliance with these conditions or the plan-of-record, it is an automatic fine of \$300.00 per day under Chapter 192-11 until such time as the reason the cease and desist was issued is rectified. If the applicant fails to rectify non-compliance within a reasonable time, or if non-compliance results in a threat of immediate harm to protected resources, the Commission or their designee shall be permitted to enter onto the property and perform such work as is needed for the protection of those resources. In addition to the fine set forth above, the applicant shall be responsible to reimburse the Town for all costs and expenses, both direct and indirect, incurred by it in the performance of such work.

PCC – Pre-Construction Notification/Conference

PCC-1: The contractor shall notify the Commission immediately following erosion control installation and before groundbreaking to allow the Commission or its Agent opportunity to inspect the erosion controls. No work may proceed on the property until the Commission or its Agent approves the installation and location of erosion controls.

PCC-2: A site conference shall be held at least forty-eight hours prior to the commencement of permitted activity for the purpose of reviewing and discussing the special orders of conditions. The specific timing and location of this conference shall be jointly determined by both commission and applicant liaison representatives. In attendance at this meeting shall be: the property owner, the applicant's representative of record; commission liaison representatives and any other commission representatives wishing to attend; the prime contractor; other contractors or subcontractors as determined by the applicant and/or prime contractor to potentially benefit from a more complete understanding of the special conditions for this project.

PCC-3: The applicant or the applicant's representative shall notify the Commission, in writing, as to the date that the work will commence on the project. Said notification must be received by the Commission no sooner than ten (10) days and no later than five (5) days prior to the commencement of the approved activity.

PCC-4: Prior to the pre-construction meeting, the boundaries of all wetland resource areas, limits of work, and grading boundaries shall be identified by **clearly** marked flagging and/or stakes, spaced at intervals not greater than 25 feet apart. Flagging used to identify wetland resource areas shall be a color different from any other flagging used on the site.

PS – Pollination Systems

PS-1: Cultivars of any new vegetation to be installed are not permitted.

PS-2: Mowing shall only occur between November 15 and March 31 outside of the active wildlife season (April 1-November 15) of any year the permit is active.

REC – Records (on Site)

REC-1: A complete set of site plans approved of in the Order of Conditions and the Order of Conditions itself shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.

REC-2: During the construction phase, the applicant shall be responsible for maintaining a copy of these Orders at the site. The applicant shall be responsible for compliance with the conditions of these Orders.

REC-3: Job site posting of a sign clearly visible from the road not less than two square feet or more than three square feet with the words,

Massachusetts Department of Environmental Protection [or MassDEP]

File Number SE 023-____

Fairhaven Conservation Commission [or FCC]

File Number CON 023-____

This order shall be weatherproofed and affixed to the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

REP – Replication

REP-1: After the planting has been completed within the wetland replication areas the following documentation shall be submitted to the Department and the Fairhaven Conservation Commission:

Final contour elevations, longitudinal cross-sectional profile(s) and square footage of the wetland alteration and wetland replication area shall be shown on an As-built plan. A Massachusetts Registered Professional Engineer and/or Land Surveyor shall certify the Wetland Replication as-built plan and submit a statement (signed and stamped by said Engineer and/or Land Surveyor) certifying compliance with conditions of this Order of Conditions.

At the end of each growing season for a two-year period, a progress report on the relative success or failure of the wetland replication effort shall be submitted to the Department and the Fairhaven Conservation Commission. The inspection report shall include percent of vegetative cover, a list of the type of plants growing in the wetland replication area(s), coverage of the

wetland species as a percentage of all plants, relative vigor of the plants, etc... The report shall also include the recommendations for improvement of poorly established wetland areas.

REP-2: Any non-native invasive plant species (e.g. Phragmites, purple loosestrife, buckthorns, etc...) shall be removed from the replication area under the supervision of the wetland scientist.

REP-3: Should at least 75% of the surface area of the wetland replication area fail to become established with greater than 50% wetland species within two years of the replication attempt [in accordance with 310 CMR 10.55(4)(b)1-7], the Commission reserves the right to require additional measures necessary to achieve compliance.

REP-4: Upon completion of the project, a Certificate of Compliance shall be requested in and under the provisions of 310 CMR 10.05(9)(d). An "AS-BUILT" plan (stamped) and a statement from a Professional Engineer and/ or Professional Land Surveyor (registered with the Commonwealth of Massachusetts) certifying compliance with the conditions of this Order shall accompany the request for a Certificate of Compliance.

REP-5: The application of bark mulch, wood chips or mulch (which may introduce invasive species or upland species seed stock) is not permitted in replication area(s) or area of statutory interest.

REP-6: Material removed from within 12" of the surface for the construction of the _____ (detention basin, roadway grading, and/or wetland areas, etc.) may be utilized for replication or other topsoils on site.

