



Commonwealth of Massachusetts



DEP File No: SE 54-1334

City or town: Orleans, MA

Applicant: Orleans Conservation Comm.

Project: Demolition of exis/build/structures and restoration of the site to a natural state (Kent's Point).

Order of Conditions

Massachusetts Wetland Protection Act, G.L. c. 131, p. 40 01-12-2001 @ 09:07a
The Orleans Wetland Protection Bylaw, Chapter 160

From: The Orleans Conservation Commission Issuing authority
To: Orleans Conservation Comm. Town of Orleans
(Name of person making request) (Name of property owner)
Address 19 School Road Address 19 School Road
Orleans MA 02653 Orleans MA 02653

Contact: East Cape Engin.

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on (date)
X by certified mail, return receipt requested on Z 194 402 506 (Issued) 3/16/99 (date)

The project is located at Frostfish Lane
Orleans Tax Assessor's Map Sheet No. 49 Parcel No: 61

The property is recorded at the Registry of Barnstable

Book: 145 Page: 37

Certificate(if registered):

The Notice of Intent for this project was filed on: 3/1/99

The public hearing was closed on 3/16/99

Finding

The Orleans Conservation Commission has reviewed the above-referenced Notice of Intent and plans has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined the area on which the proposed work is to be done is significant to the following interest in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act and with the Orleans Wetland Protection Bylaw:

- (check as appropriate)
Public water supply
Private water supply
X Ground water supply
Flood Control
Storm damage prevention
Prevention of pollution
Land containing shellfish
Fisheries
X Protection of wildlife habitat
Erosion Sedimentation Control
Recreation
X Aesthetics
Agriculture
Aquaculture

Total Filing Fee Submitted \$0.00 State Share \$0.00
City/Town Share \$0.00 (1/2 in excess of \$25)
Total Refund Due City/Town Portion State Portion
(1/2 total) (1/2 total)

Therefore, the Orleans Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to correct those interests checked above. The Orleans Conservation Commission orders that all work 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 statues 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 statues, ordinances, by-laws 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 and both that date and the special circumstances warranting the extended time.
5. This Order may be extended by the issuing authority for one period of up to one year upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this 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.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. 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 ConsCom on the form at the end of this Order prior to commencement of the work.
9. 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
File Number SE 54-1334 " clearly visible from the street and shall remain so displayed until construction is completed and a Certificate of Compliance has been granted.
10. Where the Department of Environment Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions.

STANDARD ORDERS

3/93

This Order applies to M.G.L. Ch. 131, Sec. 40 and the Orleans Wetlands Protection Bylaw

1. **Recording:** No work shall be undertaken until these Orders have been recorded in compliance with General Condition Number 8 on page 5-2 of these Orders and proof of such recording has been submitted to this Commission.
2. **Other permits:** No work may proceed until the applicant has received all other permits required by law, i.e. Building permit, Board of Health, Planning Board, Board of Appeals, Army Corps, etc.
3. **Appeals:** No work shall be undertaken until all administrative appeal periods from this Order have elapsed or if such appeal has been filed, until all appeal proceedings have been completed.
4. **Notice to Contractors and Sub-Contractors:** No work may proceed until the Commission is provided with the name, address, and telephone number of the General Contractor and written proof that these Orders have been received by such contractor. The contractor shall furnish any sub-contractor with a copy of this Order.
5. **A copy of this Order of Conditions/Permit shall be kept on site at all times during construction.** All contractors and subcontractors retained during construction must be provided with a copy of this Order by the Applicant, and should be prepared to produce the Order, together with all plans and supporting documents upon request of the Conservation Administrator or any member of the Conservation Commission. Owners, contractors and subcontractors will be liable for any violation of these Orders. Such liability may include stop work orders and/or fines up to \$300.00 per day per violation.
6. **No deviations from the plan approved herein or from these Orders are permitted without prior Commission approval.**
7. **Violations:** Failure to comply with any conditions set forth herein shall be deemed a violation and good cause, after notice and an opportunity to be heard, to revoke or modify this Order, to impose fines of up to \$300.00 per day per violation, to impose a stop work order, or to require mitigation or such other measures as are legally justified. Owners, contractors and sub-contractors will be liable for any violation of these Orders.
8. **All notes on the plan approved herein are adopted as additional conditions unless otherwise stated, except that where the Commission's Orders are more restrictive, they shall apply.**
9. **Five days prior to construction, written notice shall be given to the Commission and all sedimentation controls or other markings required by these Orders (e.g. haybales at the work limit) shall be in place and ready for inspection by the Conservation Administrator or Commissioner.**
10. **A sign shall be displayed at the site not less than two (2) square feet or more than three (3) square feet in size bearing the words "Massachusetts Department of Environmental Protection, File Number SE 54-1334". Said sign is to remain in place until a Certificate of Compliance has been issued.**
11. **Right of entry:** The Conservation Commission and/or its agents shall have a right of entry to inspect the property for compliance with the provisions of this Order.
12. **Transfer of ownership:** This Order may not be transferred to a third party without prior written notice to the Commission by the transferee's written agreement to comply with this Order. In addition, if the applicant transfers the interests authorized herein by conveyance of realty, the deed shall reference this Order and the terms and conditions specified herein, and this Order shall be recorded long with the deed.
13. **This Order is valid for three (3) years.** Application for a one-year extension must be submitted in writing, thirty (30) days prior to the date of its expiration.
14. **A Certificate of Compliance shall be requested in writing upon completion of the work permitted by these Orders, or the expiration of these Orders.** Where a project has been completed in accordance with plans stamped by a registered professional engineer, architect or other qualified professional, a written statement by such professional certifying compliance with the plans and Orders, shall accompany the request for the Certificate of Compliance.
15. **In issuing these Orders, the Commission has relied on the information and data provided by the applicant. If, subsequent to the issuance of this Order, such information and data prove to be false, incomplete or inaccurate, this Order may be modified or revoked in whole or in part and the Commission may institute appropriate legal proceedings.**

