**Findings**

The Halifax Conservation Commission has reviewed the above-reference Notice of Intent and plans and has held a Public Hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following wetland values in accordance with the Presumption of Significance set forth in the regulations for each Area Subject to Protection and in accordance with the Wetlands Protection Act and the Town of Halifax bylaws and regulations:

[ ]  **protection of groundwater** [ ]  **protection of aesthetics**

[ ]  **protection of fisheries** [ ]  **protection of wildlife & wildlife habitat**

[ ]  **prevention of water pollution** [ ]  **protection of public or private water supply**

[ ]  **protection of shellfish** [ ]  **storm damage prevention**

[ ]  **protection of aquaculture** [ ]  **protection of rare species habitat, including**

[ ]  **flood control rare plant & animal species**

[ ]  **protection of agriculture** [ ]  **erosion and sedimentation control**

[ ]  **protection of recreation**

Therefore, the Conservation Commission hereby finds the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those wetland values checked above. The Commission orders that all work shall be performed in accordance with said 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.

**GENERAL CONDITIONS**

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. This 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 any of the following apply: (a) the work is a maintenance dredging project as provided for in the Act; (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 and both that date and the special circumstances warranting the extended time period are set forth in this Order; or (c) a shorter time for completion is required as set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **(ENTER 3 years from date)** unless extended in writing by the Department.
7. Any fill used in connection with the project shall be clean fill, containing no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
8. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such appeal has been filed, until all proceedings have been completed.
9. No work shall be undertaken until the Final Order 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 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 to be 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 clearly legible 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 (MA DEP) File Number (#) **(DEP FILE #)**. The sign shall be clearly visible from the road and shall remain so displayed until construction is completed and a Certificate of Compliance has been granted.
11. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the MASS DEP.
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. All construction must comply with the above-referenced plan and the conditions of this Order. For any proposed change in the approved plans or in the work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Conservation Commission whether the change is substantial enough to require a new Notice of Intent. No change in plan or change in work under this filing is permissible without prior written approval from the Conservation Commission.
15. Any member of the Conservation Commission or its Administrators has the right to enter upon the property to inspect the proposed work and to inspect for compliance with the Orders of Conditions until a Certificate of Compliance is issued.
16. The provisions of this Order shall apply to and be binding upon the applicant, owner, employees, agents, and all successors and assigns in interest or control.

**SPECIAL CONDITIONS**

1. The Commission reserves the right to require additional protective measures for the resource areas should a site visit indicate the necessity for those additional measures.
2. In conjunction with the sale of any lot within a resource area, the applicant shall submit to the Conservation Commission a signed statement by the buyer that he is aware of an outstanding Order of Conditions on the property and has received notice under #16 above.
3. Before construction begins, the landowner shall write a letter to the Conservation Commission stating that they have read these Orders; that they understand the Orders and all of the conditions included in these Orders; that they understand that no changes to the project are allowed except with written permission from the Commission or its Administrator; and that they will comply with these Orders. The letter should also state that the landowner will seek a Certificate of Compliance from the Commission when the project is completed.
4. Prior to the start of the project the contractor shall send a letter to the Conservation Commission stating that they have read these Orders of Conditions; that they understand them; and they will comply with the Orders. **A preconstruction meeting shall take place with the Conservation Administrator before any work takes place on the project.**
5. The applicant shall inform the Commission in writing of the names, addresses, business and home phone numbers of both the project supervisor and his/her alternate who will be responsible for ensuring onsite compliance with this order, if other than the applicant.
6. The Conservation Administrator shall be notified a minimum of 48 hours (more notice is preferred) in advance of the commencement of work.
7. The work shall conform to the plans and specifications listed in Section A. General Information number 8 on page 1 of this document.
8. Prior to the commencement of work, the applicant shall install a limit of work line as shown on the above-referenced plan; this shall be maintained until all disturbed areas are stabilized. The erosion control barrier must be a minimum of 12” tall and shall be inspected by the Conservation Administrator prior to any further work commencing on the site.
9. The erosion control barrier shall serve as the limit of work line. No work, alteration, or cutting of vegetation shall take place in the wetland side of the barrier.
10. The applicant shall inspect the erosion control barrier after each and every rainstorm. Any material that accumulates against the barrier shall be immediately removed.
11. All disturbed areas shall be stabilized with six inches of mulch or completely revegetated prior to a Certificate of Compliance being issued.
12. The driveway shall be constructed with an impervious surface.
13. The applicant/contractor needs to clean the street at the end of each workday, if dirt is tracked out into the street.
14. Certificate of Compliance: Prior to a Certificate of Compliance being issued, the applicant’s engineer shall certify to the Conservation Commission that all work has been done in conformance with the above-referenced plan and the Orders of Conditions. The applicant’s engineer shall also submit to the Commission a stamped As-built Plan that includes coverage calculations in the Buffer Zone.
15. Appeal: Any applicant, owner, abutter, or other party in interest may appeal an Order of the Conservation Commission under this Bylaw to the Superior Court of Plymouth County no later than sixty (60) days following the date of issuance of the Order.