REP-7: Excavated soils for use in the replication area shall be protected with plastic or canvas from erosion and drying out and shall be placed within the replication area as soon as possible following excavation.

REP-8: The wetland replication area shall be planted with native species of wetland plants and seed stock, in accordance with the planting schedule provided in the plans and/or modified by this Order of Conditions. Receipts verifying the purchase of plants must be submitted to the Commission.

REP-9: A wetland specialist, approved by the Conservation Commission, shall be on-site during all phases of the transference/replanting and construction of the replication area.

REP-10: No disturbance of wetlands shall occur until the wetland replication area is completed in accordance with the plans submitted with the Notice of Intent and/or plans approved by the Conservation Commission.

REP-11: The applicant will monitor the soil horizons and depths, groundwater levels, plant community composition, and plant community structure along transects to be established through consultation with the Conservation Commission using USACE or MassDEP field data sheets. Monitoring shall occur in _____, _____, and _____ (insert months) for three complete growing seasons following completion of wetland replication activities and it shall continue beyond that date if the wetland replication area is not established in accordance with the performance standards as specified in the approved planting plan.

REP-12: No additional wetland areas shall be allowed to be filled or altered on this property without the approval of the Conservation Commission, now or in the future. A deed restriction stating this shall be

incorporated into all deeds and future divisions of this site.

REP-13: The wetland replication areas shall be constructed first, in accordance with the approved plans and documents and all other applicable permits. Once the replication areas have been established and protected with erosion and sedimentation control, the applicant shall contact the Agent to perform a site inspection. Once the wetland replication areas and erosion and sedimentation controls have been inspected and approved by the Agent, the construction of the remainder of the project can commence.

RES – Restriction/Buffers

RES-1: The wetlands line as demarcated on the plan presented to the Commission shall be marked with permanent markers consisting of boulders and/or concrete-filled PVC pipe with metal rebar embedded within. This condition is ongoing and shall not expire with the issuance of a Certificate of Compliance.

RES-2: Permanent markers shall be installed prior to the commencement of construction. No work may proceed on the property until the Commission or its Agent approves the installation and location and installation of said permanent markers

RES-3: A “living fence” encompassing a ten foot strip up gradient of the wetland restoration area, shall be planted with 2-3-foot-tall Red Maple [*Acer rubrum*] saplings to demarcate the permanent “barrier”, “buffer zone” or “no touch – no work zone”. Please refer to the site plan of record. This condition is ongoing and shall not expire with the issuance of a Certificate of Compliance.

RES-4: The deed language will be prepared by the applicant’s attorney or representative and it will be submitted to the Conservation Staff for review prior to the issuance of the Certificate of Compliance.

RES-5: The accurate placement and location of markers and monuments shall be certified by a land surveyor and an accompanying stamped site plan.

RES-6: A split-rail fence shall be installed to protect the areas of statutory concern from encroachment. This fence shall be located at _____ as exhibited on the plan of record for this filing.

RES-7: The use of heavy construction equipment or the installation of concrete footings or sonotubes is prohibited. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.

REV – Revegetation

REV-1: All areas disturbed during construction shall be revegetated immediately following completion of work at the site. No areas shall be left unvegetated for more than 30 days. Mulching shall not serve as a substitute for the requirement to revegetate disturbed areas at the conclusion of work.

REV-2: All disturbed areas of statutory interest shall be stabilized with permanent vegetative cover. After proper grading, the area shall be loamed with not less than four inches of good quality loam, seeded with a cover appropriate to the area, and fertilized with an organic 10-6-4 or equivalent dry fertilizer at the rate of fifteen pounds per one thousand square feet. A mulch, straw or bark, of at least two inches depth shall be placed on the newly seeded area and all slopes capable of eroding into the areas of statutory interest.

REV-3: All proposed lawn areas shall be underlain with a minimum of 4 inches of organic loam.

RFA – Riverfront Area

RFA-1: No further alteration within the restoration or mitigation area is permitted, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.

RUN – Roof Runoff

RUN-1: Drywells or graveled trenches along the drip lines shall be installed to accommodate roof runoff.

RUN-2: Roof runoff and gutters/drainpipes shall be directed in a way to minimize the volume of water entering a resource area.

RUN-3: Annual inspection and maintenance of the recharge system shall be the responsibility of the property owner and any successor in interest or successor in control of the property subject to this order. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

SDP – Small Docks and Piers

SDP-1: The seasonal [ramp and] float(s) shall be stored in an upland area. Storage location shall be subject to any local, state, or federal flood zone regulations.