**Kent's Point
Frostfish Lane
DEP #SE 54-1334**

FINDINGS

The Applicant filed a Notice of Intent on March 1, 1999 for demolition of existing building structures and restoration of the site to a natural state. The Hearing was opened on March 16, 1999 at which time the project and the variance were approved and an Order of Conditions was issued on March 16, 1999.

In accordance with Section 196A-3K of the Orleans Wetlands Regulations, the Applicant seeks a variance from Section 196A-7C. (1) & (2). These sections require that work within 25 or 50 feet from a wetland be related to a resource improvement. This work will take place within the buffer zone of wetlands on all sides of the project.

The Applicant provided testimony that since this project is not really a resource improvement project, it is necessary to request this variance. There will be no impact to the surrounding wetlands from the execution of this project.

The Commission finds that the Applicant has presented to the Commission clear and convincing evidence that the proposed work will not adversely affect the interests protected by the Bylaw.

The Commission finds that the Applicant has demonstrated that all other reasonable alternatives have been investigated which would permit the proposed work to be undertaken without deviating from the provisions of the Regulations.

The Commission finds that after reviewing the evidence presented, the Commission hereby grants the variance and approves the project. Variances granted shall not set a precedent.

Plans::

Title	Dated	Signed and Stamped by:	On File with:
te Plan showing cation of buildings (1/15/99) be demolished at nt's Point epared for leans Conservation mmission	<u>1/15/99</u> 	<u>Mark A. McKenzie</u> 	<u>ConsCom</u>

Special Conditions (Use additional paper if necessary)

The above Plan (1/15/99) is approved together with variance subject to Standard Orders, "Findings" and Special Conditions attached to Bid Specifications for Kent's Point, Frostfish Lane, DEP #SE 54-1334.

.....
(Leave Space Blank)



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
And the Orleans Wetland Protection Bylaw, Chapter 160

B Findings (cont.)

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

March 16, 1999

Date

This Order must be signed by a majority of the conservation commission. 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 regional office of the Department of Environmental Protection.

Signatures:

[Signature]
Adrienne Pfluger
Andrie Yagu
James Suedewer
[Signature]
[Signature]
George B. Christie Jr

For:

SE 54-1334

Project File Number

On this

9th

day of

January

Month

2001

Year

before me personally appeared

Adrienne Pfluger

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/hers free act and deed.

