

PROVINCETOWN CONSERVATION COMMISSION
OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF PROVINCETOWN
260 COMMERCIAL STREET
PROVINCETOWN, MASSACHUSETTS 02657
TELEPHONE: 508.487.7000 EXT. 554
FAX: 508.487.7040



By Certified Mail, Return Receipt Requested

August 8, 2018

Jason R. Norton
Coastal Engineering Co., Inc.
260 Cranberry Highway
Orleans, MA 02653

RE: Order of Conditions, DEP File no. SE 058-0593, Case no. CON-18-094
1 High Pole Hill Road, Provincetown, MA

Dear Mr. Norton:

Enclosed is the original Order of Conditions referenced above, which was approved by the Provincetown Conservation Commission at its public hearing on July 17, 2018. The Order must be recorded at the Barnstable County Registry of Deeds, or filed with the Barnstable Registration District of the Land Court, as applicable, and the recording/filing information must be provided to the Conservation Commission prior to commencement of work.

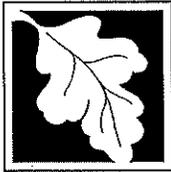
Please let me know when this project will commence so that we can schedule a pre-construction site visit. If you have any questions regarding this process, please feel free to contact me by phone at (508) 487-7000 x554 or by email at tfamulare@provincetown-ma.gov.

Regards,

Timothy J. Famulare
Environmental Planner / Conservation Agent

Enclosures

Cc: Cape Cod Pilgrim Memorial Association
DEP Southeast Region
Property File



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 058-0593
 MassDEP File #

 eDEP Transaction #
 Provincetown
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable _____ 5499 _____
 a. County b. Certificate Number (if registered land)

c. Book _____ d. Page _____

7. Dates: May 1, 2018 July 17, 2018 August 8, 2018
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 See Attachment A _____
 a. Plan Title

b. Prepared By _____ c. Signed and Stamped by _____

d. Final Revision Date _____ e. Scale _____

f. Additional Plan or Document Title _____ g. Date _____

B. Findings

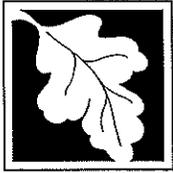
1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant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

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

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.



WPA Form 5 – Order of Conditions

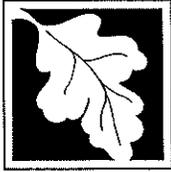
B. Findings (cont.)

Denied because:

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

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

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|--|--|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank | _____ a. linear feet | _____ b. linear feet | _____ c. linear feet | _____ d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | _____ a. square feet | _____ b. square feet | _____ c. square feet | _____ d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways | _____ a. square feet _____ e. c/y dredged | _____ b. square feet _____ f. c/y dredged | _____ c. square feet | _____ d. square feet |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | _____ a. square feet | _____ b. square feet | _____ c. square feet | _____ d. square feet |
| Cubic Feet Flood Storage | _____ e. cubic feet | _____ f. cubic feet | _____ g. cubic feet | _____ h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | _____ a. square feet | _____ b. square feet | | |
| Cubic Feet Flood Storage | _____ c. cubic feet | _____ d. cubic feet | _____ e. cubic feet | _____ f. cubic feet |
| 9. <input type="checkbox"/> Riverfront Area | _____ a. total sq. feet | _____ b. total sq. feet | | |
| Sq ft within 100 ft | _____ c. square feet | _____ d. square feet | _____ e. square feet | _____ f. square feet |
| Sq ft between 100-200 ft | _____ g. square feet | _____ h. square feet | _____ i. square feet | _____ j. square feet |