SDP-2: Application of preservatives (i.e. paint or wood treatments) to floats shall be done on land and away from the water and wetlands. Application of preservatives to fixed elements, such as piles and decking, is limited to no more than once a year and only the minimum amount of preservative is permitted to be applied to limit runoff of excessive amounts into the underlying water. Application of preservatives to any elements of the pier is not permitted below mean high water.

SDP-3: Shellfish shall be relocated to a location approved by the Division of Marine Fisheries or the Fairhaven Shellfish Constable.

SDP-4: Future maintenance of the approved structure, in strict compliance with the plan of record and the conditions of this Order, is permissible.

SDP-5: Construction may be accomplished from a barge or boat operating in at least two feet of water. The barge or boat shall not be permitted to ground out at low tides.

SDP-6: Constriction of the pier shall be accomplished by maximizing access from the water and upon completed portions of the pier. No heavy construction equipment, vehicles, or barges are permitted on bordering vegetated wetland, salt marsh, or tidal flat during the construction of the pier.

SDP-7: The use of chromated copper arsenate (CCA) treated wood and creosote treated timber is prohibited. Wood preservative must dry before the treated wood is used in construction.

SDP-8: Piles placed below the plane of Mean Low Water (MLW) shall be mechanically driven to refusal, not jetted. The piles in the salt marsh and coastal bank shall be placed by hand.

SDP-9: Minimal jetting of the piles to set them into place is permitted. Then the piles shall be driven to refusal, or if this is not possible, until stable.

SDP-10: Motorized vessels shall be moored stern seaward at the float or end of the pier to prevent “propeller dredging”, turbidity, and alteration to vegetation.

SDP-11: To allow sunlight to penetrate the vegetation below, the pier and walkway is to be elevated 1.5 feet above the marsh for every foot of its width, and individual deck planks of the structure are to be spaced at least $\frac{3}{4}$ inch apart.

SDP-12: Salt marsh vegetation shall be avoided during construction.

SDP-13: Any area that is disturbed during construction is to be revegetated immediately, or as soon thereafter as the growing season commences, with appropriate local indigenous vegetation.

SIL – Siltation Control

SIL-1: There shall be straw wattles and/or a siltation fence installed around the limit of work.

SIL-2: Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and until the site has become stabilized with permanent vegetative cover.

SIL-3: An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, straw wattles, stone-rip rap filter dikes or any other devices planned for use during construction.

SIL-4: All erosion control devices shall be inspected, cleaned, or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall.

SIL-5: Adequate erosion and sedimentation control measures, as specified on the approved plans and in this Order, shall be installed and maintained throughout the entire construction phase, until the site has been stabilized and their removal has been authorized (in writing or by issuance of the Certificate of Compliance) by the Commission or its agent. The erosion control specifications in the Notice of Intent and the erosion control provisions in the Order will be the minimum standards for this project; the Commission may require additional measures. The Commission reserves the right to require additional or modified erosion and siltation controls during construction if it deems that site conditions warrant such measures.

SIL-6: Barriers of straw wattles and silt fence (polypropylene filter fabric) must be used within the buffer zone to protect the wetland area. These barriers shall be placed in the areas indicated on the plan prior to the start of construction and shall remain in place until construction is complete and all disturbed areas have been re-established with vegetation. This includes, but is not limited to, the protection of the natural swales in the buffer zone. Straw wattles must be overlapped horizontally and staked. Posts supporting the silt fence must be no greater than four feet apart and hammered at least 1.5 feet into the ground. The bottom of the filter fabric must be laid in a trench on the upstream side of the fabric

and backfilled with compacted fill material. Straw wattles, when used in combination with silt fence, must be placed on the upslope side of the silt fence.

SIL-7: Catch basins and storm drains shall be provided with control devices to prevent eroded soils from reaching resource areas.

SIL-8: If soils are to be disturbed for longer than two (2) months, a temporary cover shall be established, following Natural Resources Conservation Service (NRCS) procedures, to prevent erosion and sedimentation.

If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting, or other NRCS-approved methods.

Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding.

SIL-9: Haybales shall not be used as sediment control. Biodegradable controls shall be required. Biodegradable controls include silt fence, straw bales, rolled sediment control products (i.e. mulch socks, fiber rolls, wattles, etc.), mulch control netting, erosion control blankets, and turf mats. Photodegradable, UV degradable, or Oxo-(bio)degradable plastics are not considered biodegradable. The previous list of controls are examples only and do not supersede the erosion and sedimentation controls depicted on the approved plan or specified in this Order.

SIL-10: Erosion/sedimentation control measures (silt fence, blankets, etc.) shall not contain any nylon netting or nylon mesh backing, which is found to be hazardous to local wildlife.

SIL-11: Catch basins and throatstones shall be protected with sediment control devices.

SIL-12: All depicted erosion and sedimentation controls shall use either compost filter socks or a combination of siltation fence and straw wattle/silt sock.

