Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

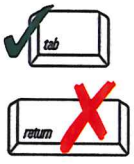
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 31-1149
MassDEP File #
Fireworks Site
eDEP Transaction #
Hanover BL 17-06
City/Town

A. General Information

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

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



1. From: HANOVER
Conservation Commission

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

3. To: Applicant:

MICHELLE
a. First Name

O'BRIEN
b. Last Name

JOINT FIREWORKS DEFENSE GROUP
c. Organization

c/o Pierce Atwood, LLP, 100 Summer St.
d. Mailing Address

Boston
e. City/Town

MA
f. State

02110
g. Zip Code

4. Property Owner (if different from applicant):

Troy
a. First Name

Clarkson, Town Manager
b. Last Name

Town of Hanover
c. Organization

550 Hanover St.
d. Mailing Address

Hanover
e. City/Town

MA
f. State

02339
g. Zip Code

5. Project Location:

#0 King St.- Fireworks Site
a. Street Address

Hanover
b. City/Town

68
c. Assessors Map/Plat Number

45
d. Parcel/Lot Number

Latitude and Longitude, if known: d m s
d. Latitude

d m s
e. Longitude

A. General Information (cont.)

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

a. County	b. Certificate Number (if registered land)
Plymouth	
c. Book	**d. Page**
3861	590

7. Dates:

a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance
3/1/17	3/15/17	4/6/17

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Release Abatement Measures, Fireworks Site, Hanover MA
a. Plan Title

b. Prepared By	c. Signed and Stamped by
Tetra Tech, Inc.	John Scaramuzzo, PE #41349
d. Final Revision Date	**e. Scale**
2/28/17	various

f. Additional Plan or Document Title	g. Date
Scope of Work for RAM's....Conditional Approval, RT#4-0000090	10/21/16

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

a. ☐ Public Water Supply	b. ☐ Land Containing Shellfish	c. ☒ Prevention of Pollution
d. ☐ Private Water Supply	e. ☐ Fisheries	f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply	h. ☐ Storm Damage Prevention	i. ☐ Flood Control

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.

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) — 0 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. ☒ Bank	90 a. linear feet	90 b. linear feet	90 c. linear feet	90 d. linear feet
5. ☒ Bordering Vegetated Wetland	11,876 a. square feet	11,876 b. square feet	11,876 c. square feet	11,876 d. square feet
6. ☒ Land Under Waterbodies and Waterways	Debris recovery w/i 10' of pond edge	b. square feet f. c/y dredged	c. square feet	d. square feet
7. ☒ Bordering Land Subject to Flooding	50 a. square feet	50 b. square feet	50 c. square feet	50 d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ 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. ☒ Riverfront Area	124,884 a. total sq. feet	124,884 b. total sq. feet		
Sq ft within 100 ft	11,876 c. square feet	11,876 d. square feet	11,876 e. square feet	11,876 f. square feet
Sq ft between 100-200 ft	113,008 g. square feet	113,008 h. square feet	113,008 i. square feet	113,0008 j. square feet

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ 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

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.

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 then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number SE 31-1149 "

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.

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;

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.

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):

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.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The _____ 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:

   HANOVER #6-14
   1. Municipal Ordinance or Bylaw 2. Citation

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

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

   see Hanover Bylaw Order of Conditions #BL17-06 attached hereto
   see Access Agreement attached hereto

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.

4-6-17
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.

4
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:

Lisa Satterlee

☒ by hand delivery on

4-6-17
Date

☐ by certified mail, return receipt requested, on

Date

F. Appeals

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

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

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

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

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

To:

HANOVER
Conservation Commission

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

#0 KING ST.
Project Location

SE 31-1149
MassDEP File Number

Has been recorded at the Registry of Deeds of:

PLYMOUTH
County

Book

Page

for: TOWN OF HANOVER, c/o Troy Clarkson, Town Manager
Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

April 6, 2017
Date

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

Instrument Number

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

Document Number

Signature of Applicant

ACCESS AGREEMENT

This Access Agreement ("Agreement") is entered into by and among Tetra Tech, Inc. and its respective officers, employees, agents and representatives (collectively "Permittee"), any subcontractors, their respective officers, employees, agents and representatives (collectively "Permittee's Representatives"), and the Town of Hanover and the Town of Hanover acting by and through its Conservation Commission having an address at 550 Hanover St., Hanover, Massachusetts (collectively, Owner).

WHEREAS, Owner is the current owner of parcels of land designated as Assessor's parcel number 2 on Assessor's Map 59, Assessor's parcel numbers 2 and 27 on Assessor's Map 67, Assessor's parcel numbers 4, 45, 50, 54, 55, and 68 on Assessor's Map 68, and Assessor's parcel numbers 2 and 3 on Assessor's Map 81 (collectively, the "Property"), which are part of or abut the Fireworks Site, and which are within the Area of Interest depicted on the map attached hereto as Exhibit A;

WHEREAS, Owner has the authority to grant the Permittee and Permittee's Representatives access to the Property for the purpose of conducting site investigation and remediation activities;

WHEREAS, the Permittee desires to enter upon the Property, for the purposes of conducting site investigation and remediation activities; and

WHEREAS, the Owner agrees to grant the Permittee and the Permittee's Representatives access to the Property for the purposes of conducting such site investigation and remediation activities, subject to the following terms and conditions.

NOW, THEREFORE, the parties intending to be legally bound and for and in consideration of the foregoing and the mutual covenants hereinafter made, agree as follows:

1. Permission is granted to enter the Property for the purposes of conducting Release Abatement Measures described in a Scope of Work dated October 18, 2016 entitled "Scope of Work for Release Abatement Measures (RAMs) to be performed at the Former Test Range Area and the Cold Waste Area" and for the purposes of conducting all additional response actions required by the Massachusetts Contingency Plan, hereinafter the "Work".

