



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

Provided by MassDEP:
 SE 12 - 813
 MassDEP File #

eDEP Transaction #
 Chilmark
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 County of Dukes County
- | | |
|-------------|--|
| a. County | b. Certificate Number (if registered land) |
| <u>1451</u> | <u>374</u> |
| c. Book | d. Page |
7. Dates: 3/22/18 4/18/18 4/26/18
 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):
Site Plans (Phases I & II) prepared for 76 Menemsha Inn Rd., LLC
- | | | |
|--|------------------------|--------------------------|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| <u>Schofield, Barbini & Hoehn</u> | <u>Richard Barbini</u> | <u>Richard Barbini</u> |
| d. Final Revision Date | e. Scale | |
| <u>Hutker Project Summary 4/18/18; Wilkinson 4/17/18 (to be revised)</u> | <u>1" = 20'</u> | |
| 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 checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input type="checkbox"/> Storm Damage Prevention | i. <input 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.



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B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	100 _____ a. square feet	100 _____ b. square feet	0 _____ c. square feet	0 _____ 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 checked="" type="checkbox"/> Riverfront Area	10,500 _____ a. total sq. feet	10,500 _____ b. total sq. feet		
Sq ft within 100 ft	8200 _____ c. square feet	8200 _____ d. square feet	0 _____ e. square feet	0 _____ f. square feet
Sq ft between 100-200 ft	2300 _____ g. square feet	2300 _____ h. square feet	0 _____ i. square feet	0 _____ 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 type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ 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 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



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

_____ a. square feet of BVW

_____ b. square feet of salt marsh

24. Stream Crossing(s):

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE 12 - 813 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

See attached.

- 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.

HUTKER

ARCHITECTS

76 Menemsha Inn Road LLC Residence
REVISED PROJECT NARRATIVE FOR CONSERVATION COMMISSION APPLICATION
04/18/2018
76 Menemsha Inn Road; Parcel #: 021-33

Project Summary:

Site: 1.03 +/- acres

Existing structure: The existing 906 sq. ft. structure is a wood framed dwelling supported by wood posts bearing on isolated individual C.M.U. piers.

Scope of Work: Phase I work includes site protection, the demolition of the existing dwelling, the two existing bridges, the septic tanks, and the pump chamber, the repair/reconstruction of the existing timber stairway, the construction of one new bridge and associated path, and the natural restoration of vegetation within the limit of work, the removal of eight existing spruce trees, and selective tree removal for Phase II. Overall work reduces the number of bridges from two to one and the removal of two paths for the one shorter path.

Phase II work includes site protection, the construction of the proposed 3 bedroom dwelling, the reconstruction of the existing 3 bedroom septic system, the construction of landscape walls and driveway, the creation of a pedestrian access path, the installation of landscape vegetation and a vegetative buffer to the road, and the natural restoration of vegetation within the limit of work.

Proposed Schedule: Phase I – Beginning early Summer 2018
 Phase II – Beginning Fall 2018

Demo. & Construction: Phase I – Access to the work zone will be limited to the existing footpaths by laborers and small pieces of machinery no larger than a Bobcat and trailer. Demolition of existing house is to be completed by hand with hand tools and the existing C.M.U. piers will be removed to just below grade level and covered with soil. The existing septic tank and pump chamber are to be pumped and backfilled with sand. All above grade demolition debris and construction debris will be carted uphill by a Bobcat and trailer to a staging area in the existing driveway and then removed from the site. Throughout the process, the work site will be monitored to ensure that erosion is controlled and debris does not migrate into the surrounding resource area and stream. Staging of construction materials will be limited to the existing driveway and the protected work zone. Excavation spoils and earth materials will be temporarily stored off site. The limit of work and silt fencing will be maintained throughout the construction and landscaping process and until the area is stabilized..

Phase II – Access to the work zone will be limited to the three existing “curb cuts” and the site disturbance will be limited to the defined work zone. Construction will be achieved through the use of typical construction machinery and tools. Throughout the process, the work site will be monitored to ensure that erosion is controlled and debris does not migrate into the

surrounding resource area and stream. The limit of work and silt fencing will be maintained throughout the construction and landscaping process.

Landscaping:

(see ecological restoration plans by Wilkinson Ecological Design, Landscape Architect to be retained at future date to comply with anticipated Conservation Commission condition of approved landscape plan prior to final project approval).