Patricia J. Hall

Notary Public

March 29, 2007

My commission expires

This Order has been resigned and re-issued to the applicant as follows:

by hand delivery on

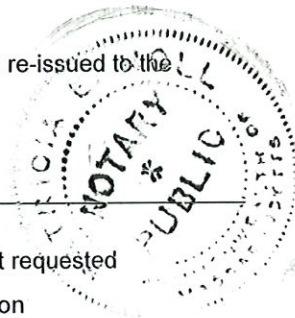
January 9, 2001

Date

by certified mail, return receipt requested

_____ on _____

Date



C 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 Department of Environmental Protection 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 Appendix E: 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.

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 bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

BARNSTABLE REGISTRY OF DEEDS



Commonwealth of Massachusetts



DEP File No: SE 54-1334

City or town: Orleans, MA

Applicant: Orleans Conservation Comm.

Project: Demolition of exis/build/structures and restoration of the site to a natural state (Kent's Point).

Order of Conditions

Massachusetts Wetland Protection Act, G.L. c. 131, p. 40

The Orleans Wetland Protection Bylaw, Chapter 160

From: The Orleans Conservation Commission Issuing authority
To: Orleans Conservation Comm. Town of Orleans
19 School Road Address 19 School Road
Orleans MA 02653 Orleans MA 02653

Contact: East Cape Engin.

This Order is issued and delivered as follows:

[] by hand delivery to applicant or representative on (date)
[X] by certified mail, return receipt requested on Z 194 402 506 (Issued) 3/16/99 (date)

The project is located at Frostfish Lane
Orleans Tax Assessor's Map Sheet No. 49 Parcel No: 61

The property is recorded at the Registry of Barnstable
Book: 145 Page: 37

Certificate(if registered):

The Notice of Intent for this project was filed on: 3/1/99

The public hearing was closed on 3/16/99

Finding

The Orleans Conservation Commission has reviewed the above-referenced Notice of Intent and plans has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined the area on which the proposed work is to be done is significant to the following interest in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act and with the Orleans Wetland Protection Bylaw:

(check as appropriate)

- Public water supply
Private water supply
[X] Ground water supply
Flood Control
Storm damage prevention
Prevention of pollution
Land containing shellfish
Fisheries
[X] Protection of wildlife habitat
Erosion Sedimentation Control
Recreation
[X] Aesthetics
Agriculture
Aquaculture

Total Filing Fee Submitted \$0.00 State Share \$0.00
City/Town Share \$0.00 (1/2 in excess of \$25)
Total Refund Due City/Town Portion State Portion (1/2 total) (1/2 total)

Therefore, the Orleans Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to correct those interests checked above. The Orleans Conservation Commission orders that all work 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, by-laws 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 and both that date and the special circumstances warranting the extended time.
5. This Order may be extended by the issuing authority for one period of up to one year upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this 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.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. 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 ConsCom on the form at the end of this Order prior to commencement of the work.
9. 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
File Number SE 54-1334 " clearly visible from the street and shall remain so displayed until construction is completed and a Certificate of Compliance has been granted.
10. Where the Department of Environment Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions.

STANDARD ORDERS

3/93

This Order applies to M.G.L. Ch. 131, Sec. 40 and the Orleans Wetlands Protection Bylaw

