

Letter to Hanover Planning Board
Re: Special Permit Application for Pool House Project at 676 Circuit Street

Date: January 5, 2024

To: Eve Tapper, Mary Gallagher, & Members of the Hanover Planning Board

From: Ce-Jay & Anna Spencer

Hello all,

My name is Ce-Jay Spencer, and I am writing you on behalf of my wife, Anna, and our two young sons, Waylon and Myles. We live at 676 Circuit Street, and we're planning a project to improve our property that will not only benefit our family, but also our neighbors, the Town, and the environment. Included in this letter is additional background and information regarding the project, which I hope will be helpful as you review and consider our application for a Special Permit.

1. **Project Overview.**

We plan to demolish an existing pool house (which is in disrepair, as further described below) and replace it with a newly constructed pool house of approximately the same shape and size in the exact same location. The footprint of the new building will be 30' x 36' (1,080 sq. feet), 127 square feet larger than the existing footprint (320 if you count the planned porch) as shown in our NOI Site Plan, copies of which have been provided with our Special Permit application as requested.

2. **Project Status.**

We have completed substantially all project planning, and we were ready to commence work until we learned of the new bylaw requiring a Special Permit for Accessory Buildings larger than 800 square feet. We have on hand:

- a. Stamped Building Plans (provided with Special Permit application).
- b. NOI Site Plan (as mentioned above) and Mitigation Plan (attached hereto as Appendix A) from Grady Consulting LLC, each of which has been approved by the Conservation Commission.
- c. Conservation Commission approval of the project, per their Order of Conditions (attached as Appendix C) which have been formally issued and filed with the Registry of Deeds.
- d. Demolition permit issued for removal of the existing structure (demolition was scheduled for January 8th, but we have postponed pending receipt of a Special Permit for the construction of the new pool house).
- e. Pre-Construction conservation work completed as required by the Order of Conditions:
 - i. OOC recorded with the Plymouth County Registry of Deeds; recording receipt delivered to Sandra MacFarlane, Conservation Agent.
 - ii. Signage in place showing "Mass DEP File Number SE 31-1281."
 - iii. Wetland flags in place to show boundaries of all resource areas.
 - iv. Erosion control materials (mulch silt sock) in place.

Additionally, I have met with Joseph Stack, Building Commissioner, at various stages of the planning process to discuss our project. I understand from Mr. Stack and Eve Tapper that a building permit cannot be issued until a Special Permit is granted by the Planning Board; we will submit a building permit on or around the date of this letter in an effort to parallel track review of the building permit and Special Permit applications.

3. Description of Existing Pool House.

The existing pool house is a two-story, barn style structure with a footprint of 953 square feet. The foundation is a combination of concrete block (30' 5" x 24' 9") and slab (16' 6" x 12' 1").

The first floor consists of three rooms and one bathroom; on the latest septic "as-built" plan, which is around 20 years old, the building is shown as tied into the septic system (as an aside, the septic system is oversized for our home; it's designed for 6 bedrooms and our home only contains 4).

The second floor is a single, unfinished room.

4. Description of New Pool House.

As is the existing pool house, the new pool house will be a two-story, barn style structure. The foundation will be poured concrete, as shown in the included stamped building plans, and will have a footprint of 1,080 square feet (30' x 36').

The first-floor layout of the new pool house will be very similar to the existing pool house, with one less room and the addition of a small kitchen area. The first floor will consist of two rooms – a large open main room, and a smaller (12' x 12') room to be used as an office when working from home. As with the existing pool house, the new pool house will have one bathroom, located on the first floor. The bathroom will have a toilet, shower, and a small stackable washer/dryer (for washing swimwear, towels, etc.).

As with the existing pool house, the second floor of the new pool house will be a single, open room intended to be used for storage. We plan to insulate and sheetrock the second floor for energy efficiency purposes.

5. Condition of Existing Pool House.

The interior, structural framing, exterior and foundation of the existing pool house are all in poor condition. Below is a non-exhaustive list of issues, most of which are described further in the attached pages from the Home Inspection Report we commissioned in November 2022 when purchasing the home (attached as Appendix B, described therein as a "detached barn"):

- a. Roof sagging and walls bowing due to undersized structural framing and missing/inadequate tie beams.
- b. Fire damage to framing, roof rafters, etc. has further compromised the building.
- c. Undermining, settlement from soil erosion around foundation due to inadequate draining/discharge of roof and ground water.
- d. Foundation bulging, seepage, and settlement due to hydrostatic pressure against foundation block wall.
- e. Stairs and landing to second floor damaged and would need repair.
- f. Stairs and landing to basement severely damaged and would need to be replaced.
- g. Windows are dated, have poor insulation value, and many are rotting.
- h. Sliding glass doors are damaged and have failed thermal seals.
- i. Interior drywall and insulation have been completely removed (presumably following aforementioned fire).

6. Rationale for New Construction vs Renovation.

When we purchased the home in late 2022, we were planning to repair and remodel the existing pool house. After site visits and discussions with multiple builders, it became clear that renovating the existing structure would be far more costly, complicated, and time consuming than demolishing it and building new. It also became clear that the end product of a

new build would simply be better than a restoration (for example, a new foundation and brand-new framing, each engineered and installed to current code, would be more structurally sound than the existing foundation and framing even if professionally repaired).

7. **Benefits of Project.**

- a. **Benefits to our Family:** The existing pool house is effectively unusable in its current condition. Demolishing it and building a new pool house will allow our family and guests to use and enjoy the building for its intended purpose. The new pool house will also substantially increase the value and curb appeal of our property.
- b. **Environmental Benefits:** As described in the attached Mitigation Plan and Order of Conditions, we will be making substantial environmental improvements in connection with this project, including:
 - i. 640 square feet of mitigation plantings of native plant species.
 - ii. 3,040 square feet of improvement to riverfront area by removing invasive plant species (this work is *not* required by the conservation/environmental regulations; we are taking it on voluntarily, with approval from the Conservation Commission, to better our property and the Town).
 - iii. Installation of permanent conservation setback markers, identifying the protected areas.
 - iv. Restoration of inland bank and inner riparian (removal of debris).
 - v. Removal of a collapsed workshop and related debris from the riverfront area (this is a structure near the build site that collapsed prior to our purchase of the home).
 - vi. Installation of appropriate gutter systems and drainage of rainwater into two drywells to prevent erosion and mitigate the impact of the structure on the protected riverfront area.
- c. **Benefits to Abutters & the Town of Hanover:** The above-mentioned factors are also beneficial to everyone who lives in the area and to the town. For example, improving our property helps increase local property values and helps make the area more appealing. While we technically don't have any direct abutters (all land surrounding our property is owned by the Town), I'm confident everyone who lives near us will be happy to see a brand new, attractive, barn-style building (of substantially the same size and in the same location as the existing structure) replace the existing building, which is admittedly a bit of an eyesore.