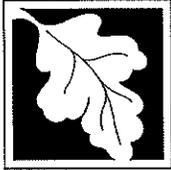


WPA Form 5 – Order of Conditions

B. Findings (cont.)

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

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|-------------------------|-------------------------|--------------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| | _____ | _____ | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | d. nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | d. nourishment |
| 15. <input type="checkbox"/> Coastal Banks | _____ | _____ | | |
| | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | _____ | _____ | _____ | _____ |
| | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| | _____ | _____ | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | _____ | _____ | _____ | _____ |
| | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | _____ | _____ | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage | 3,961 +/- | 3,961 +/- | | |
| | a. square feet | b. square feet | | |
| 22. <input type="checkbox"/> Riverfront Area | _____ | _____ | | |
| | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | _____ | _____ | _____ | _____ |
| | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | _____ | _____ | _____ | _____ |
| | g. square feet | h. square feet | i. square feet | j. square feet |



WPA Form 5 – Order of Conditions

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):

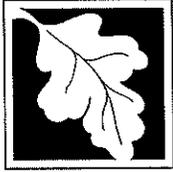
a. number of new stream crossings

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.



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 058-0593

MassDEP File #

eDEP Transaction #

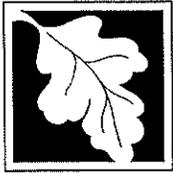
Provincetown

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE 058-0593 "
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.

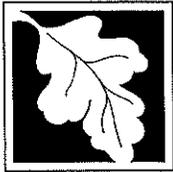


C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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;



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 058-0593

MassDEP File #

eDEP Transaction #

Provincetown

City/Town

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:

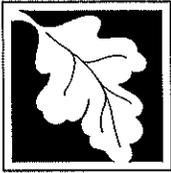
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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.



WPA Form 5 – Order of Conditions

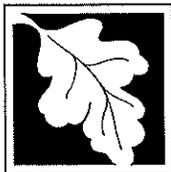
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

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

See ATTACHMENT A: SPECIAL CONDITIONS, ORDER OF CONDITIONS FOR 1 HIGH POLE HILL ROAD, DEP FILE # SE 058-0593, CASE # CON-18-084

- 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.



WPA Form 5 – Order of Conditions

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Provincetown Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

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:

Provincetown General Bylaws: Wetlands Protection Bylaw

Chapter 12

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 ATTACHMENT A: SPECIAL CONDITIONS, ORDER OF CONDITIONS FOR 1 HIGH POLE HILL ROAD, DEP FILE # SE 058-0593, CASE # CON-18-084



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 058-0593
 MassDEP File #

eDEP Transaction #
 Provincetown
 City/Town

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.

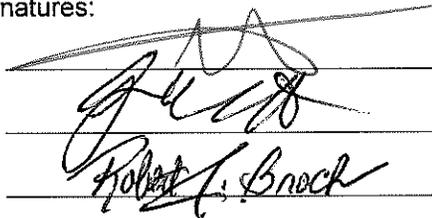
AUG 08 2018
 August 8, 2018
 1. Date of Issuance

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

3
 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:



by hand delivery on

by certified mail, return receipt requested, on **AUG 08 2018**

Date

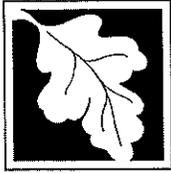
Date

F. Appeals

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



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 058-0593
MassDEP File #

eDEP Transaction #
Provincetown
City/Town

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.

Provincetown

Conservation Commission

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

To:

Provincetown

Conservation Commission

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

1 High Pole Hill Road

Project Location

SE 058-0593

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

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:

Date

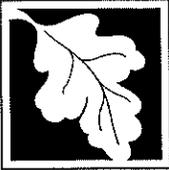
If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

SE 058-0593
Provided by DEP

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

A. Request Information

1. Location of Project

| | |
|-------------------|-------------------|
| _____ | _____ |
| a. Street Address | b. City/Town, Zip |
| _____ | _____ |
| c. Check number | d. Fee amount |

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

| | | |
|--------------|----------------------------|----------|
| _____ | _____ | _____ |
| City/Town | State | Zip Code |
| _____ | _____ | _____ |
| Phone Number | Fax Number (if applicable) | |

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

| | | |
|--------------|----------------------------|----------|
| _____ | _____ | _____ |
| City/Town | State | Zip Code |
| _____ | _____ | _____ |
| Phone Number | Fax Number (if applicable) | |

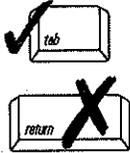
4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

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

DEP File Number:

SE 058-0593

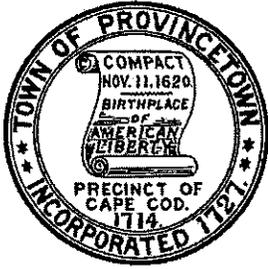
Provided by DEP

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. 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.