2. This Agreement will remain in effect until the Work is completed.

3. In the event the Permittee or Permittee's Representatives violate a covenant or condition contained herein, this Agreement may be suspended immediately upon written notice by the Owner. The parties will then endeavor to negotiate a resolution of such violation, to enable the Work to resume as soon as possible.

4. All Work shall be performed in a good, workmanlike manner in accordance with all applicable environmental, health and safety statutes and regulations currently in effect

("Applicable Laws"), and in such a way as to cause a minimum of interference with business operations, communications and other activities being conducted on the Property. Temporary restrictions on activities in some areas of the Property during the performance of the Work will be required. Tetra Tech will work cooperatively with the Owner, and particularly with the Hanover Fire Department and Police Department, to restrict access to potentially hazardous areas during the performance of the Work.

5. The Permittee shall ensure that either the Permittee or Permittee's Representatives restore the Property to the condition specified in the work plan as approved by the Hanover Conservation Commission.

6. The Permittee shall ensure that, during the terms of this Agreement, the Permittee and the Permittee's Representatives maintain adequate insurance. Minimum insurance coverages required are as follows:

Workers' Compensation/Employers Liability	Statutory/$1,000,000
Commercial General Liability	$1,000,000 per occ./per agg.
Excess Liability	$4,000,000 per occ./per agg.

The Permittee shall endeavor to have the Owner listed as an Additional Insured on at least its Commercial General Liability insurance policy. A copy of the Permittee's insurance certificate(s) reflecting the above-referenced coverages shall be provided to Owner prior to commencement of the Work.

7. The Permittee further agrees that either the Permittee or Permittee's Representatives shall provide notice to the Owner, as agreed by the parties, by telephone at least two (2) business days prior to the date the Permittee or Permittee's Representatives intend to enter upon the Property to commence Work. The notification shall include identification of the person(s) who will enter the Property and provide an estimate of the amount of time such person(s) shall be performing the Work. Within 48 hours of its submission to the Massachusetts Department of Environmental Protection the Permittee shall provide to Owner a copy of any final report prepared as a result of the Work.

8. All notices or other submissions required or appropriate under the Agreement shall be sent by first class mail, facsimile, nationally recognized overnight delivery service or certified mail, return receipt requested. Such notices or submissions shall be sent, unless written notice has been given of a change to the following person:

If to Owner:

Troy Clarkson, Town Manager
Town of Hanover
550 Hanover Street
Hanover, MA 02339

If to Permittee:

Ronald J. Marnicio, Project Manager
Tetra Tech, Inc.
160 Federal Street, 3rd Floor
Boston, MA 02110

9. This Agreement, as executed by the parties, represents the entire understanding of the parties with respect to the activities herein and shall be governed by and construed in accordance with the laws of the United States and the Commonwealth of Massachusetts. Any disputes which arise under this agreement shall be litigated in the Courts of the Commonwealth of Massachusetts.

10. Should any provision or portion thereof of this Agreement be determined by a court of competent jurisdiction to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be impaired and, to the extent necessary, the parties shall negotiate an equitable adjustment in the affected provisions.

AGREED TO BY:

OWNER
Town of Hanover and
Town of Hanover acting by and through the Hanover Conservation Commission

By _____

Date 3.8.17

TETRA TECH, INC. (Permittee)