8. **List of Attachments.**

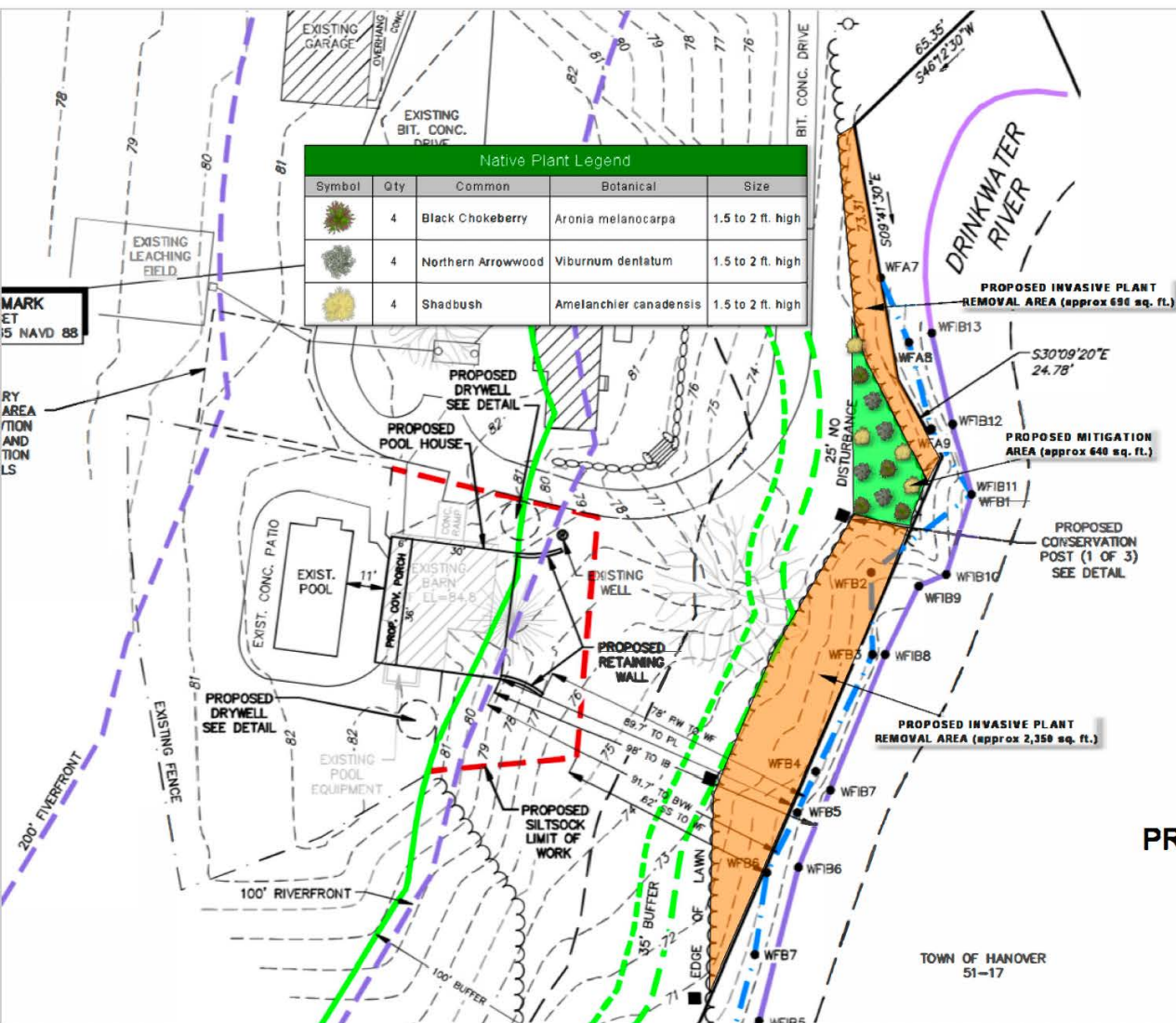
- a. Appendix A: Mitigation Plan from Grady Consulting LLC (filed with Hanover Conservation Commission)
- b. Appendix B: Inspection Report from Shoveltown Home Inspections (pages pertaining to existing Pool House)
- c. Appendix C: Order of Conditions from Conservation Commission
(to conserve paper, and since I suspect the full OOC isn't entirely relevant to the Special Permit review, I am attaching only one complete copy of the OOC; each other copy of the letter will contain only the first page of the OOC as Appendix C)
- d. Additional documents provided with Special Permit application:
 - i. Notice of Intent (NOI) Site Plan (filed with Hanover Conservation Commission)
 - ii. Stamped Building Plans

Thank you for your time and consideration. Please do not hesitate to reach out with any questions, or if you need any additional information from us.

Sincerely,
The Spencers

Appendix A: Mitigation Plan

[Mitigation Plan begins on following page]



MITIGATION NOTES:

- 1.) THIS PROPOSED MITIGATION PLAN HAS BEEN PREPARED TO COMPLY WITH THE RIVERFRONT REDEVELOPMENT REGULATIONS AT 310 CMR 10.58(5). IN ORDER TO COMPLY WITH THE REGULATIONS, A TOTAL OF 640 SQ. FT. OF MITIGATION PLANTINGS ARE BEING PROPOSED TO MEET THE 2:1 REQUIREMENT AS COMPARED TO THE NEW DEGRADED RIVERFRONT AREA.
- 2.) IN ADDITION TO THE NATIVE MITIGATION PLANTINGS, THE REMOVAL OF EXISTING NON-NATIVE INVASIVE PLANTS IS PROPOSED WITHIN THE RIVERFRONT AREA (APPROX. 3,040 SQ. FT.). INVASIVE PLANTS SUCH AS GLOSSY BUCKTHORN, ORIENTAL BITTERSWEET, BURNING BUSH, ETC. WOULD BE FLAGGED IN THE FIELD BY AN OVERVIEWING BOTANIST FOR REMOVAL. THE INVASIVE PLANTS WOULD BE CUT AT THE BASE OF THE STEM, CUT STEM PAINTED WITH HERBICIDE, AND CUT PLANT REMOVED FROM THE SITE FOR DISPOSAL. HERBICIDE APPLICATION WOULD BE APPLIED BY THE HOMEOWNER OR LICENSED HERBICIDE APPLICATOR. THE REMAINING NATIVE VEGETATION WOULD BE ALLOWED TO EXPAND INTO THE AREA WHERE THE INVASIVE PLANTS WERE REMOVED.
- 3.) PRIOR TO MITIGATION PLANTING WORK, EROSION CONTROLS SHALL BE ESTABLISHED/MAINTAINED ALONG THE EDGE OF THE MITIGATION AREA NEAREST THE BVW AND RIVER.
- 4.) PRIOR TO PLANTING, THE EXISTING TURF WITHIN THE MITIGATION AREA SHALL BE REMOVED TO EXPOSE THE NATIVE TOP SOIL. IF NECESSARY, THE MITIGATION AREA MAY BE SUPPLEMENTED WITH A LIGHT LAYER (1 TO 2 INCHES) OF CLEAN LOAM.
- 5.) THE MITIGATION AREA SHALL THEN BE HAND PLANTED WITH A MIX OF NATIVE SHRUBS. SHRUBS SHALL BE SPACED IN ACCORDANCE WITH MA D.E.P. GUIDANCE WHICH IS 8 FEET ON CENTER. USING THIS SPACING, TO FULLY VEGETATE THE 640 SQ. FT. MITIGATION AREA A TOTAL OF 12 SHRUBS WILL BE REQUIRED.
- 6.) ONCE PLANTED, THE ROOT ZONE OF THE SHRUBS SHOULD BE MULCHED WITH NATURAL UNPROCESSED WOOD CHIPS.
- 7.) THE REMAINING AREA SHOULD BE HAND SEEDING WITH A NATIVE SEED MIX CONSISTING OF NEW ENGLAND WETLAND PLANTS'S NEW ENGLAND CONSERVATION/WILDLIFE SEED MIX.
- 8.) A TEMPORARY IRRIGATION SCHEDULED SHALL BE ESTABLISHED BY THE APPLICANT/CONTRACTOR THROUGH THE FIRST GROWING SEASON.
- 9.) PLANTINGS SHOULD BE COMPLETED DURING THE SPRING PLANTING SEASON (MAY 1ST TO JUNE 15TH) OR THE FALL PLANTING SEASON (SEPTEMBER 15TH TO NOVEMBER 15TH).
- 10.) AT THE COMPLETION OF WORK, A REPORT SHALL BE SUBMITTED TO THE HANOVER CONSERVATION COMMISSION DETAILING THE COMPLETED WORK WITH PHOTOGRAPHS.

**PROPOSED RIVERFRONT AREA MITIGATION PLAN
TO ACCOMPANY NOTICE OF INTENT
676 CIRCUIT STREET, HANOVER
DATED: 10/25/2023**

Appendix B: Inspection Report

[Inspection Report begins on following page]

Observations

4.1.1 Structure

BARN AND ROOF SAG/UNDERSIZED FRAMING MEMBERS/RECOMMEND FURTHER EVALUATION

BARN

Structure built with undersized framing members and missing/inadequate tie beams. This allows roof sag and wall bowing from excessive weight of roof shingles and snow loads on roof system. Recommend having contractor evaluate and repair or restructure roof system to prevent collapse. This most likely will include sistering rafters, drawing walls together with come-alongs and installing proper tie beams.

Recommendation

Contact a qualified professional.



General Repair/Recommend Further Evaluation



Stored items limit inspection. Inspection limited to viewable areas only.

Observations

5.1.1 Structure

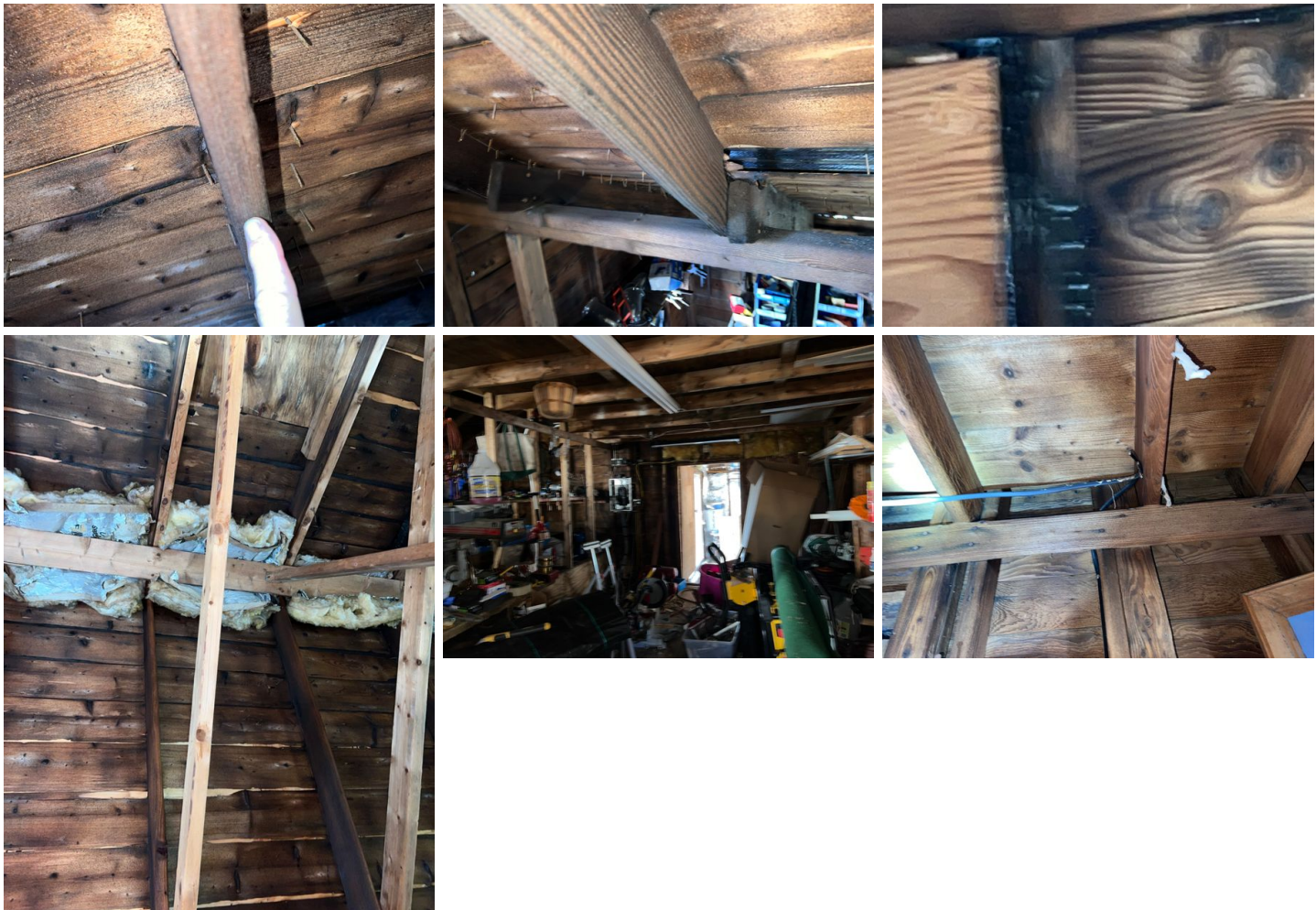
General Repair/Recommend Further Evaluation