1. **Recording:** No work shall be undertaken until these Orders have been recorded in compliance with General Condition Number 8 on page 5-2 of these Orders and proof of such recording has been submitted to this Commission.
2. **Other permits:** No work may proceed until the applicant has received all other permits required by law, i.e. Building permit, Board of Health, Planning Board, Board of Appeals, Army Corps, etc.
3. **Appeals:** No work shall be undertaken until all administrative appeal periods from this Order have elapsed or if such appeal has been filed, until all appeal proceedings have been completed.
4. **Notice to Contractors and Sub-Contractors:** No work may proceed until the Commission is provided with the name, address, and telephone number of the General Contractor and written proof that these Orders have been received by such contractor. The contractor shall furnish any sub-contractor with a copy of this Order.
5. **A copy of this Order of Conditions/Permit shall be kept on site at all times during construction.** All contractors and subcontractors retained during construction must be provided with a copy of this Order by the Applicant, and should be prepared to produce the Order, together with all plans and supporting documents upon request of the Conservation Administrator or any member of the Conservation Commission. Owners, contractors and subcontractors will be liable for any violation of these Orders. Such liability may include stop work orders and/or fines up to \$300.00 per day per violation.
6. **No deviations from the plan approved herein or from these Orders are permitted without prior Commission approval.**
7. **Violations:** Failure to comply with any conditions set forth herein shall be deemed a violation and good cause, after notice and an opportunity to be heard, to revoke or modify this Order, to impose fines of up to \$300.00 per day per violation, to impose a stop work order, or to require mitigation or such other measures as are legally justified. Owners, contractors and sub-contractors will be liable for any violation of these Orders.
8. **All notes on the plan approved herein are adopted as additional conditions unless otherwise stated, except that where the Commission's Orders are more restrictive, they shall apply.**
9. **Five days prior to construction, written notice shall be given to the Commission and all sedimentation controls or other markings required by these Orders (e.g. haybales at the work limit) shall be in place and ready for inspection by the Conservation Administrator or Commissioner.**
10. **A sign shall be displayed at the site not less than two (2) square feet or more than three (3) square feet in size bearing the words "Massachusetts Department of Environmental Protection, File Number SE 54-1334".** Said sign is to remain in place until a Certificate of Compliance has been issued.
11. **Right of entry:** The Conservation Commission and/or its agents shall have a right of entry to inspect the property for compliance with the provisions of this Order.
12. **Transfer of ownership:** This Order may not be transferred to a third party without prior written notice to the Commission by the transferee's written agreement to comply with this Order. In addition, if the applicant transfers the interests authorized herein by conveyance of realty, the deed shall reference this Order and the terms and conditions specified herein, and this Order shall be recorded along with the deed.
13. **This Order is valid for three (3) years. Application for a one-year extension must be submitted in writing, thirty (30) days prior to the date of its expiration.**
14. **A Certificate of Compliance shall be requested in writing upon completion of the work permitted by these Orders, or the expiration of these Orders.** Where a project has been completed in accordance with plans stamped by a registered professional engineer, architect or other qualified professional, a written statement by such professional certifying compliance with the plans and Orders, shall accompany the request for the Certificate of Compliance.
15. **In issuing these Orders, the Commission has relied on the information and data provided by the applicant. If, subsequent to the issuance of this Order, such information and data prove to be false, incomplete or inaccurate, this Order may be modified or revoked in whole or in part and the Commission may institute appropriate legal proceedings.**

**Kent's Point
Frostfish Lane
DEP #SE 54-1334**

FINDINGS

The Applicant filed a Notice of Intent on March 1, 1999 for demolition of existing building structures and restoration of the site to a natural state. The Hearing was opened on March 16, 1999 at which time the project and the variance were approved and an Order of Conditions was issued on March 16, 1999.

In accordance with Section 196A-3K of the Orleans Wetlands Regulations, the Applicant seeks a variance from Section 196A-7C. (1) & (2). These sections require that work within 25 or 50 feet from a wetland be related to a resource improvement. This work will take place within the buffer zone of wetlands on all sides of the project.

The Applicant provided testimony that since this project is not really a resource improvement project, it is necessary to request this variance. There will be no impact to the surrounding wetlands from the execution of this project.

The Commission finds that the Applicant has presented to the Commission clear and convincing evidence that the proposed work will not adversely affect the interests protected by the Bylaw.

The Commission finds that the Applicant has demonstrated that all other reasonable alternatives have been investigated which would permit the proposed work to be undertaken without deviating from the provisions of the Regulations.

The Commission finds that after reviewing the evidence presented, the Commission hereby grants the variance and approves the project. Variances granted shall not set a precedent.

Plans::

Title	Dated	Signed and Stamped by:	On File with:
Site Plan showing location of buildings to be demolished at Kent's Point prepared for Orleans Conservation Commission	<u>1/15/99</u>	<u>Mark A. McKenzie</u>	<u>ConsCom</u>
_____	_____	_____	_____
_____	_____	_____	_____

Special Conditions (Use additional paper if necessary)

The above Plan (1/15/99) is approved together with variance subject to Standard Orders, "Findings" and Special Conditions attached to Bid Specifications for Kent's Point, Frostfish Lane, DEP #SE 54-1334.