Project Team:

Architecture Firm	Hutker Architects, Inc.
Principal	Phil Regan
Project Manager	Matthew Cramer
Contact Information	(508) 693-3344
Civil Engineer	Schofield, Barbini, and Hoehn, Inc.
Project Manager	Chris Alley
Contact Information	(508) 693-2781
Landscape Architect	TBD
Restoration Ecologist	Wilkinson Ecological Design, inc.
President	Seth Wilkinson
Contact Information	(508) 255-1113

Drawing Index:

- 76 Menemsha Inn Rd., LLC Residence Site Plan; dated 04/11/18 by Hutker Architects
- 76 Menemsha Inn Rd., LLC Residence Lower Level Plan; dated 04/11/18 by Hutker Architects
- 76 Menemsha Inn Rd., LLC Residence First Floor Plan; dated 04/11/18 by Hutker Architects
- 76 Menemsha Inn Rd., LLC Residence East and West Elevations; dated 04/11/18 by Hutker Architects
- Site Plan (Phase I); dated 03/20/18 by Schofield, Barbini & Hoehn, Inc.
- Site Plan (Phase II); dated 03/20/18 by Schofield, Barbini & Hoehn, Inc.
- Project Areas for Restoration Diagram; dated 01/13/17 and revised 02/23/18 by Wilkinson Ecological Design
- Planting Areas Concept for Cottage Area Diagram; dated 04/17/18 Revised by Wilkinson Ecological Design
- Work Protocols For Cottage Area document; dated 04/17/18 Revised by Wilkinson Ecological Design

Chilmark Conservation Commission Order of Conditions SE 12 – 813**76 Menemsha Inn Road, LLC; AP 21-33****Special Conditions April 18, 2018**

The project as presented with two sequential phases of construction -- Phase I and Phase II -- is approved with the following special conditions.

Phase I; Site Plan 4/14/18

1. An erosion control system of staked coir logs and silt fencing shall be installed as shown on the Phase I site plan dated 4/14/18. All erosion control measures shall be installed and maintained in good condition throughout all construction of Phases I and II and until the re-vegetation landscape plan is approved, installed and has taken hold.
2. The erosion control system shall be installed and approved by the Conservation Agent (CA) before any Phase I work begins.
3. The existing house and block foundation shall be de-constructed using hand tools with the debris removed from the site daily via a trailer. Any gas-powered hand tools shall be fueled in the proposed parking area as shown on the Phase II site plan and outside the resource area and 100-foot buffer zone of the resource area.
4. Any debris that falls into the stream shall be removed immediately.
5. The log berm in the stream shall be left in place. All other loose wooden planks and debris along the stream bed and in the stream shall be removed.
6. The existing bridge over the stream and wetlands shall be removed and replaced with a similar bridge that spans over the two banks and stream.
7. The existing timber stairway shall be reconstructed at its current location.
8. The existing septic tanks that will be abandoned shall be emptied, filled with sand and buried in place.
9. A 50-foot buffer on both sides of the Bordering Vegetated Wetland (BVW) shall be re-vegetated and become a no-cut zone except for the approved paths around the house and the proposed walking path to the re-constructed bridge. Native growth shall be allowed to return on the abandoned, pre-existing paths.

Phase II; Site Plan 4/14/18

The Phase II site plan dated 4/14/18 is approved with the following special conditions.

1. As with Phase I an erosion control system of staked coir logs and silt fencing shall be installed as shown on the Phase II site plan dated 4/14/18. All erosion control measures shall be installed and maintained in good condition throughout the construction of Phase II and the revised re-vegetation landscape plan is approved and has taken hold.
2. The erosion control system shall be installed and approved by the Conservation Agent (CA) before work any Phase II work begins.

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76 Menemsha Inn Road, LLC; AP 21-33

Special Conditions April 18, 2018 (Page 2)

3. The screened porch as shown shall never be enclosed as a 4-season room.
4. The removal of the eight spruce trees is allowed. They shall be flush cut with the stumps left in place. The trees in the re-vegetated sand plain area shown in the Wilkinson plan dated 4/17/18 will remain.
5. The applicant shall return with a revised landscape plan for both Phases I and Phase II sites for approval by the Commission before work begins. The revisions to the Wilkinson Plan dated 4/17/18 shall include:
 - a. a specific water drainage plan for the side of the new dwelling facing the un-named stream and Vineyard Sound.
 - b. A native shrub vegetated area shall be restored along the inside of the limit of work as shown on the Phase II site plan. The shrub area shall be on the north and east side of the new house.
6. The stockpiling area for all construction materials and debris shall be as shown on the Phase II site plan -- on the road side of the new dwelling in an area planned for disturbance.
7. All construction debris shall be stored in a covered dumpster or removed from the site daily.
8. The excavation spoils shall be stored on the road side of the new dwelling as space permits. If there is no space the spoils shall be removed from the site daily.



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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 Chilmark hereby finds (check one that applies):
 Conservation Commission
- 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:

<u>Chilmark Wetland Protection Bylaws</u>	<u>1.02</u>
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):

1. There shall be no underground storage of fuel oil.
-
-
-



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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.

²⁶
 4/28/18

1. Date of Issuance

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

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

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:

Chris Murphy

Candy Shweder

[Signature]

Pamela Goff

[Signature]

by hand delivery on

by certified mail, return receipt requested, on

4/20/18

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 appellants.

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.