PRIOR FIRE NOTED/SIGNIFICANT DAMAGE/PRIOR REPAIRS/RECOMMEND FURTHER EVALUATION

Significant past fire damage to structure and then sandblasting and repairs made. Repairs include some sistered rafters, addition plywood roof sheathing and newer roof surface. Fire damage burnt some rafters and framing components to almost 1/2 their original size which severely reduces the strength of structure. Recommend having structural engineer/contractor fully evaluate structure and upgrade as necessary to ensure safe structure.

Recommendation

Contact a qualified professional.



5.1.2 Structure



General Repair/Recommend Further Evaluation

**UNDERMINING/S
OIL EROSION/SETTLEMENT**

Undermining, settlement from soil erosion noted at foundation. Recommend having contractor fill and regrade. Recommend ensuring roof and groundwater are properly discharged away from foundation. Monitor foundation for further settlement. Have contractor evaluate settlement and repair cracks/repoint foundation.

Recommendation

Contact a foundation contractor.



5.1.3 Structure



General Repair/Recommend Further Evaluation

**BARN AND ROOF SAG/UNDERSIZED FRAMING
MEMBERS/RECOMMEND FURTHER EVALUATION**

Structure built with undersized framing members and missing/inadequate tie beams. This allows roof sag and wall bowing from excessive weight of roof shingles and snow loads on roof system. Recommend having contractor evaluate and repair or restructure roof system to stabilize structure. This most likely will include sistering rafters, drawing walls together with come-along and installing proper tie beams.

Recommendation

Contact a qualified professional.





5.1.4 Structure

HYDROSTATIC WATER SEEPAGE/DISPLACED BLOCK FOUNDATION/SETTLEMENT

BARN

Foundation bulging, seepage, and settlement due to hydrostatic pressure against foundation block wall infill. Recommend managing storm water away from foundation as far as possible wall to prevent worsening. Recommend having foundation contractor repair or replace damaged wall section.



General Repair/Recommend Further Evaluation



5.1.5 Structure

**STAIRS/LANDIN
G UNSAFE**

General Repair/Recommend Further Evaluation

Recommend having contractor evaluate and remove and replace damaged stairs and landing prior to use.

Recommendation

Contact a qualified professional.





6.6.2 Roof Structure & Attic



General Repair/Recommend Further Evaluation

WATER STAINS AT ROOF SHEATHING

Unable to determine if past seepage or active leaking. Recommend having roofing contractor evaluate and repair as needed.

Recommendation

Contact a qualified professional.



6.6.3 Roof Structure & Attic

WATER STAINS - NEWER ROOF

General Repair/Recommend Further Evaluation

Water stains near noted at roof sheathing. Appears to be from prior to reroof. Monitor and contact roofing contractor with any active water seepage.

Recommendation

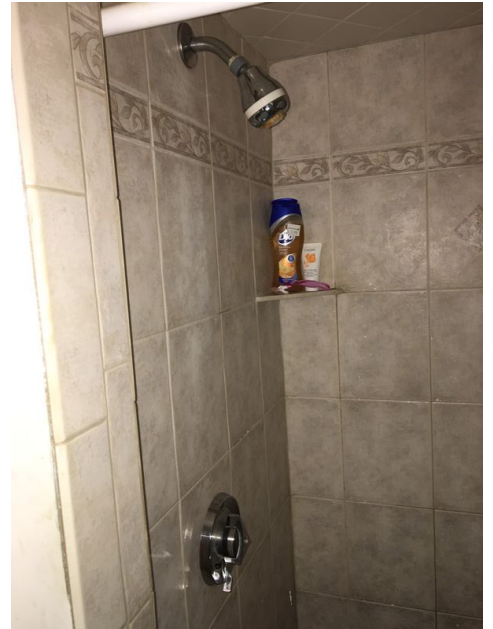
Contact a qualified professional.



Water hammer is a loud bang coming from the pipes after a valve shuts off. This type of plumbing noise is typically due to worn or damaged valve washers. A buildup of minerals and rust inside the shut-off valves may also cause this sound. Recommend plumber evaluate and correct issue.

Recommendation

Contact a qualified plumbing contractor.



11.7.1 Doors and Windows

FAILED THERMAL SEAL(S)

BARN

Observed condensation between the glass panes, which indicates a failed thermal seal. Recommend qualified contractor evaluate and repair or replace.



General Repair/Recommend Further Evaluation



11.7.2 Doors and Windows

DOOR(S) NOT OPENING/CLOSING/LATCHING PROPERLY

Have contractor evaluate and repair, trim and adjust to ensure proper opening/closing and latching.



Maintenance/Monitor Minor Item

Appendix C: Order of Conditions

[Order of Conditions begin on following page]



**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
with Town of Hanover Wetlands Protection Bylaw §6-14**

SE 31-1281
Mass DEP file #

COOC-23-15
Hanover File #

HANOVER
City/Town

Project Location: **#676 CIRCUIT ST.**

A. General Information

1. From: **HANOVER CONSERVATION COMMISSION**

2. This issuance is for an a. ☒ **Order of Conditions**
(check one):

b. ☐ Amended Order of Conditions

3. To: Applicant and 4. Property Owner

5. Representative

Ce-Jay R. and Anna K. Spencer

a. & b. Applicant Name, Title (if any)

c. Applicant Organization

676 Circuit St., Hanover, MA 02339

d.- g. Applicant Mailing Address, City/Town, State, Zip Code

Paul J. Mirabito, PLS

a. & b. Representative Name, Title (if any)

Ross Engineering Co.