By Ronald J Marnicio

Date 3/16/17

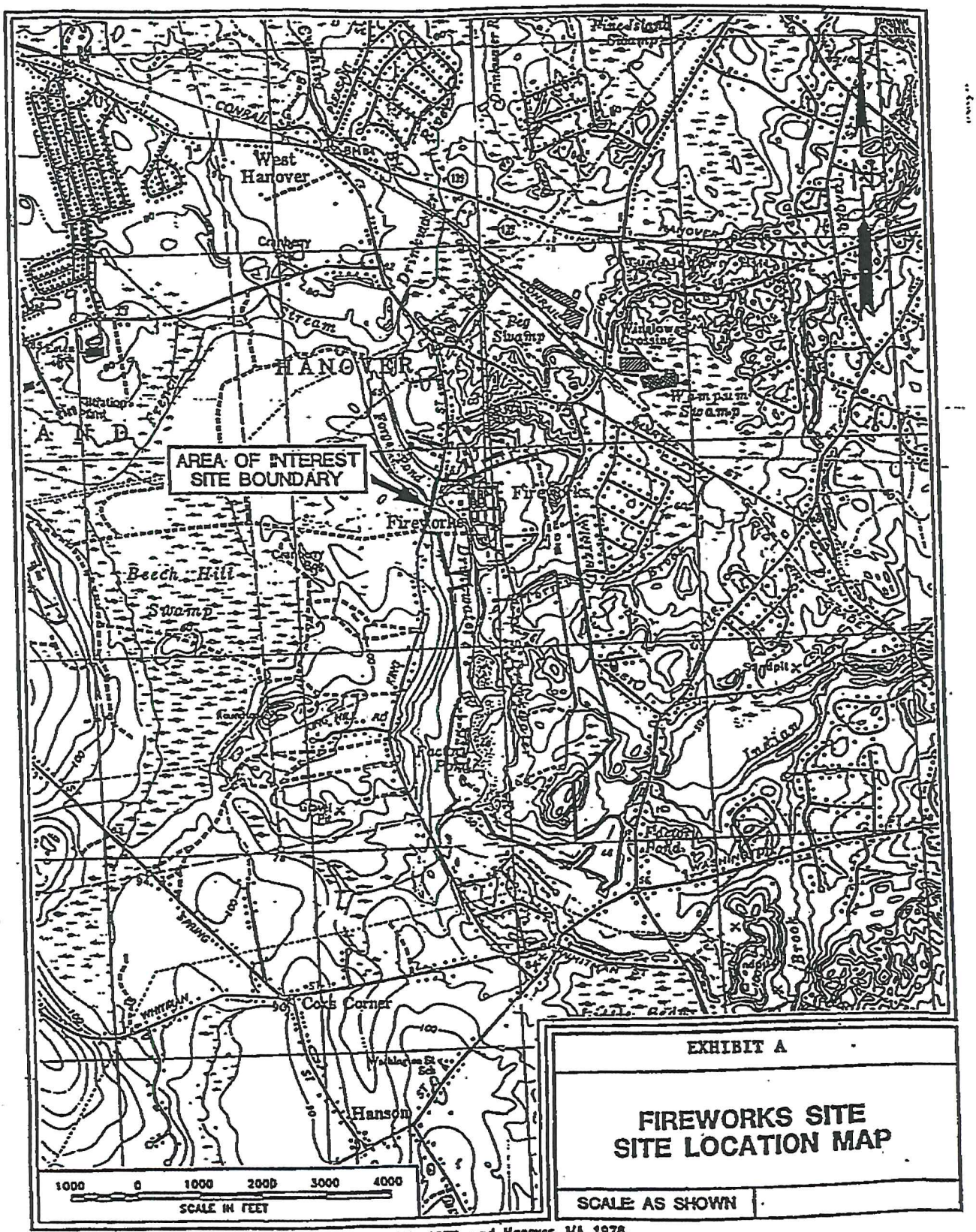


EXHIBIT A

FIREWORKS SITE
SITE LOCATION MAP

SCALE: AS SHOWN

Source: USGS 7.5 Min Topographic Maps: Whitman, MA, 1977, and Hanover, MA 1978.

Order of Conditions
Hanover Wetlands Protection By-law #6-14

Site/Subdivision Order of Conditions

Location: FIREWORKS SITE, Hanover, MA

A. General Information:

1. From the **Hanover Conservation Commission** as Issuing Authority
2. This issuance is for: a. ☒ an **Order of Conditions** (OOC) b. ☐ an Amended OOC
3. To Applicant: **MICHELLE O'BRIEN, FIREWORKS SITE JOINT DEFENSE GROUP c/o Pierce Atwood, LLP, 100 Summer St., Boston, MA 02110**
4. Property Owner: **TOWN OF HANOVER, 550 Hanover St., Hanover, MA 02339**
5. Representative: **TETRA TECH, INC., 160 Federal St., Floor 3, Boston, MA 02110**
6. Project Information:
   i. Location: **FIREWORKS SITE BETWEEN KING AND WINTER STREETS,**
   ii. Hanover Assessor Reference: Plan **68**, Lot **45**
   iii. Property Recording at the Plymouth County Registry of Deeds: Book: **3861** on Page: **590**
7. Dates:

3/1/17	3/15/17	4/6/17	4/6/20
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance	d. Date of Expiration

8. **Final Approved Plans and Other Documents on file with the Conservation Commission:**
   - "Release Abatement Measure, Fireworks Site, Hanover, MA", dated February 28, 2017, signed and stamped by John Scaramuzzo, PE No. 41349
   - "Scope of Work for Release Abatement Measures (RAMS) to be Performed at the Former Test Range Area and the Cold Waste Area, Conditional Approval", dated October 21, 2016, prepared by Leonard J. Pinaud, Chief, State & Federal Site Management, Bureau of Waste Site Cleanup, DEP, Release Tracking # 4-0000090
9. **Description of Project:**

   Release Abatement Measure (RAM) to explore for and remove any detected MPPEH and impacted soils at the Former Test Range Berm and Cold Waste Area with 3.1 acres of vegetation clearing in Bordering Vegetated Wetland (BVW), buffer, and upland, and 11, 876 sq. ft. of BVW excavation and restoration.

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 Bylaw:

☐ **Public Water Supply**	☐ **Erosion & Sedimentation Control**	☒ **Wildlife Habitat**
☐ **Private Water Supply**	☐ **Rare & Endangered Species**	☐ **Agriculture**
☐ **Storm Damage Prevention**	☐ **Shellfish Habitat**	☒ **Recreation**
☒ **Groundwater Protection**	☐ **Fisheries**	☐ **Aesthetics**

2. The Hanover Conservation Commission hereby finds the project, as proposed, is:

APPROVED SUBJECT TO:

☒ **the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. 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:** Shortest distance between limit of project disturbance and the resource area boundary: **0 linear feet**

Inland Resource Area Impacts:

Type:	Proposed Alteration:	Allowed Alteration:	Proposed Replacement:	Allowed Replacement:
4. ☒ Bank	90 linear ft.	linear ft.	90 linear ft.	linear ft.
5. ☒ BVW Bordering Vegetated Wetland	11,876 sq. ft.	sq. ft.	11,876 sq. ft.	sq. ft.
6. ☒ LUWB Land Under Waterbodies or Waterbodies	Recovery of debris within 10 ft. of pond shoreline			
7. ☒ BLSF Bordering Land Subject to Flooding	50 linear ft.	linear ft.	50 linear ft.	linear ft.
Cubic ft. of Flood Storage:	cubic ft.	cubic ft.	cubic ft.	cubic ft.
8. ☐ ILSF Isolated Land Subject to Flooding/ Isolated Vegetated Wetland	linear ft.	linear ft.	linear ft.	linear ft.