PROVINCETOWN CONSERVATION COMMISSION

OFFICE OF COMMUNITY PLANNING
TOWN OF PROVINCETOWN
260 COMMERCIAL STREET
PROVINCETOWN, MASSACHUSETTS 02657
(508)487-7020



ATTACHMENT A: SPECIAL CONDITIONS, ORDER OF CONDITIONS FOR 1 HIGH POLE HILL ROAD, DEP FILE # SE 058-0593, CASE # CON-18-084

PROJECT DESCRIPTION:

Notice of Intent filed by the Cape Cod Pilgrim Memorial Association, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the construction of a proposed funicular (inclined elevator) and associated site improvements. Work to take place within Land Subject to Coastal Storm Flowage.

PLANS AND DOCUMENTS:

- "Plan Showing Proposed Site Improvements"; Project: Cape Cod Pilgrim Memorial Association, One High Pole Hill Road, Provincetown, MA; scale: as noted; prepared by Coastal Engineering Company, Inc.; stamped by Roger Paul Michniewicz, P.E.; rev. date 7/9/2018.
- "Details"; Project: Cape Cod Pilgrim Memorial Association, One High Pole Hill Road, Provincetown, MA; scale: as noted; prepared by Coastal Engineering Company, Inc.; stamped by Roger Paul Michniewicz, P.E.; dated 4/30/2018.
- "Plan Showing Existing Site Conditions"; Project: Cape Cod Pilgrim Memorial Association, One High Pole Hill Road, Provincetown, MA; scale: as noted; prepared by Coastal Engineering Company, Inc.; dated 6/23/2015.
- "Submission Planting Plan"; Project: Bradford Access Project Provincetown, Massachusetts; scale: ¼" = 1'-0"; prepared by Hawk Design, Inc.; stamped by Thomas E. Miner, R.L.A.; rev. date 7/9/2018.
- Notice of Intent, dated April 30, 2018, and Local By-Law Filing Application, dated May 1, 2018, including, without limitation, project narrative (dated 4/26/18) and all other attachments and subsequent submittals.
- Stormwater Management Report for Proposed funicular system & associated site improvements, 1 High Pole Hill Road, Provincetown, Massachusetts; prepared for: Cape Cod Pilgrim Memorial Association; prepared by: Coastal Engineering Co., Inc.; dated April 30, 2018.
- Funicular Construction Methodology, letter from Coastal Engineering Co., Inc., dated July 12, 2018.
- Revised Funicular Slope Environmental Management Plan, by Safe Harbor Environmental Services, dated July 9, 2018.

FINDINGS:

1. The Provincetown Conservation Commission (the "Commission") finds that the area of the subject property in which work is proposed is significant to the following interests of the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and/or the Provincetown General Bylaws, Chapter 12 (Wetlands Protection Bylaw): flood control, storm damage prevention, and erosion and sedimentation control.
2. Because the steep hill that exists on the subject property is not adjacent to a coastal beach, it does not supply sand to a coastal beach; further, its shape does not conform to natural wind and water flow patterns; therefore, the Provincetown Conservation Commission (the "Commission") finds that the hill is not a "coastal dune" as defined either in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the regulations promulgated thereunder (310 CMR 10.00), or in the Provincetown General Bylaws, Chapter 12 (Wetlands Protection Bylaw) and the local regulations of the Commission.
3. The site does not contain "unvegetated wetlands", as defined in the Commission's local regulations, because it does not store at least 1/8 acre feet of water to an average depth of six inches at least once a year, or the statistical equivalent, nor does it meet any other criteria of an "unvegetated wetland."
4. Because the only wetlands resource area located within the subject property is Land Subject to Coastal Storm Flowage, the prohibition of constructing structures within 80 feet from a wetlands resource area, pursuant to Article 2 of the Commission's local regulations, shall not apply to this project because the application of this regulation is not necessary for the protection or preservation of the interests of the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and/or the Provincetown General Bylaws, Chapter 12 (Wetlands Protection Bylaw).