c. Representative Organization

683 Main St., Norwell, MA 02061

d.- g. Representative Mailing Address, Town, State, Zip Code

6. Project Location: **#676 Circuit St.** Assessors Map and Lot: **51-019**

7. Description of Project:

The lot contains a single family dwelling built in the early 1700's within inner riparian to the Drinkwater River. Approved work within the buffer zone to an on-site bordering vegetated wetland (BVW) and within riverfront area (RFA) includes the demolition of a wooden barn-type structure damaged by fire, construction of a new wooden accessory structure to an existing inground swimming pool, drywell installation, landscaping, invasive vegetation management on the bank and within riverfront area, removal of dead and storm damaged trees, and associated site preparation. Said work is proposed 78 ft. from the BVW and 95 ft. from the bank. Erosion control materials and limit of work for the main project are located at 62 ft. from the BVW and 90 ft. from the bank. To further protect resource areas, and for safety reasons, a split rail or similar fence is approved at top of bank along the river, from the edge of the driveway to the eastern property line. Conservation setback markers are approved along the edge of historic lawn at 20 ft. to 25 ft. from the BVW and are to remain in place in perpetuity (they shall not be relocated or removed). Further, to fulfil requirements under an existing Enforcement Order that was issued to the property's previous owner, restoration on inland bank and within inner riparian for the removal of a collapsed wooden work shop and related debris, installation of signage along a public path adjacent to the property, and minor grading near the public trail, as well as additional cleanup from storm damage and enhancements within the inner riparian zone to the eastern property line.



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
 with Town of Hanover Wetlands Protection Bylaw §6-14



SE 31-1281
 MA DEP File #

COOC-23-15
 Town File #

HANOVER
 City/Town

Project Location: **#676 CIRCUIT ST.**

8. This property is recorded at the Plymouth County Registry of Deeds in: Book: **57547**, Page: **045**

9. Dates:

a. Notice of Intent filed: **10/06/23**

b. Public Hearing closed: **10/25/23**

f. Date of OOC issuance: **11/15/23**

g. OOC Expiration Date: **11/15/26**

10. Final Approved Plans and Other Documents:

a. "Notice of Intent Plan for 676 Circuit St.", prepared by Ross Engineering Co. (Grady Consulting, LLC), dated September 6, 2023, in 1 Sheet, scale 1"=20'. Signed and Stamped by Paul Joseph Mirabito, PLS #28521.

b. "Proposed Riverfront Area Mitigation Plan to Accompany Notice of Intent", prepared by Environmental Consulting and Restoration, dated 10/25/23, 1 sheet.

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on information provided in the application/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) and the Hanover Wetlands Protection Bylaw:

- | | | |
|---|--|---|
| a. <input checked="" 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 & Shellfish Habitat | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

Findings pursuant to the Town of Hanover Bylaw, including the above in B.1.a. – i.

- | | | |
|--|---|---|
| j. <input checked="" type="checkbox"/> Erosion Control | k. <input type="checkbox"/> Rare/Endangered Species | l. <input type="checkbox"/> Agriculture |
| m. <input type="checkbox"/> Recreation | n. <input checked="" type="checkbox"/> Aesthetics | a. – i. above, if any checked <input checked="" type="checkbox"/> |

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.

3. ☒ **Buffer Zone Impacts:** Enter shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a): **62 ft.**



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
with Town of Hanover Wetlands Protection Bylaw §6-14

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Project Location: #676 CIRCUIT ST.

4. – 8. Inland Resource Area Impacts: **4. – 8. none** (see 9. Riverfront Area below)

9. <input checked="" type="checkbox"/> Riverfront Area	101,785 sf a. total sq. feet on site	Drinkwater River (inland) 4,400 sf b. Name of stream or "un-named" Total sq. feet of alteration
Sq. ft. within 100 ft	1,600 c. square ft. proposed	1,600 d. square feet approved
Sq. ft. between 100- 200 ft	2,800 g. square feet proposed	2,990 sf of RFA mitigation e. & f. square ft. proposed & approved

10. – 24. None

C. General Conditions Under Massachusetts Wetlands Protection Act

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 **N/A** 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.
9. No work shall be undertaken until this Order has become final and then has been recorded at the **Plymouth 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. 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**



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
with Town of Hanover Wetlands Protection Bylaw §6-14

SE 31-1281
MA DEP File #

COOC-23-15
Town File #

HANOVER
City/Town

Project Location: **#676 CIRCUIT ST.**

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, "**Mass DEP File Number SE 31-1281**".
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.
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**
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.
21. Special Conditions under the Act: For projects under 310 CMR 10.58(5)(f) or (g), further alteration is prohibited within the restoration or mitigation area, 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 (310 CMR 10.58(5)(h)).



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Project Location: #676 CIRCUIT ST.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. A municipal wetlands bylaw is applicable.
2. The HANOVER Conservation Commission hereby finds:
 - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically, the Town of Hanover Wetlands Protection Bylaw #6-14. 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 Town of Hanover Wetlands Protection Bylaw #6-14:
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:

D.3. GENERAL & SPECIAL CONDITIONS UNDER HANOVER WETLANDS PROTECTION BYLAW #6-14:

NOTE: All conditions preceded by 2 asterisks " ** " are perpetual (*on-going*) and **do not expire**.

- D.3.a. **All conditions within the hereto attached Order of Conditions SE 31-1281 (specifically Conditions C.1. through 21.) are also required under the Hanover Bylaw portion of this Order designated as Conditions D.3.a. through D.5.**
- b. ****Failure to comply with all Bylaw Conditions stated herein, and with all related statutes and other regulatory measures shall be deemed cause to revoke or modify this Order.**
 - c. The term "Applicant" refers to the person(s) listed on the Notice of Intent and is inclusionary with respect to "property owner" if the Applicant is not the owner of the property.
 - d. ****By acceptance of this Order, the applicant indemnifies and holds harmless the Town of Hanover for any damages attributable to work undertaken on this property pursuant to this Order. The Commission bases its decisions on evidence presented at the public hearing(s) by the applicant and his/her professional representatives. By signing the application, the applicant holds that the facts given are true and accurate. The applicant agrees that the Town of Hanover shall have no responsibility in the event of failure of any part of the project.**
 - e. As per the Town of Hanover Bylaw #4-7(5), NOTIFICATION HAS BEEN MADE to the Treasurer/Collector of Taxes that this Order has been issued. If real estate and/or personal property taxes are past due for this parcel and/or applicant, work may not commence until such time that the taxes are in a "current" status. In all such cases, not notification to the Conservation Commission from the Tax Collector is required in order for work to commence.
 - f. All contractor project managers working on this project must have a copy of this Order with them on site as well as the approved plan of record- any plans revised as required by other boards or departments, shall be submitted to the Conservation Commission prior to the commencement of work for the revised activities.
 - g. The applicant is responsible for any errors, omissions, or deviations from the approved plans, and/or damages, to any and all protected resource areas on this site. Full restoration (to the satisfaction of the Conservation Commission's professional wetland consultant and Conservation Agent) will be required.