		Proposed:	Proposed:	Allowed:	Allowed:
9. ☒ RFA Riverfront Area	2,771,059 Total sf of RFA on site	11,876 sf alteration in 0' – 100' ☐ is permanent	113,008 sf alteration 101' – 200' ☐ is permanent	sf alteration in 0' to 100'	sf alteration 101' to 200'

In this document APPLICANT shall include owner(s), successor in interest or successor in control of the applicant, or agent(s) as applicable. COMMISSION shall be used to mean Hanover Conservation Commission; ORDER, Order of Conditions; and ENGINEER, professional engineer registered in the Commonwealth of Mass.; SURVEYOR, professional land surveyor registered in the Commonwealth of Massachusetts.

**ALL CONDITIONS PRECEDED BY ** ARE ONGOING CONDITIONS WHICH RUN WITH THE LAND AND *DO NOT* EXPIRE WITH THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE. IN ADDITION, ALL CONDITIONS SHALL APPLY TO ANY SUCCESSOR IN INTEREST OR SUCCESSOR IN CONTROL OF THE PROPERTY.

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, as an attachment to Order of Conditions **SE 31-1149**, as well as the Post-Construction Operation and Maintenance Plan, and Long Term Pollution Prevention Plan, must be recorded at the Plymouth County Registry of Deeds ***prior to any activity on this site.*** No work may commence until such time that proof of recording at the Registry for both documents has been received in the Conservation Office.
4. No work may commence until such time that all appeal periods have passed. See Section "E: Appeals" for appeal period and deadlines.
5. This Order is valid for THREE (3) Years. If all work cannot be completed within three years, refer to Condition "*Extensions*" of this order for instructions.
6. Work subject to this Order may be inspected at any time by the Commission, its agent(s), consultants, or any other Town official to evaluate compliance with this Order and all data submitted during the hearing process until such time that a Certificate of Compliance is issued. Further, the Commission may require the applicant to submit additional data deemed necessary by them for that evaluation.
7. The term "Applicant" as used in this Order, shall refer to the person(s) listed on the Notice of Intent as the Applicant. If the Applicant is not the current Property Owner, the term "Applicant" shall be inclusionary with respect to "Property Owner".
8. **THIS ORDER SHALL BE BINDING ON THE APPLICANT, CURRENT PROPERTY OWNER, AND ANY *SUCCESSOR-IN-INTEREST* OR *SUCCESSOR-IN-CONTROL* OF THIS/THESE PARCEL(S), AS LISTED IN THIS ORDER- SECTION A.5. *LOCATION*.
9. THE COMMISSION BASES ITS DECISIONS ON EVIDENCE PRESENTED AT THE PUBLIC HEARINGS BY THE APPLICANT AND HIS/HER PROFESSIONAL REPRESENTATIVES. BY SIGNING THE APPLICATION, THE APPLICANT HOLDS THAT THE FACTS PRESENTED ARE TRUE TO THE BEST OF HIS/HER KNOWLEDGE. THE APPLICANT, AGREES THAT THE TOWN OF HANOVER SHALL HAVE NO RESPONSIBILITY IN THE EVENT OF FAILURE OF ANY PART OF THE PROJECT.
10. **APPROVAL FROM OTHER INSPECTORS DOES NOT RELIEVE APPLICANT FROM OBTAINING APPROVAL FROM THE COMMISSION FOR ANY WORK OR CHANGES WITHIN THE COMMISSION'S JURISDICTION.
11. **THE APPLICANT SHALL PROVIDE A COPY OF THIS ORDER TO ANY PERSON(S) SUPERVISING ACTIVITIES SUBJECT TO THIS ORDER. THE APPLICANT IS RESPONSIBLE FOR THE ACTIONS OF ALL PERSONS WORKING ON THEIR PROPERTY. ALL PARTIES WORKING ON THIS SITE SHALL HAVE A COPY OF THIS PERMIT IN HAND ASSURING THAT THEY ARE FULLY AWARE OF THE TERMS AND CONDITIONS OF THIS ORDER. ONLY THOSE ACTIVITIES WHICH HAVE BEEN PERMITTED UNDER THIS ORDER AND LISTED ON THE APPROVED PLAN OF RECORD, MAY BE CONDUCTED. TO DO OTHERWISE IS A VIOLATION OF THIS PERMIT.
12. **THE APPLICANT SHALL NOTIFY THE CONSERVATION COMMISSION OFFICE IN WRITING WITHIN 30 DAYS OF ALL TRANSACTIONS REGARDING THE SALE OR TRANSFER OF TITLE FOR THIS PARCEL OR ANY PORTION THEREOF. NON-NOTIFICATION TO THE COMMISSION OF THE SALE OR TRANSFER OF ANY PROPERTY SUBJECT TO ANY PERMIT FROM THE CONSERVATION COMMISSION IS A VIOLATION OF THIS ORDER AND SHALL RESULT IN ENFORCEMENT ACTION AND POSSIBLE FINES.

13. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to secure all required permits or approvals. These reviews, permits and approvals may include but are not limited to the following:
    i. Review by the U.S. Army Corps of Engineers (ACE) for any Category 2 or Individual Permit Activity, and procurement of any permits or approvals identified by the Corps.
    ii. Review by the DEP and procurement of any permits or approvals identified by the DEP.
    iii. Review by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program.
    iv. Review by Hanover Planning Board, Board of Health, Zoning Board of Appeals, Building Inspector and/or the Board of Selectmen (for earth removal permits).