SPECIAL CONDITIONS:

PRECONSTRUCTION

1. Notice shall be given to the Commission in writing 48 hours prior to commencement of work. The applicant shall advise the Commission of the name(s), emails and telephone numbers of the person(s) responsible on site for compliance with these conditions.
2. Prior to the commencement of any work, a pre-construction meeting on site shall be scheduled by the applicant's representative, and shall include the project contractor, engineer and conservation agent. During the meeting, conditions, construction protocol, work limit and site plan details shall be reviewed.
3. The limit of work shall be clearly delineated and verified by the conservation agent prior to the start of work.
4. Erosion control measures shall be properly installed and verified by the conservation agent prior to the start of work.
5. No work shall be undertaken until the permit issued by the Commission is recorded at the Barnstable County Registry of Deeds, or filed with the Barnstable Registration District of the Land Court, as applicable, and the recording/filing information is provided to the Commission.

CONSTRUCTION

6. Details of the approved plans and the project narrative and construction protocol, including, but

not limited to, the above-referenced Funicular Construction Methodology, dated July 12, 2018, and the Revised Funicular Slope Environmental Management Plan, dated July 9, 2018, shall be incorporated into these conditions. To the extent that the details of the approved plans and the project narrative and construction protocol conflict with these special conditions, the special conditions shall control.

7. All access to the work area shall be done within existing walkways, driveways and parking areas to minimize impacts to wildlife and/or wetlands.
8. Erosion controls shall be maintained throughout the duration of the project. Maintenance shall include re-staking and removing accumulated soil as needed and as required; if erosion control measures as designed are not adequate, they shall be replaced or augmented with additional silt fencing, straw-bales, jute mesh or coir logs as needed. Erosion controls shall remain in place until conservation agent approval for removal is received in writing.
9. The applicant shall monitor erosion and sedimentation upon and at the base of the steep slope of the hill on site and, for a period of five (5) years upon completion of the project, shall submit annual reports to the Conservation Commission on the stabilization of the slope. If erosion or sedimentation is not stabilized within that five-year period, the Commission may require the applicant to undertake additional mitigation measures to achieve such stabilization. This ongoing monitoring condition for the balance of said five-year period shall be included in any Certificate of Compliance issued for this project.
10. All materials and debris shall be properly stored within the work area. Debris shall either be removed from the worksite daily or stored within covered dumpsters placed on existing pavement or other disturbed area. All equipment and materials shall be removed upon project completion.
11. Concrete overpour shall be directed onto a tarp and removed from the site when it hardens, or reused by breaking it up for later use in dry wells.
12. All soil associated with any cut and fill shall be kept, covered, and maintained on site. Any off-site fill used shall be clean.
13. 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 erosion control measures and firmly anchored to prevent soils from being washed by rain or flooding. Upon completion of work, all disturbed and bare areas shall be re-vegetated to prevent erosion by wind or water.
14. The applicant shall adhere to the approved Planting Plan as submitted ensuring that all plantings survive or are replaced within the first three years. Plants shall be properly watered upon installation.
15. The conservation agent shall be informed of any proposed changes to approved plans, which shall require either written conservation agent approval or, if significant, filing of a new application.
16. Site shall be cleaned up immediately following the completion of construction.
17. The conservation agent shall be notified upon completion of work.

POST-CONSTRUCTION

18. No herbicides shall be used on site.

19. No synthetic fertilizers shall be used on site.
20. Erosion controls shall be removed only upon written receipt of conservation agent approval.
21. Upon completion of construction and the three-year planting survivability period referenced in Special Condition No. 14, the applicant shall submit a Request for a Certificate of Compliance to the Conservation Commission.