STO – Storage/Stockpiling

STO-1: At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored outside the alteration limit line, or within the area of statutory interest.

STO-2: Excavated soils must be stored outside the 100-foot buffer zone.

STO-3: All equipment used on site must be stored or parked in an area outside the buffer zone.

STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.

STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.

STO-6: No petroleum or liquid or solid chemical storage is permitted in any area of statutory interest.

STO-7: All materials that are stockpiled or stored shall be protected from erosion with strawbales, silt fence, compost filter sock, or mulch. All materials shall be stockpiled at least 50 feet away from

wetlands, and at a location to prevent surface runoff from sediment entering the wetlands. At no time shall any debris or other material be buried or disposed of within the buffer zone, other than such fill as is allowed by this Order and as shown on the above-referenced plans.

SW – Stormwater Management

SW-1: All construction and post-construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, the Department of Environmental Protection Stormwater Management Standards and Handbook, and as approved by the Commission in this Order of Conditions.

- i. Description of various stormwater management facilities

SW-2: All stormwater best management practices (BMPs) shall be operated and maintained as specified in the Operation and Maintenance Plan titled _____ and dated _____, submitted by _____ with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance and thorough inspections of the Stormwater Management system using the _____ included in the O&M Plan shall be provided to the Commission on a semi-annual basis (once in the spring and once in the fall) and after major rain events or nor'easter storm events (approximately 2.0 inches of rain). This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

SW-3: All stormwater Best Management Practices (BMPs) shall be protected from sedimentation and runoff during construction activities. Discharge to these BMPs will only occur once the site has been stabilized.

SW-4: There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the Notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.

SW-5: There shall be no sedimentation into any resource area or water bodies from discharge pipes or surface runoff leaving the site.

SW-6: Upon requesting a Certificate of Compliance, the responsible party shall submit an O&M Compliance statement to be included with the Certificate of Compliance, which shall identify the party responsible for the implementation of the Operation & Maintenance Plan and state that:

- i. the site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas;
- ii. all aspects of the stormwater BMPs have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Stormwater Management Standards;
- iii. future responsible parties must be notified of their continuing legal responsibility to operate and maintain the structures; and
- iv. the Operation and Maintenance Plan for the stormwater BMPs being implemented.

SW-7: An Illicit Discharge Compliance Statement shall be submitted prior to the discharge of any stormwater to the post-construction stormwater BMPs.

SW-8: A copy of the approved Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Conservation Commission prior to beginning any activity.

SW-9: The responsible party shall:

- i. maintain an operation and maintenance log for the last three years, including inspections, repairs, replacement, and disposal (for disposal, the log shall indicate the type of material and the disposal location);
- ii. make this log available to MassDEP and the Conservation Commission upon request; and
- iii. allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance Plan requirements for each BMP.

TRP – Tree Protection

TRP-1: All mature trees on site not permitted to be removed within the area of work shall have a no disturb zone established, demarcated, and maintained around them throughout construction as follows:
Every 1-inch caliper equals 1 foot of protection around the tree as a lateral measurement from the base of the tree; i.e. a 6-inch caliper tree has a 6-foot no disturb zone all the way around with the tree at the center.

TRP-2: All mature vegetation proposed to be removed shall be marked in the field prior to the erosion control inspection for review and approval by the Commission or its Agent.

TRP-3: All mature vegetation proposed to remain shall be marked in the field and have their protection zones established prior to erosion control inspection.

WAS – Washout/Cleaning

WAS-1: Concrete truck washout shall occur within the footprint of the proposed structure.

WAS-2: Concrete truck washout shall occur within a designated area appropriately lined and isolated in an appropriate location outside of the resource area.

WAS-3: Painters, plasterers, etc. shall be informed that their equipment cannot be cleaned in areas where wash water can flow towards/into resource areas.

WAT – Dewatering

WAT-1: Any water released as a result of this project shall make use of a stilling pond or similar device to remove sediment prior to release.

WAT-2: Dewatering, if needed, shall take place in a designated area utilizing appropriate erosion control measures.

WAT-3: There shall be no direct discharge of dewatering operations into any wetland, watercourse, or drainage system without the approval of the Commission. Any dewatering discharge shall be passed through a sedimentation control device to remove any solids. The contractor is to maintain said sedimentation control devices throughout the entire dewatering operation and repair deficiencies immediately.

WET – Wetland Boundary/Delineation

WET-1: The wetland boundary delineated in the field and/or shown on the plans has not been accepted

or approved by the Conservation Commission through the issuance of this permit.

WET-2: The wetland boundary delineated in the field and shown on sheet ____ of plans entitled "_____", prepared for _____, by _____, dated _____, last revised on _____, has been accepted and approved by the Conservation Commission through the issuance of this permit.