14. In reference to Section A.8. of this Order, to the extent that the plans and specifications of the project submitted with the Notice of Intent may differ from the conditions within this Order, ***these conditions shall control.***

15. To ensure that the most recent plan is distributed to any person(s) conducting site work, the final approved plan of record, dated **2/28/17**, shall be used.

16. ****IF YOU MAKE CHANGES, REVISIONS, OR IMPROVEMENTS TO YOUR PROJECT**:

    YOU MUST NOTIFY THE CONSERVATION COMMISSION OFFICE IMMEDIATELY IN WRITING AND PRIOR TO ACTING ON THE CHANGE, REVISION OR IMPROVEMENT.

    i. Any and all work that is not detailed on the approved plan or referenced in this permit shall not be done. If an activity does not have prior approval of the Conservation Commission, and is within their jurisdiction, it is a violation of this Order to conduct such activity and is subject to the enforcement actions and possible fines.

    ii. This Order is written from evidence presented at the Public Hearing(s). The activities conducted on your site must meet the criteria of the Commission's approval as set forth during those hearings and within this Order. Therefore, ***prior to*** any changes, additions, or revisions to the approved plan dated **2/28/17**, the revisions and/or design changes must be presented to the Conservation Commission Office ***in writing*** to determine if the change warrants a review of a revised plan (for minor changes), a hearing for an Amended Order of Conditions, or the filing of a new Notice of Intent (NOI). The notice of change letter must include the following:
        a. identification numbers from this Order (DEP and BL #'s),
        b. date of issuance of this Order,
        c. date of the final approved plan of record,
        d. and a precise description of the changes/revisions **including how they will affect the wetland resource areas related to this project.**
        e. All applicable review fees for revised plan requests shall be as per the most current Bylaw Fee Schedule and must be paid in full prior to the Commission's meeting at which the revisions will be reviewed.

    iii. Of special concern to the Commission are those changes to the approved plan which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 and the Town Wetland Bylaw #6-14 and their associated regulations.

    iv. Changes or revisions that are required for other Federal, State or local agencies/departments are ***not exempt*** from this condition.

17. **Prior to any activity on the site and prior to recording this Order at the Plymouth County Registry of Deeds,** the applicant shall read this document and sign the Acknowledgement Statement attached to this Order. Submission of this Statement to the Conservation Commission is required prior to commencement of any work on this site. By signing the Acknowledgement Statement you are stating that

you understand the conditions of this Order, that you will abide by its content, and that you understand that perpetual conditions run with the land and do not expire with this Order.

18. **Prior to any activity on site,** the boundaries of all wetland resource areas shall be inspected to ensure wetland flags are in appropriate locations and shall be confirmed by the Conservation Commission or its designee as per the *Required Inspections* schedule listed below.

19. **Prior to any activity on site,** the limit of work shall be clearly marked with stakes or similar indicators, and shall be confirmed by the Conservation Commission or its designee as per the *Required Inspections* schedule listed below. Said stakes or flags shall be checked frequently and replaced as necessary. The limit of work line shall be maintained until all construction is complete and a Certificate of Compliance has been issued.

20. **Prior to any activity on site,** the applicant shall submit a contact sheet for all persons working at the site responsible for emergency situations.

21. ****NO DEBRIS OR EQUIPMENT OF ANY KIND MAY BE STORED, DISPOSED OF OR DUMPED IN A WETLAND RESOURCE AREA.**

22. ****ALL DE-WATERING ACTIVITIES SHALL BE CONDUCTED AS PER THE APPROVED PLAN OF RECORD.**

23. The work associated with this Order is not subject to the Massachusetts Stormwater Policy Standards.

24. Work subject to this Order may be inspected at any time by the Commission, its agent(s), consultants, or any other Town official to evaluate compliance with this Order and all data submitted during the hearing process until such time that a Certificate of Compliance is issued. Further, the Commission may require the applicant to submit additional data deemed necessary by them for that evaluation.

    Approval from Inspectors employed by other agencies or Town Departments does not relieve the applicant from his/her obligations to this Order of for obtaining approval from the Commission for any additional work or changes to approved activities within the Commission's jurisdiction.

    No on-site inspections shall take place for projects that have not submitted appropriate proof of recording at the Plymouth County Registry of Deeds and submission of the Acknowledgement page from this Order.

    The applicant shall contact the Conservation Commission Office to make arrangements for site inspections for the milestones listed below as per the schedule below:

*****REQUIRED INSPECTIONS *****

Pre-RAM Activities: Date(s) Conducted: _____

- ☐ the acknowledgement page has been submitted to the Conservation Office
- ☐ submission of PC recording receipt for this permit and the Post Construction O & M plan
- ☐ submission of letter from Engineer stating that erosion control has been staked in approved locations
- ☐ signage in place showing **"MA DEP File Number SE 31-1149, BL FILE # 31-1149"**
- ☐ wetland flags in place to show boundaries of all resource areas
- ☐ limit of work and approved erosion control materials placed in approved locations
- ☐ any and all trees designated for removal clearly marked for approval by the Conservation Agent and site engineer
- ☐ temporary stockpiles with sufficient erosion control materials at the base to prohibit leaching to wetlands
- ☐ staging area for re-fueling and other activities including the use of oil and/or other hazardous materials with adequate spill response materials at hand

During RAM Activities: Date(s) Conducted: _____

- ☐ initial site clearing – "tree removal on a limited portion of embankment"- as per NOI narrative
- ☐ containment of all stockpiled materials to check leaching and/or sedimentation into resource areas
- ☐ weekly site maintenance check
- ☐ weekly erosion control review and general site inspection