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- h. No work may commence until such time that all appeal periods have passed. See Section "E: Appeals" for appeal period and deadlines.
- i. Work subject to this Order may be inspected by the Commission, its agent(s), consultants, or any other Town official to evaluate compliance with this Order until such time that a Certificate of Compliance is issued.

j. i. – iv. Plan Changes:

You are being issued this Order of Conditions and allowed to conduct work based upon the activities listed in this Order and detailed within the approved plan of record. Any changes to the project that become necessary due to scheduling, site conditions, or similar, shall be submitted to the Conservation Commission in writing, including e-mail notice to conservation@hanover-ma.gov, for review, *prior to* conducting the new activities.

Please note that changes required by other state or local agencies such as Boards of Health, Planning, Zoning, or the Building Dept., must be reported to and approved by the Conservation Commission *prior to* any actions being taken.

All changes are to be detailed on a revised plan and submitted to the Conservation Commission for review.

Written notice shall include:

- i. MA DEP file # and Bylaw # of the Order of Conditions,
 - ii. issuance date of the Order, new revised plan date, and original date of the plan,
 - iii. a precise description of all changes to the plan, and
 - iv. how the changes will affect the resource areas and associated buffer zones,
- k. ****All conditions within this Order are the responsibility of the Applicant and current property owners as listed on this Order, and any successor in interest or successor in control of the property, including Trusts or estate holders. Conditions marked with " ** ", do not expire, they are perpetual, on-going conditions.**
 - l. ****All conditions within this Order shall be followed by any and all contractors or other persons performing work at the subject site.**
 - m. ****If during the process of completing this project, any portion or all of this parcel is sold or transferred to new owners, a copy of this Order shall be provided to them. In addition, written notification shall be submitted to the Conservation Commission including the buyer's name and address and contact information so that a project meeting can be scheduled with the Conservation Agent.**
 - n. ****The Applicant is responsible for informing all public utility workers and private contractors working at the site of all Conditions in the Order and of its location at the site.**
 - o. i. – vi. Prior to the commencement of work, the following must be completed:
 - i. Order recorded at PC Registry of Deeds with receipt submitted to Conservation Commission,
 - ii. all wetland flags attached in place as per the approved plan of record,
 - iii. submission of written notice from engineer stating that erosion control/limit of work are staked in approved locations,
 - iv. submission of Contact Sheet listing all contractors on site,
 - v. trees for clearing must be marked for the initial Conservation Agent inspection, and
 - vi. notification made to Conservation Agent of titles and most recent dates of plans used on site.
 - p. ****Any fill used in connection with this project shall be clean fill (as per MA DEP and Hanover DPW requirements) and shall not contain any kind of trash, metal, organic or landscaping debris, noxious or hazardous chemicals/materials, vehicle or machinery parts, pavement remnants, nor any kind of appliances.**



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- q. ****No debris, construction materials, or equipment may be stored, disposed of, or dumped in protected resource areas.**
- r. ****No yard waste may be stockpiled in the protected resource areas, or associated buffer zones.**
- s. ****No interference to the natural flow of water bodies or to the natural growth of protected resource areas or buffer vegetation is allowed.**
- t. ****Storm damage to trees may be removed under Emergency Orders from MA DEP, otherwise, any such work requires notification and possible permitting from the Conservation Commission or its Agent(s).**
- u. ****There shall be no substances pumped or drained into the protected resource areas.**
- v. ****There shall be no dewatering (pumping water out of) the protected resource areas.**
- w. ****Dewatering during construction shall not be directed toward protected resource areas.**
- x. ****Dewatering or the release of any substances is prohibited into public drainage systems.**
- y. ****Application of pesticides, herbicides, fungicides, non-organic fertilizers, and/or similar chemicals within protected resource areas, waterways, or similarly protected areas, is prohibited within 50 ft. of said areas or within 100 ft. of any waterway. For all other areas, less hazardous organic products shall be used.**

z. i. – iii. Stormwater policy:

☒ **The work associated with this Order *is not* subject to Massachusetts Stormwater Policy Standards.**

However, the following Stormwater Management conditions apply under the Bylaw:

- i. **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 pre-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.**
- ii. **Any drywells for roof run-off or seasonal pool discharge shall be installed and maintained as per the approved plan of record and manufacturer's specifications.**
- iii. **The maintenance of stabilized slopes shall be as designed and constructed by the property owner of record, whether "bioengineered" or mechanically-stabilized slopes.**

aa. **Required inspections for this project: See Appendix A attached to this Order.**

bb. i. – viii. During Construction:

- i. **A copy of the final approved plans and this Order of Conditions shall be made available on site for all contractors and their employees to review.**
- ii. **The MA DEP sign referred to in Condition C.10. of this Order which details the "MA DEP file # SE 31-1281" shall be placed near the entrance to the work site so that the sign can be clearly seen from the street.**
- iii. **Workers shall be informed that the use of machinery, storage of machinery or materials, stockpiling of soil, or any construction activity is prohibited beyond the limit of work line at all times.**
- iv. **All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.**
- v. **All equipment shall be operated, parked, and maintained so as to eliminate damage to wetlands and their associated buffer zones as clearly identified on the approved plans of record and marked in the field by wetlands flagging and conservation setback markers (limit of construction). No equipment is to enter or cross limit of work line.**



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- vi. If upon inspection, it is found that activities have breached the limit of work line, the Conservation Agent will require the installation of orange snow fencing to ensure no further violations occur. Depending of the amount of wetland/buffer damage, an Enforcement Order with fines may be issued to ensure the repair of the damaged areas.
- vii. ****Cement trucks or other construction vehicles or equipment shall not be emptied or washed out in any adjacent wetland resource or buffer zone area, or into any drainage system. Excess concrete shall not be discharged within 100 ft. of any wetland or within 200 ft. of any waterbody. Accidental deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.**
- viii. At the end of each work day, if siltation from this lot is found within the roadway layout or on the bank and/or within any waterbody, it shall be removed using manual methods.

cc. i. – vii. Erosion Control:

- i. The Commission does not except haybale-type erosion control. Acceptable erosion control materials include mulch tube or mulch sock types, and must be of an appropriate diameter to ensure sediment control. Refer to approved plan of record for erosion control size and location.
- ii. Daily checks of mulch tube are required with repairs made immediately.
- iii. Any sedimentation found beyond the mulch tube shall be removed immediately using manual methods.
- iv. Additional mulch tube shall be kept on site.
- v. The Commission reserves the right to impose additional protections for erosion control.
- vi. Any noticeable degradation of surface water quality shall be immediately mitigated.
- vii. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass shall be established, or not within the growing season, exposed surfaces shall be stabilized by other erosion control measures.

dd. i. – v. **Conservation Post Installation:

- i. **Conservation setback markers labeled with “No Activity Beyond This Point- Protected Wetlands”, shall be installed as per the approved plan of record.**
- ii. **No work is allowed rear of the markers toward the protected resource area. This area shall be kept in a natural condition and shall not be cleared, mowed, built upon, or similar. It is to remain a natural buffer to the adjacent wetland areas.**
- iii. **Conservation setback markers shall remain in place in perpetuity and shall not be removed. Such action is subject to enforcement and fines.**
- iv. **The markers and posts shall be kept in good repair and replaced as needed.**
- v. **The location of all conservation setback markers shall be clearly detailed on the As-Built Plan submitted with the Request for Certificate of Compliance.**

ee. i. – iii. Stockpiles:

- i. All stockpiles are temporary.
- ii. All stockpiles shall be located within the limit of work line.
- iii. All stockpiles left for a period of 48 hours or more, shall be covered to prevent erosion from wind and rain events and shall be surrounded by approved erosion control materials.

ff. i. – vii. **Swimming Pool Conditions- Typical cleaning and maintenance products used in swimming pools and spas are environmentally harmful and can damage or destroy vegetation, especially wetland vegetation, and wildlife. They will also interfere with wildlife habitat and food sources. Therefore, the Conservation Commission has determined that the following conditions are required for maintenance of pools and other water features:



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- i. A drywell or connection to an existing drywell for seasonal pool discharges must be installed.
- ii. Pool water shall not, under any circumstances be discharged directly onto the ground, into a protected resource area, or into any waterbody.
- iii. Pool water shall not be discharged into the public roadway or drainage system.
- iv. There shall be no addition of chemicals, such as chlorine or "shock treatments", seven (7) days prior to any discharge or backwashing of water from the pool into the dry well.
- v. If the above conditions cannot be met, all drained water shall be taken off site by a professional company that is qualified and licensed to do so.
- vi. All construction debris must be removed from the site. For concrete pools (shotcrete or gunite), any mix that is overblown onto soils must be cleaned up, excess concrete may not be buried on site and concrete equipment and/or trucks are not to be washed on site. For fiberglass pools, any cuttings or shavings from the pool installation must be collected and removed. For vinyl lined pools, any construction debris or plastic materials shall be completely removed from the site and shall not be buried.
- vii. Violation of any of the above conditions will result in enforcement actions and fines.

gg. i. – vi. Special Conditions Under the Bylaw:

- i. An Environmental Monitor (EM) who is certified as a professional wetland specialist shall be hired to oversee the bank and inner riparian mitigation activities.
- ii. The EM shall submit a report and request a site inspection at the end of mitigation work.
- iii. The EM shall submit a report and request a site inspection at the end of growing season #1.
- iv. The EM shall submit a report and request a final site inspection at the end of growing season #2.
- v. The dumpster for the demolition portion of the project (barn and collapsed workshop) shall be located as far out of the inner riparian as possible.
- vi. For projects under 310 CMR 10.58(5)(f) or (g), further alteration is prohibited within the restoration or mitigation area, 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 (310 CMR 10.58(5)(h)).

hh. Notification to Conservation Commission of Appeals:

If the Massachusetts Department of Environmental Protection (DEP) or Superior Court is requested to issue a superseding order for this permit, the Conservation Commission shall be a party to all to all such applications, proceedings, and hearings.

4. Permit Extensions:

If the project cannot be completed by the expiration date, an extension of time may be requested. The Request for Extension Permit form is available at the Conservation Office or on the Town of Hanover Website (www.hanover-ma.gov). The following conditions apply to this request:

- a. EXPIRED ORDERS OF CONDITIONS ARE NOT VALID AND CAN NOT BE EXTENDED - THERE ARE NO EXCEPTIONS. AN APPLICANT SHALL FOLLOW THE STEPS PROVIDED IN THE CERTIFICATE OF COMPLIANCE REQUEST CONDITION LISTED BELOW, TO CLOSE AN EXPIRED ORDER OF CONDITIONS. ANY FUTURE WORK CONDUCTED ON A SITE WITH AN EXPIRED ORDER OF CONDITIONS IS IN VIOLATION OF THIS ORDER AND IS SUBJECT TO ENFORCEMENT AND POSSIBLE FINES. ADDITIONAL WORK REQUIRES THE SUBMISSION OF A NEW NOTICE OF INTENT PRIOR TO THE COMMENCEMENT OF WORK.



