

COPY

(This area reserved for Registry of Deeds)



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:
SE57-2523
MassDEP File #
eDEP Transaction #
PLYMOUTH
Town **PCC-10-64**

A. General Information

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



1. From: **PLYMOUTH**
Conservation Commission

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

3. To: Applicant:
Frances
a. First Name
Forte
b. Last Name
Ocean Point Management Trust
c. Organization
2403 Highland Terrace
d. Mailing Address
Plymouth
e. City/Town
MA
f. State
02360
g. Zip Code

4. Property Owner (if different from applicant):
a. First Name
b. Last Name
Ocean Point Management Trust, et al
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:
Taylor Avenue – The Dunes at Ocean Point Condos
a. Street Address
b. City/Town
46
c. Assessors Map/Plat Number
d. Parcel/Lot Number
Latitude and Longitude, if known: 41d 33m 21.3834s
d. Latitude
70d 19m 37.9914s
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):
PLYMOUTH C 34
 a. County b. Certificate Number (if registered land)
- c. Book d. Page
7. Dates: November 9, 2010 December 7, 2010 December 8, 2010
 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):
- a. Plan Title
- b. Prepared By c. Signed and Stamped by
- d. Final Revision Date e. Scale
- Beach Management Plan - General Project Description 11/9/10
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
 j. Sedimentation Control k. Agriculture/Aquaculture l. Recreation
 m. Endangered Plant Species n. Erosion Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input 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		
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		
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. <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	788	788	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	788	788	_____ cu yd	_____ cu yd
	a. square feet	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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		



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B. Findings (cont.)

* #22. 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.

22. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. 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.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not 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.
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.



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

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"]
"DEP File Number SE57-2523 "Plymouth" File No. **PCC-10-64**
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.
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.



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

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to 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;
- 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.



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

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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

See pages 9a and 9b for General Conditions issued under the Bylaw

See page 13 for Special Conditions

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 and
Town of Plymouth Wetlands Bylaw

B1. Additional Conditions (issued by the Town of Plymouth)

The Town of Plymouth Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order.

If the Condition applies, then the corresponding box will be checked.

- 1. The applicant or owner shall allow the Commission members and/or their agent to inspect the property in order to evaluate compliance with the conditions of this Order. Reasonable notice to the applicant shall be attempted prior to said inspection.
- 2. All construction must comply with the latest referenced plans and the conditions of this Order. Under this filing, no change in plan is permissible without prior written approval from the Commission. For any proposed change in the approved plans or in the work, the applicant shall inquire in writing of the Commission whether the change is substantial enough to require either an Amended Order of Conditions or a new Notice of Intent.
- 3. The Conservation Commission shall be notified at least five (5) days prior to the commencement of work. This notification must be in writing and sent either by mail or hand delivered to the Conservation office, Town Hall, 11 Lincoln Street., Plymouth, MA 02360. This enables the Commission the opportunity to insure all preconstruction conditions have been met.
- 4. Copies of all required permits, including proof of recording of the Order from the Registry of Deeds (Book and Page No.), shall be submitted to the Commission prior to commencing any work on site.
- 5. The project engineer(s) and contractor(s) shall be provided with copies of this Order, the submitted Notice of Intent, and the above referenced plans and shall have these documents available on-site during construction.
- 6. Disturbed areas shall be stabilized to prevent erosion with hay, straw, mulch or other protective covering or method approved by the U.S. Department of Agriculture Soil Conservation Service.
- 7. Any debris generated from any work by the applicant shall be removed from the site.
- 8. Construction may be considered complete after all disturbed areas have been revegetated with plant material acceptable to the Conservation Commission.
- 9. If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for a Certificate of Compliance.
- 10. This Order shall apply to and become the responsibility of the applicant, owner, their agent, successor or assignee.
- 11. Failure to comply with any of the conditions listed in this Order, including but not limited to time limitations, notifications, installation of erosion control measures, recording of the order, and project construction, shall be deemed sufficient cause, unless adequate justification is provided, for the issuance of non-criminal citation(s), under the TOWN OF PLYMOUTH WETLANDS BYLAW. Thus, please read this order and contact this office for any assistance needed.

B1. Additional Conditions (issued by the Town of Plymouth)

12. No additional work shall be allowed in or within 100 feet of the wetland/resource area boundary, including but not limited to the cutting or removing, of vegetation or soil, unless it is specifically allowed by this Order and as is shown on the final approved plan, or unless it is first approved by the Conservation Commission. The purpose of this condition is to encourage the growth and stability of natural vegetation (trees, shrubs, thickets, etc.) and land features, in order to provide an undisturbed natural buffer to the wetland and/or resource area.
13. Copies of all plans and/or other information received by the Commission for this project shall be submitted by the applicant to the Southeast Regional Office of the Department of Environmental Protection (DEP), 20 Riverside Drive, Route 105, Lakeville, MA 02347.
14. Prior to the commencement of work, the Conservation Staff Aide and/or Commissioners shall inspect the property in order to approve of the siltation barrier installation, which shall be as per the final approved plans referenced (or mandated) by this Order, and thus between the wetlands resource area and the proposed work. No work can commence without this approval.
The siltation barrier shall be a line of double staked haybales OR siltation fence, which shall either be backfilled on the upgradient side or entrenched. Any tears, rips, breaks or collapse of the siltation control barrier shall be repaired immediately (i.e., in no more than 24 hours).
15. If this project involves work on a septic system, then this is also subject to approvals by the Plymouth Board of Health. Any plan changes shall require the approval of the Conservation Commission.
16. If work associated with this Order is subject to the Massachusetts Stormwater Policy Standards, then General Condition No. 18 (page 5) also becomes a part of this Order under the Town of Plymouth Wetland Bylaw.