Post RAM (first growing season year): Date(s) Conducted: _____
- ☐ establishment of vegetation for disturbed areas
- ☐ bank restoration
- ☐ general site inspection (weekly until stabilized)

Post RAM (after first growing season): Date(s) Conducted: _____
- ☐ establishment of vegetation for disturbed areas
- ☐ cleanup of site
- ☐ final erosion control inspection prior to Request for Certificate of Compliance

NOTE: *Please be advised that additional site inspections may be added by the Conservation Agent as necessary.*

25. **During Construction:**
   i. Workers shall be informed that use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is prohibited beyond the limit of work line at all times.
   ii. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
   iii. All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zones to those areas clearly identified on the approved plans of record and demarcated in the field by the flagging and limit of construction barriers. No equipment is to enter or cross wetland resource areas or buffer areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
   iv. Cement trucks and/or any other construction vehicles or equipment shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
   v. Throughout construction, a stone apron as per DPW requirements, shall be placed at the point of access to the site in order to prevent the transport of sediments from the construction site into the roadway and drainage system. The apron shall remain in place until such time that the site is stabilized, which will require regular monitoring and inspection to determine if placement of additional approved stone is necessary.

26. **Erosion Control:**
   i. The Commission reserves the right to impose additional protections for all portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
   ii. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
   iii. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.

27. **Stockpiles:**
   i. All stockpiles are temporary. A Certificate of Compliance will not be issued until the site is in full compliance with this Order and all construction debris and extra materials are removed from the site.
   ii. All stockpiles must be shown on the approved plan of record and shall be located outside of all resource areas, their associated buffer zones, and within the limit of work. No stockpiled materials are allowed beyond the limit of work line.
   iii. If it becomes necessary for a stockpile on site (not detailed on the approved plan), the applicant must notify the Conservation Commission Office in writing including a description of the contents and

requested location of the stockpile prior to the creation of the pile. If said materials can be properly placed or stored outside all resource areas and their associated buffer zones, while maintaining the limit of work line, approval from the Conservation Staff may be obtained.

iv. All stockpiles left for a period of 48 hours or more, shall be maintained under cover to prevent erosion from wind and rain events and shall be surrounded by approved erosion control materials to prevent sedimentation into the wetlands.

28. **Stormwater Management:**

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 POST-DEVELOPMENT WATERSHED BOUNDARIES AS CURRENTLY DEPICTED IN THE NOTICE OF INTENT AND APPROVED BY THIS ORDER OF CONDITIONS, UNLESS SPECIFICALLY APPROVED IN WRITING BY THE COMMISSION.

ii. **AN APPROVED OPERATIONS AND MAINTENANCE PLAN FOR STORMWATER MANAGEMENT SYSTEMS, INCLUDING BEST MANAGEMENT PRACTICES, HAS BEEN SUBMITTED WITH THE NOTICE OF INTENT AND APPROVED BY THE CONSERVATION COMMISSION WITH THIS ORDER. NO ADDITIONAL APPLICATIONS WILL BE REQUIRED TO CONDUCT MAINTENANCE OF THE ABOVE REFERENCED STRUCTURES.

iii. **AN ANNUAL MAINTENANCE REPORT SHALL BE PROVIDED TO THE CONSERVATION COMMISSION BY JUNE 1ST OF EACH YEAR REPORTING ON THE MAINTENANCE AND OPERATION PROCEDURES WHICH HAVE BEEN MET FOR THAT YEAR. THIS REPORTING REQUIREMENT WILL COMMENCE WITH THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE AND CONTINUE IN PERPETUITY.

iv. **THE APPLICANTS, OWNERS, AND THEIR SUCCESSORS AND ASSIGNEES SHALL MAINTAIN ALL STORMWATER MANAGEMENT COMPONENTS UNDER THEIR RESPONSIBILITY ON THIS SITE TO AVOID BLOCKAGES AND SILTATION WHICH MIGHT CAUSE FAILURE OF THE SYSTEM AND/OR DETRIMENTAL IMPACTS TO NEARBY RESOURCE AREAS, AND SHALL MAINTAIN THE INTEGRITY OF VEGETATIVE COVER ON THE SITE.

29. If the Department of Environmental Protection (DEP) is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.

30. **SPECIAL CONDITIONS:**

i. A pre-construction meeting is required prior to beginning site work. A construction sequence schedule shall be provided to the Town of Hanover at that time.

*ii. **This document shall be included in all construction contracts, subcontracts and specifications dealing with the site work proposed and shall supersede any conflicting contract requirements. The Contractor(s) will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.*

*iii. **A signed Access Agreement between the Town and Tetra Tech shall be appended and recorded with this document.*

*iv. **All activities shall be conducted in conformance with the construction notes, details and sequence on the approved plan set dated 2/28/17.*

v. The applicant must abide by the time of year /weather related construction restriction per 310 CMR 40.53(3)(q).

vi. Any construction material, impacted soil above MCP S-1 standards, or debris shall be disposed of at an appropriate licensed disposal facility.

vii. Cutting of mature trees shall be discretionary and minimized.

viii. Wood chips from tree/ brush cutting shall be allowed to be re-used on site. Chips may be spread in the existing walking pathways in consultation with the Conservation Agent.

ix. *This entire document must be recorded simultaneously with the WPA OOC SE 31-1149. Proof of recording shall be submitted to the Conservation Office prior to the commencement of any work associated with this Order.*

x. *Although not specifically required by this Order, the Conservation Commission reserves the right to engage the services of an independent Environmental Monitor and/ or peer review for any and all future conservation filings and/or remedial activities at the site, fees to be paid by the applicant in order to assist in administering the Act and/ or Hanover Bylaw.*