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- b. The completed Request for Extension Permit form must be submitted **at least thirty (30) days prior to the expiration date of this permit¹**. Therefore the deadline for submitting a Request for Extension Permit form for this Order is **October 16, 2026**.
- c. Fees shall be submitted in full with the completed form.
- d. A period of one (1), two (2), or three (3) years may be requested.
- e. The Commission retains the right to inspect the site and confirm wetland lines with each request.
- f. The Extension Permit must be recorded at the Plymouth County Registry of Deeds with proof of recording submitted to the Conservation Commission Office.
5. **Certificate of Compliance Request:** Upon completion of the project the Applicant shall submit a completed Request for Certificate of Compliance. This form is available on the Town of Hanover Website (www.hanover-ma.gov). The following conditions apply to this request:
 - a. The completed Request for Certificate of Compliance form must be submitted **at least thirty (30) days prior to the expiration date of this permit²**. Therefore the deadline for submitting a Request for Certificate of Compliance form for this Order **October 16, 2026** or 30 days prior to the expiration date of any Extension that has been issued by the Commission and duly recorded at the Plymouth County Registry of Deeds.
 - b. There are no fees applicable to a Request for Certificate of Compliance pertaining to this Order if the request is submitted within the required deadline. If the deadline is not met, late fees as per the most current Hanover Bylaw Fee Schedule in effect at the time of the request submittal, shall be imposed. Requests not accompanied by appropriate fees will not be processed.
 - c. If the project does not take place or for any reason will not take place, a Request for Certificate of Compliance based upon "*work never commenced*" may be submitted. Written documentation including an explanation of circumstances and photos of site must accompany such a request. There are no fees applicable for this type of request.
 - d. A Request for Certificate of Compliance submittal for completed projects shall include the following:
 - i. the *Request for Certificate of Compliance* form provided on the Town of Hanover website, completed by the applicant/property owner or his/her representative;
 - ii. full payment in the form of a check to the Town of Hanover for any appropriate fees;
 - e. Upon receipt of the above items, a site inspection will be conducted in order to determine compliance with the conditions in this permit.
 - f. NO WORK MAY TAKE PLACE WITH AN EXPIRED ORDER OF CONDITIONS OR EXPIRED EXTENSION PERMIT. IN ORDER TO FINISH INCOMPLETE WORK PERMITTED UNDER THE EXPIRED PERMIT, THE APPLICANT SHALL REQUEST A CERTIFICATE OF COMPLIANCE AND SUBMIT A NEW NOTICE OF INTENT FOR THE INCOMPLETE WORK
 - g. THE CERTIFICATE OF COMPLIANCE SHALL BE RECORDED AT THE PLYMOUTH COUNTY REGISTRY OF DEEDS. PROOF OF RECORDING MUST BE SUBMITTED TO THE CONSERVATION COMMISSION. LACK OF RECORDING THE CERTIFICATE OF COMPLIANCE IS IN VIOLATION OF THIS ORDER AND WILL CAUSE DELAYS IN THE PERMITTING PROCESS FOR FUTURE PROJECTS THAT FALL WITHIN THE COMMISSION'S JURISDICTION ON THIS SITE.

*****END OF CONDITIONS*****

¹ Extension Permits must be approved at a duly posted open meeting of the Conservation Commission. Approval is based on inspection of the site by the Commission and/or its designee. The 30 day submittal deadline allows for scheduling of the inspection and placement on the Commission's agenda. If for valid Orders due to unforeseen circumstances, the 30 day deadline cannot be met, but the inspection and the open meeting timeframe is available, the 30-day deadline may be adjusted. However, expired Orders will not be extended for any reason.

² Certificates of Compliance (COC) must be approved at a duly posted open meeting of the Conservation Commission. Approval is based on inspection of the site by the Commission and/or its designee. The 30 day submittal deadline allows for scheduling of the inspection and placement on the Commission's agenda. If, for un-expired Orders and for unforeseen circumstances, the 30 day deadline cannot be met, but the inspection and the open meeting timeframe is available, the 30-day deadline may be waived. Requests for COC's on an expired Order are subject to late fees as per the most current Bylaw Fee Schedule.



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APPENDIX A - REQUIRED SITE INSPECTIONS

Condition D.3.aa.:

Site inspections are required by the Commission for all projects. Contact the Conservation Agent to schedule site inspections. All work conditioned within this Order is subject to inspections by the Commission, its agent(s), consultants, or any other Town official deemed necessary to evaluate compliance with this Order until a Certificate of Compliance is issued.

Approval from Inspectors employed by other agencies or Town Departments does not relieve the applicant from conditions within this Order.

Review the following items for inspection and plan accordingly.

DO NOT ADD TO OR CHANGE THE APPROVED PROJECT.

If changes are necessary, contact the Conservation Agent.

Pre-construction: *(Locations to be staked by the Applicant's Engineer) (Other items may be inspected)*

- ☐ submission of PC recording receipt for this permit
- ☐ signage in place showing "MA DEP File Number SE 31-1281"
- ☐ wetland flags in place to show boundaries of all resource areas
- ☐ erosion control materials (limit of work) location and condition for main project

During demolition activities:

- ☐ dumpster and equipment location and condition
- ☐ removal collapsed work shop and barn/workshop
- ☐ general site condition

During construction:

- ☐ erosion control & resource areas
- ☐ stockpiles & equipment location/condition
- ☐ grading for retaining wall and new structure
- ☐ general landscaping
- ☐ reuse of historic stone foundation blocks on site
- ☐ site maintenance check

EO mitigation work:

- ☐ removal of invasives and new plantings in mitigation area
- ☐ restoration of riverfront area in location of collapsed work shop
- ☐ general landscaping, fencing/signage installation near public path

Growing season #1 (estimated date- October 2024):

- ☐ viability of mitigation area and any replacement plants

Growing season #2: (estimated date- October 2025):

- ☐ viability of mitigation area and any replacement plants

Post-construction: *(Locations to be staked by the Applicant's Engineer)*

- ☐ Safety fence at top-of-slope to river
- ☐ conservation setback markers firmly installed in approved locations with attached plaques stating "Protected Wetlands- No Activity Beyond This Point"
- ☐ final landscaping and plantings review
- ☐ General site maintenance

If all items passed, OK to submit Request for Certificate of Compliance to Conservation Office.



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E. Signatures

This Order is valid for three (3) years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance which is: NOVEMBER 15, 2023

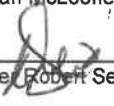
This Order must be signed by a majority of the Conservation Commission.

Please indicate the number of members who will sign this form: Number of Signers: 3

The Order must be mailed by certified mail (return receipt requested), emailed, 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.

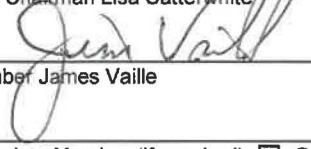
Commission Members Signatures:


Chairman Brian McLoone


Hearing Officer Robert Sennett

Member Mahendra Patel


Vice Chairman Lisa Satterwhite


Member James Vaille

Associate Member (if required) ☐ Otis (Duke) Magoun
☐ David Sawin
☐ both

F. APPEALS

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

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

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

Section D. of this Order of Conditions contains conditions issued under the Town of Hanover Wetlands Protection Bylaw #6-14 which are not appealable to DEP, and must be appealed to the Trial Court for the Commonwealth of Massachusetts, Superior Division.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

HANOVER Conservation Commission

After getting stamped from PC Registry of Deeds, COPY AND SUBMIT copy to Conservation Office.
 Do not remove this page from your Order.

To: **Hanover** Conservation Commission

Please be advised that the Order of Conditions **SE 31-1281, COOC-23-15**, for the project at **676 Circuit St.** has been recorded at the **Plymouth** County Registry of Deeds in Book _____ and Page _____

for Applicant **Ce-Jay Spencer** and has been noted in the chain of title of the affected property in Book _____ and Page _____.

In accordance with the Order of Conditions issued on **November 15, 2023**.

If recorded land, the instrument # is _____. If registered land, the instrument # is _____.