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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 PLYMOUTH 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:
Plymouth Wetland Bylaw-(Chapter 196 of the Town Bylaws)
 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:
Plymouth Wetland Bylaw-(Chapter 196 of the Town Bylaws)
 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):

See page 13 for Special Conditions issued under the Bylaw



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

December 8, 2010

1. Date of Issuance

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

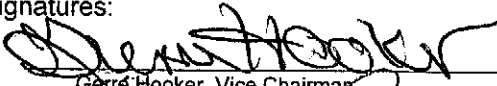
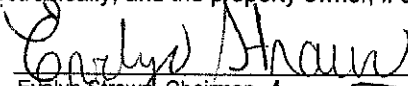
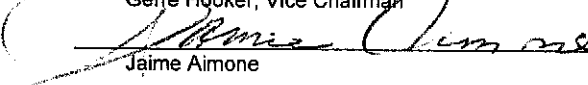
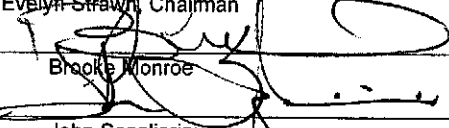


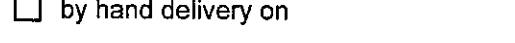
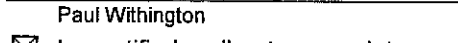
5

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

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

Signatures:

 Gerre Hooker, Vice Chairman	 Evelyn Strawn, Chairman
 Jaime Aimone	 Brooke Monroe
 David Foster	 John Scagliarini
 Paul Withington	 Paul Withington

by hand delivery on

by certified mail, return receipt requested, on

December 8, 2010

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 of 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.

Any condition pertaining solely to the Town of Plymouth Wetland Bylaw cannot be appealed to the State.

All other conditions are issued under both the MA Wetlands Protection Act and Town of Plymouth Wetland Bylaw and pursuant regulations.



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:
SE57-2523
 MassDEP File #

 eDEP Transaction #
PLYMOUTH
 Town PCC-10-64

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.

PLYMOUTH

Conservation Commission, 11 Lincoln Street, Plymouth, MA 02360

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

To:

PLYMOUTH

Conservation Commission

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

Taylor Avenue – The Dunes at Ocean Point
 Project Location

SE57-2523
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

PLYMOUTH

County

Book

Page

for: Ocean Point Management Trust, et al
 Property Owner

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

Certificate 34
 Book

Page

In accordance with the Order of Conditions issued on:

December 8, 2010
 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/Representative

Applicant:	Ocean Point Management Trust (Frances Forte)
Project Location:	Taylor Avenue – The Dunes at Ocean Point
Property ID:	Plat 46 / Lots 7-29 and 7-31A
DEP File No.	SE57-2523
Plymouth File No.	PCC-10-64

This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent received by the Plymouth Conservation office on November 9, 2010 including all supporting plans.

This Order is in accordance with a vote by the Plymouth Conservation Commission to close the public hearing and approve the project with conditions on December 7, 2010.

This Order of Conditions approves a Beach Management Plan in order to conduct routine and post-storm maintenance including repairs and clean up of beach, access stairways and boardwalks, in the resource of a coastal beach and dune system of White Horse Beach.

The property in question is located in a White Horse Beach neighborhood and contains the Dunes at Ocean Point Condominiums (DOPC).

The Ocean Point Management Trust proposes to permit a Beach Management Plan for parcel A which includes 788 linear feet of beach frontage. The Beach Management Plan proposes the following activities:

- 1) Storm debris clean-up and removal including stone, driftwood, clearing pedestrian walkways areas.
- 2) Routine and annual beach access way maintenance and repair, coastal beach storm debris clean-up, including;
 1. minor cutting and pruning of natural coastal dune vegetation for vista maintenance, access way obstruction
 2. planting of American Beach Grass
 3. repair and replacement of boardwalk planking, decking
 4. routine landscaping
 5. removal of non-natural storm debris
 6. relocating and re-grading natural beach materials such as boulders, rocks, cobble, gravel, seaweed and sand as necessary to maintain safe and healthy access

The following equipment is proposed to be utilized; backhoe, bobcat, small dump truck, landscape equipment trailers, pick-up trucks, trash storage containers, rakes, shovels saws and wheel barrows, front end loaders, hedges clippers, pruners and weed whackers.

The property is not located in a mapped habitat for rare or endangered species as depicted on the most recent Natural Heritage Map, October 2008.