31. **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:

i. ****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.**

ii. The completed Request for Extension Permit form must be submitted ***at least thirty (30) days prior to the expiration date of this permit[1].*** Therefore the deadline for submitting a Request for Extension Permit form for this Order is ***March 6, 2020***.

iii. Fees, as per the most current Town of Hanover Bylaw Fee Schedule in effect at the time of this Order, apply to Requests for Extension Permits and shall be submitted in full with the completed form. Requests not accompanied by appropriate fees will not be processed.

iv. A period of one (1), two (2), or three (3) years may be requested.

v. The Wetlands Protection Act and the Town of Hanover Wetlands Protection Bylaw, both allow more than one extension per project. However, the Commission retains the right to inspect the site and confirm wetland lines with each request. Wetland flags and erosion control materials must remain in place and in good condition until such time that a Certificate of Compliance is issued.

vi. Prior to work continuing on site, the Extension permit must be recorded at the Plymouth County (PC) Registry of Deeds with proof of recording submitted to the Conservation Commission Office.

32. **Certificate of Compliance Request:**

Upon completion of the project and prior to the expiration date of this Order or any Extension Permits that may be issued on this Order, the Applicant shall submit a completed Request for Certificate of Compliance. This 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:

i. The completed Request for Certificate of Compliance form must be submitted ***at least thirty (30) days prior to the expiration date of this permit[2].*** Therefore the deadline for submitting a Request for Certificate of Compliance form for this Order is ***March 6, 2020*** or 30 days prior to the expiration date

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[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.

of any Extension that has been issued by the Commission and duly recorded at the Plymouth County Registry of Deeds.

ii. 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.

iii. 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.

iv. A Request for Certificate of Compliance submittal for completed projects shall include the following:

   a. the *Request for Certificate of Compliance* form, completed by the applicant/property owner or his/her representative;
   b. full payment in the form of a check to the Town of Hanover for any appropriate fees;
   c. a letter from an engineer or other professional as appropriate, certifying compliance of the project with the most current approved plan of record, including the date of the final plan;
   d. two (2) copies of As-Built plans with professional engineer's wet seal, showing distances of all structures and alterations within the Commission's jurisdiction, and any other information the Commission may specify, i.e. septic, easements, conservation posts, with any deviations from the approved plan of record as so noted in this Order, shall be detailed on the As-Built Plan by a clear notation and accompanied by a written explanation of each revision;
   e. at least three colored photos[3] or digital prints of the site, showing all completed project components including, structures, landscaping, stormwater management components and permanent setback markers, if they were required, and each photo shall be labeled with the date and location of property.

v. Partial Certificates of Compliance may be issued by this Commission, but shall require establishment of an Escrow Account for incomplete work. Submittal for this type of request shall include the above requirements as well as a letter from a professional engineer describing the incomplete portion of work, a valid calculation of the amount to be held in escrow, and a check for payment of the appropriate funds to establish the escrow account.

vi. Upon receipt of the above items, a site inspection will be conducted in order to determine compliance with the conditions in this permit. Date of site Inspection: _____

vii. ****EXPIRED ORDERS OF CONDITIONS OR THOSE WITH EXPIRED EXTENSION PERMITS ARE SUBJECT TO LATE FEES IN REGARD TO THE ISSUANCE OF CERTIFICATES OF COMPLIANCE. THE SAME PROCESS AS LISTED ABOVE APPLIES BUT WILL INCLUDE PAYMENT OF ANY AND ALL REQUIRED LATE FEES AS PER THE MOST CURRENT BYLAW FEE SCHEDULE IN EFFECT AT THE TIME OF THE SUBMITTAL.**

viii. ****NO WORK MAY TAKE PLACE ON A PROJECT WITH AN EXPIRED ORDER OF CONDITIONS (OR EXPIRED EXTENSION PERMIT. ANY FUTURE WORK ON THE SITE WITHIN THE COMMISSION'S JURISDICTION, REQUIRES SUBMISSION OF A NEW NOTICE OF INTENT AND A CERTIFICATE OF COMPLIANCE FOR THE OPEN, BUT EXPIRED ORDER.**

ix. ****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 *********

[3] For larger projects, it may be necessary to submit more than 3 photographs. Check with the Conservation Staff at 781-826-6505.

D. COMMISSION MEMBER 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.

1. Date of Issuance: 4-6-17

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

2. Number of Signers: 4

This Order must be signed by a majority of the Conservation Commission *(three members)*.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the Applicant.

A copy of this Order must be also be mailed to or hand delivered at the same time to DEP, SERO, unless filing electronically, and the property owner, if different from the Applicant.

Signatures:

Lisa Satterwhite

Brian McLoone

Frank Brierley

Robert Sennett

(vacant), Commissioner

☐ *(if applicable)* Associate Member as Acting Member: _____

E. Appeals to the Hanover Bylaw Order of Conditions:

PLEASE NOTE THAT CONDITIONS RELATING TO THE MA WPA PORTION (SECTION C) AND THOSE RELATING TO THE HANOVER BY-LAW PORTION (SECTION D) OF THIS ORDER OF CONDITIONS MUST BE APPEALED SEPARATELY.

The applicant, the owner, any person aggrieved by this Order, any owner of a parcel of land abutting the property subject to this permit, or any ten Hanover residents are hereby notified of their right to request the Trial Court of the Commonwealth of Massachusetts to issue a Superseding By-Law Order of Conditions. The request must be made in person and documents delivered by hand delivery to the appropriate Court Clerk and Division of the Trial Court as listed above. As per M.G.L. c. 249 §4, "Such action shall be commenced within sixty (60) days next after the proceeding complained of."