.....
(Leave Space Blank)

Issued by: Town of Orleans Conservation Commission

Signature(s) W.L. Stovess [Signature]
Andrie Yagu Ursanne Blugor
[Signature] Frederic G. Little

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

On this Seventeenth day of March 19 99 before me
personally appeared St. L. Stowell to me known to be the

person described in, and who executed, the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public



My commission expires

The applicant, the owner any person aggrieved by this Determination, any owner of land abutting the land upon which the propose is to be done, or any ten residents of the city or town which such land is located, are hereby notified of their right to request the Depa of Environmental Protection to issue a Superseding Determination of Applicability, providing the request is made by certified mail or delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.37 within ten day the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivered Conservation Commission and the applica

Detach on dotted line and submit to the Orleans Conservation Commission prior to commencement of work

To Orleans Conservation Commission Issuing Authority

Please be advised that Order of Condition for the project at Frostfish Lane

File Number Se 54-1334 has been recorded at the Registry of Deeds, Barnstable and

has been in the chain of title of the affected property in accordance with General Condition 8 on _____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant



TOWN OF ORLEANS

19 SCHOOL ROAD · ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703
<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN
TOWN
ADMINISTRATOR

February 8, 2000

Ms. Sylvia Hidden Kirker
McConnell Enterprises, Inc.
P. O. Box 187
Essex, MA 01929

RE: Kent Point Property Project

Dear Ms. Kirker:

I am in receipt of your letter dated February 2, 2000 with a money order in the amount of \$500 to be held as bond on the above referenced project. The \$500 will be held until the silt fencing is removed and the hydro seeding shows sufficient growth in the spring. Enclosed find your money order in the amount of \$2,000 with represented the original bond on the project.

If you have any questions please contact me at 508-240-3700 ext. 311.

Very truly yours,

Anne Fusco LeMaitre
Office Manager

Cc: Conservation Administrator



WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Orleans Wetland Protection Bylaw, Chapter 160

B Findings (cont.)

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

March 16, 1999
Date

This Order must be signed by a majority of the conservation commission. 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 regional office of the Department of Environmental Protection.

Signatures:

Adrienne Pfluger
Andrie Yapan
James Bredeson
William B. Davis
L. Muzzey
George P. Christie Jr

For: SE 54-1334
Project File Number

On this 9th
day of January
Month 2001
Year

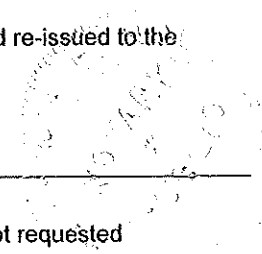
before me personally appeared
Adrienne Pfluger

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Patricia J. Hall
Notary Public
March 29, 2007
My commission expires

This Order has been resigned and re-issued to the applicant as follows:

by hand delivery on January 9, 2001
Date
 by certified mail, return receipt requested
_____ on _____
Date



C 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 Department of Environmental Protection 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 Appendix E: 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.

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 bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Orleans Wetland Protection Bylaw, Chapter 160

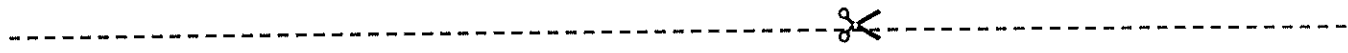
D Recording Information

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 shall be submitted to the

Orleans Conservation Commission
Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Conservation Commission.



To:
Orleans Conservation Commission
Conservation Commission

Please be advised that the Order of Conditions for the project at

Frostfish Lane (Kent's Point) SE 54-1334
Project Location DEP File Number

has been recorded at the Registry of Deeds of
Barnstable
County

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

3/16/99
Date

If recorded land, the instrument number which identifies this transaction is

Instrument Number

If registered land, the document number which identifies this transaction is

Document Number

Signature of Applicant

east cape engineering, inc.

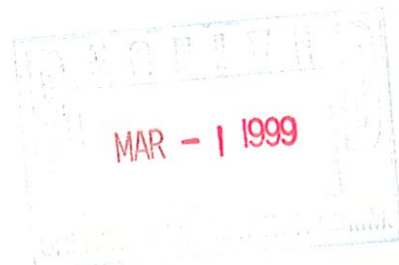
44 Route 28
P.O. Box 1525
Orleans, Mass. 02653

508-255-7120
Fax 508-255-3176

CIVIL ENGINEERING
WATER RESOURCES
ENVIRONMENTAL
SANITARY
STRUCTURAL
WATERFRONT

LAND SURVEYING
LAND COURT
SITE PLANNING
CERTIFIED PLANS

March 1, 1999



Town of Orleans
Conservation Commission
19 School Rd.
Orleans, MA 02653

RE: Kent's Point Demolition Project - Frostfish Rd., E. Orleans

Members of the Commission:

It is proposed to demolish the existing buildings at the Town property known as Kent's Point. This work will take place within the buffer zone of wetlands on all sides of the project.