ITEMS FOR DISCUSSION

Note under number 2 item number 6 the following is also described in the applicants' narrative "*Some **cobble** or sand may be selectively placed along the toe of the existing **coastal bank** near the access ways where there is evidence of accelerated storm induced erosion. This measure is restorative and will serve to reduce or inhibit storm wave erosion potential at these locations along the **coastal dune**".*

This area of White Horse Beach does not contain coastal bank, but, rather coastal dune. 310CMR 10.28 states that alterations of coastal dunes shall not have an adverse effect on, 1) the ability of the waves to remove sand from the dune, 2) interfering with the landward or lateral movement of the dune, etc...placing cobble and or boulders in a coastal dune system is not permitted under the Wetlands Protection Act as it would cause an alteration of the dune.

The majority of the proposed activities as outline in the Beach Management Plan are approvable, except as mentioned above. In addition, all of the beach condominiums have decks off the rear the structures, as the management plan is written it may appear that the decks can be maintained under the plan. The Commission should determine whether or not the decks should fall under a "Beach Management Plan", or constitute their own separate and individual filings respectively

In addition to General Conditions 1 through 18, the Commission has found it necessary to include the following Special Conditions pursuant to the Massachusetts Wetlands Protection Act and the Town of Plymouth Wetlands Bylaw. The above listed General Conditions, Findings and Additional Special Conditions are automatically part of this Order of Conditions.

SPECIAL CONDITIONS:

19. This Order approves of the Ocean Point Management Trust Beach Management Plan, except as noted in Condition Nos. 25, 28, 31 and 32.
20. Due to the intensive nature of the development and implementation of the Beach Management Plan this Order is valid from 5 Years from the date of issuance. This condition supersedes General Condition No. 4 (b) and may be extended for one or more periods of up to 5 years each.
21. This Order permits the on-going maintenance of the existing beach area and beach access ways. Compatible grain-size sediments and/or gravel may be brought in from off-site to re-establish the beach grade.
22. Prior the commencement of undertaking any work authorized under the Beach management Plan, the Conservation office shall be notified by phone.
23. This Order approves and encourages the planting of native species such as American Beach Grass and Rosa Rugosa.
24. This Order allows for the maintenance or repair to snow fencing as may be needed.
25. No placement of cobble and or boulders within the coastal dune system is permitted under this Order.
26. Cobble may only be removed (pushed away) from the pedestrian access areas.
27. All debris and seaweed removal is to be taken off site, and disposed of at a proper facility.
28. No fertilization is approved under this Order.
29. No scraping of sand below the high water mark will be allowed at any time.
30. All vista pruning shall be done in accordance with the definition under 310 CMR... "Vista pruning means the selective thinning of tree branches or under-story shrubs to establish a specific "window" to improve visibility. Vista pruning does not include the cutting of trees which would reduce the leaf canopy to less than 90% of the existing crown cover and does not include the moving or removal of under-story brush."
31. No heavy equipment shall be allowed on the coastal beach between Memorial Day and Labor Day of any year.
32. No heavy equipment larger than a 1-ton dump truck is permitted under this Order, any larger equipment must be approved by the conservation Commission.

Department of Environmental Protection
 Protection - Wetlands
Order of Conditions
 Conservation Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE57-2523
 MassDEP File #

eDEP Transaction #
PLYMOUTH
 Town PCC-10-64

Official Receipt for Recording in:

Plymouth County Registry of Deeds
 50 Obery St.

Plymouth, Massachusetts 02360

Issued To:
 Q

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... this Order of Conditions must be recorded in the Registry of
 ... district in which the land is located, within the chain of title of
 ... of recorded land, the Final Order shall also be noted in the
 ... the name of the owner of the land subject to the Order. In the
 ... der shall also be noted on the Land Court Certificate of Title of
 ... the Order of Conditions. The recording information on this page
 ... servation Commission listed below.

...coln Street, Plymouth, MA 02360

...mped by the Registry of Deeds and submit to the Conservation

Recording Fees

Document Description	Number	Cert Number	Recording Amount
PRMT	00672216	C 34	\$75.00
OR OCEAN POINT REALTY TRUST			
OR OCEAN MOUNTAIN CO INC TR			
OR FORTE FRANCES TR			
OR OCEAN POINT MANAGEMENT TRUST			
POST\$1			\$1.00
			\$76.00

Collected Amounts

Payment Type	Amount
Cash	\$76.00
	\$76.00

Total Received : \$76.00
 Less Total Recordings: \$76.00
 Change Due : \$.00

Thank You
 JOHN R. BUCKLEY, JR. - Register of Deeds

By: CBS

Receipt# Date Time
 0244330 12/15/2010 11:43a

Order of Conditions for the Project at:

...ies at Ocean Point **SE57-2523**
 MassDEP File Number

...gistry of Deeds of:

...gement Trust, et al

...ain of title of the affected property in:

RECEIVED

Page **DEC 15 2010**

...er of Conditions issued on:

Conservation Commission
 Plymouth, MA

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

Instrument Number

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

Document Number 672216

Signature of Applicant/Representative *Randolph Anderson*