A copy of the request shall, at the same time, be sent by certified mail or hand delivery to the HANOVER Conservation Commission and to the applicant, if he/she is not the appellant.

This Bylaw Order of Conditions, issued under the Town of Hanover Wetlands Protection By-Law #6-14 ***is not appealable to DEP***, and must be appealed to the Trial Court for the Commonwealth of Massachusetts, Superior Division.

F. Recording Information:

Prior to the commencement of work, this BYLAW Order of Conditions **BL 17-06** AND the related MA DEP Order of Conditions **SE 31-1149** must be recorded in the Plymouth County Registry of Deeds or the Land Court if required, within the chain of title of the affected property. In the case of recorded land, the Orders shall 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, the Orders shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the permits. The recording information on this page shall be submitted to the Hanover Conservation Commission

SUBMIT PROOF OF RECORDING TO CONSERVATION COMMISSION *PRIOR TO COMMENCING ANY WORK ON SITE.*

1. ☐ ORIGINAL RECEIPT FROM PC REGISTRY OF DEEDS

AND

1. ☐ DETACH LOWER PART OF THIS PAGE, AT DOTTED LINE, AFTER PC REGISTRY OF DEEDS HAS STAMPED

To: Hanover Conservation Commission

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

Fireworks Site
Project Location

BL 17-06 SE 31-1149
TOH Bylaw File Number MassDEP File

has been recorded at the Registry of Deeds of:

Plymouth
County

Book:
AND ON

Page:
Enter New Page #

for **Fireworks Site Joint Defense Group** and has been noted in the chain of title for this property.
Applicant/Property Owner's Name

In accordance with the Order of Conditions issued on:

April 6, 2017
Date

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

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

Appendix A.

DO NOT REMOVE THIS PAGE- this page may be copied.

APPLICANT AND CONTRACTOR TO SIGN EACH STATEMENT BELOW, prior to recording at PC Registry:

ACKNOWLEDGEMENT STATEMENT of *APPLICANT*

Sign this page, leave it in your permit.
You have been provided with a copy of this page. Sign the copy and submit the signed COPY to the Commission prior to Recording this permit at PC Reg. Deeds.

I, Michelle N. O'Brien on behalf of Fireworks Site Joint Defense Group do hereby acknowledge that I have read this
APPLICANT Print Name

Order of Conditions and as the Applicant, understand the conditions listed herein and will follow them. Further, that there are deadlines, inspection schedules, and conditions to meet, as well as perpetual conditions (preceded by "**") which run with the land and *do not* expire with this Order. I further acknowledge that a copy of this Order of Conditions including any appendices will be provided to new owners of individual lots as well as any Home Owners Association, (if applicable), understand that to fail to do so is subject to enforcement actions and fines.

Signed: Michelle N. O'Brien Print: Michelle N. O'Brien April 19 , 2017

Signature of Applicant/Property Owner (Sign and print name- ***may not be signed by Applicant's Representative***) Date Signed

ACKNOWLEDGEMENT STATEMENT of *PRIMARY CONTRACTOR*

Sign this page, leave it in your permit. COPY THIS PAGE and submit COPY to the Commission prior to Recording this permit at PC Reg. Deeds.

I, TetraTech, Inc. do hereby acknowledge that I have read this
CONTRACTOR Print Name

RJM 4/19/17

Order of Conditions and ~~as the Applicant~~, understand the conditions listed herein and will follow them. Further, that there are deadlines, inspection schedules, and conditions to meet, as well as perpetual conditions (preceded by "**") which run with the land and *do not* expire with this Order. I further acknowledge that a copy of this Order of Conditions including any appendices will be provided to new owners of individual lots as well as any Home Owners Association, (if applicable), understand that to fail to do so is subject to enforcement actions and fines.

Signed: Ronald J. Marniccio Print: Ronald J. Marniccio April 19 , 2017

Signature of Applicant/Property Owner (Sign and print name- ***may not be signed by Applicant's Representative***) Date Signed

Appendix B.

DO NOT REMOVE THIS PAGE.

Change of Ownership – Notification to Commission

COPY THIS FORM FOR SUBMITTAL TO CONSERVATION OFFICE

This form is to be submitted upon the sale or transfer of ownership for any Hanover property subject to an Order of Conditions, including the sale of individual subdivision lots. Non-notification of sale or transfer of a parcel subject to an Order of Conditions is a violation of the Order, is subject to enforcement action, and may delay future permitting of projects on this site.

Date: _____

Location of property: _____ in Subdivision: _____

DEP File No.: SE 31-_____ & Hanover Bylaw #: BL___-___

To the Hanover Conservation Commission:

I, _____ acknowledge with my signature below, that I am (or will be)[4] the current owner of a parcel located at the address listed above, having received the property through purchase, trade, or transfer *(circle one)* from the person(s) listed below:

_____ on _____,

or will on this Date of Closing: _____ and further

I acknowledge that I have a copy of the Order of Conditions and that I understand its content including the special and perpetual conditions that I must abide by as the new property owner, and that any changes or revisions proposed to the approved plan of record must be submitted to the Conservation Commission in writing for approval – *prior to any work conducted on the site.*

Signed: _____ Date: _____

Sign and Print Name

Mailing Address: _____

Contact number: ☐ cell phone ☐ home phone _____

E-mail: _____

[4] This form may be submitted prior to sale/purchase with submission of written documentation to verify final date of transaction.