It is necessary to request a variance as provided under the Town of Orleans Wetlands Protection Regulations, Section 196A-3K. Specifically, variances are requested to Section 196A-7C.(1)&(2). These Sections require that work within 25 or 50 feet from a wetland be related to a resource improvement. Since this project is not really a resource improvement project, it is necessary to request this variance. There will be no impact to the surrounding wetlands from the execution of this project.

Sincerely,

Mark A. McKenzie, P.E.
Treas. - East Cape Engineering, Inc.

MAM:jlo
enclosures



Form 3

Commonwealth of Massachusetts



DEP File No.

[Redacted DEP File Number]

(To be provided by DEP)

City/Town ORLEANS

Applicant ORLEANS CONSERVATION COMMISSION

Department of Defense United States of America

Notice of Intent Under the

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

THE ORLEANS WETLAND PROTECTION BYLAW

and Application for a Department of the Army Permit

MAR - 1 1999

Part I: General Information

1. Location: Street Address "Kent's Point" - Frostfish Lane - Orleans
Lot Number Map 49, Pcl. 61

2. Project: Type _____ Description Demolition of existing building structures and restoration of the site to a natural state.

3. Registry: County Barnstable ~~Current~~ Plan Book 145 & Page 37
Certificate (if Registered Land) _____

4. Applicant Orleans Conservation Commission Tel. 240-3700
Address 19 School Rd., Orleans, MA 02653

5. Property owner Town of Orleans Tel. 240-3700
Address Same as above

6. Representative East Cape Engineering, Inc. Tel. (508)255-7120
Address P.O. Box 1525, Orleans, MA 02653

7. a. Have the Conservation Commission and the Department's Regional Office each been sent, by certified mail or hand deliver, 2 copies of completed Notice of Intent, with supporting plans and documents?

Yes No

b. Has the fee been submitted? Yes No

c. Total Filing Fee Submitted _____

d. City/Town Share of Filing Fee _____ State Share of Filing Fee _____
(sent to City/Town) (% of fee in excess of \$25, sent to DEP)

e. Is a brief statement attached indicating how the applicant calculated the fee? Yes No

f. To whom should the original copy of the Order of Conditions be sent for recording at the Registry of Deeds? Name:

8. Have all obtainable permits, variances and approvals required by local by-law been applied for?
 Yes No
 Obtained Applied for: Not Applied For:

9. Is any portion of the site subject to a Wetlands Restriction Order pursuant to G.L. c 130, s40A or 130, s105?
 Yes No

9.1 Is the area in which work is proposed within an Area of Critical Environmental Concern as designated by the State of Massachusetts?
 Yes No

9.2 Has an Order of Conditions, Determination of Applicability, or Denial of an application for an Order of Conditions ever been previously issued for this property?
 Yes No If answer is yes, attach a copy of said Order, Determination or Denial.

10. List all plans and supporting documents submitted with this Notice of Intent.
 Identifying Number/Letter Title, Date

Identifying Number/Letter	Title, Date
98-084	Site Plan Showing Location of Buildings to be demolished, Kent's Point, E. Orleans Prepared for Orleans Conservation Commission January 15, 1999 - Scale 1" = 50'

11. Check those resource areas within which work is proposed:

(a) Buffer zone

(b) Inland:

<input type="checkbox"/> Bank*	<input type="checkbox"/> Land Subject to Flooding
<input type="checkbox"/> Bordering Vegetated Wetland*	<input type="checkbox"/> Bordering
<input type="checkbox"/> Land Under Water Body & Waterway*	<input type="checkbox"/> Isolated

(c) Coastal:

<input type="checkbox"/> Land Under the ocean*	<input type="checkbox"/> Designated Port Area*
<input type="checkbox"/> Coastal Beach*	<input type="checkbox"/> Coastal Dune
<input type="checkbox"/> Barrier Beach*	<input type="checkbox"/> Coastal Bank
<input type="checkbox"/> Rocky Intertidal Shore*	<input type="checkbox"/> Salt Marsh*
<input type="checkbox"/> Land Under Salt Pond*	<input type="checkbox"/> Land Containing Shellfish*
<input type="checkbox"/> Fish Run*	

* Likely to involve U.S. Army Corps of Engineers concurrent jurisdiction. See General Instructions for completing Notice of Intent.

12. In the project within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program?

YES [] NO [] Date printed on the Estimated Habitat Map
 NO MAP AVAILABLE [] (if any) _____

If yes, have you sent a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program via the U.S. Postal Service by certified or priority mail (or otherwise sent it in a manner that guarantees delivery within two days) no later than the date of the filing of this Notice of Intent with the conservation commission and the DEP regional office?

YES [] NO []

If yes please attach evidence of timely mailing or other delivery to the Natural Heritage and Endangered Species Program.

Part II: Site Description

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe existing site conditions.

Identifying
 Number/Letter
 (of plan, narrative
 or calculations)

Natural Features

Soils

Vegetation

Topography

98-084 _____

Open water bodies (including ponds and lakes)

98-084 _____

Flowing water bodies (including streams and rivers)

Public and private surface water and ground water supplies on or within 100 feet of site

Maximum annual ground water elevations with dates and location of test

98-084 _____

Boundaries of resource areas checked under Part 1, item 11 above

Other

98-084 _____

Man-made Features:

Structures (such as buildings, piers, towers and headwalls)

Drainage and flood control facilities at the site and immediately off the site, including culverts and open channels (with inverts), dams and dikes

Subsurface sewage disposal systems

Underground utilities

98-084	Roadways and parking areas
98-084	Property boundaries, easements and rights-of-way
	Other

Part III: Work Description

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe work proposed within each of the resource areas checked in Part I, item 11 above.

Identifying
Number/Letter
(of plan, narrative
or calculations)

	<u>Planview and Cross Section of:</u> Structures (such as buildings, piers, towers and headwalls)
	Drainage and flood control facilities, including culverts and open channels (with inverts), dams and dikes
	Subsurface sewage disposal systems & underground utilities
	Filling, dredging and excavating, indicating volume and composition of material
	Compensatory storage areas, where required in accordance with Part III, Section 10.57(4) of the regulations.
	Wildlife habitat restoration or replication areas
	Other

	<u>Point Source Discharge</u> Description of characteristics of discharge from point source (both closed and open channel), when point of discharge falls within resource area checked under Part I, item 11 above, as supported by standard engineering calculations, data and plans, including but not limited to the following:
--	---

1. Delineation of the drainage area contributing to the point of discharge;
2. Pre- and post-development peak run-off from the drainage area, at the point of discharge, for at least the 10-year and 100-year frequency storm;
3. Pre- and post-development rate of infiltration contributing to the resource area checked under Part I, item 11 above;
4. Estimated water quality characteristics of pre- and post-development run-off at the point of discharge.

Part IV: Mitigating Measures

1. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:
 - (a) All measures and designs proposed to meet the performance standards set forth under each resource area specified in Part II or Part III of the regulations; or
 - (b) Why the presumptions set forth under each resource area specified in Part II or Part III of the regulations do not apply.

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type:	Identifying number or letter of support documents
N/A		

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type:	Identifying number or letter of support documents
N/A		

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type: Identifying number or letter of support documents
N/A	

2. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:

- (a) all measures and designs to regulate work within the Buffer Zone so as to ensure that said work does not alter an area specified in Part I, Section 10.02(1)(a) of these regulations; or
- (b) if work in the Buffer Zone will alter such an area, all measures and designs proposed to meet the performance standards established for the adjacent resource area, specified in Part II or Part III of these regulations.

<input checked="" type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type Bordered By 100-Foot Discretionary Zone: Identifying number or letter of support documents
Limit of work to be established and appropriate silt protection to be installed along limit of work. Project to be beneficial to return site to natural state.	98-084

Part V: Additional Information for a Department of the Army Permit

1. COE Application No. _____
(to be provided by COE)
2. _____
(Name of waterway)
3. Names and addresses of property owners adjoining your property:
4. Document other project alternatives (i.e., other locations and/or construction methods, particularly those that would eliminate the discharge of dredged or fill material into waters or wetlands).
5. 8 1/2" x 11" drawings in planview and cross-section, showing the resource area and the proposed activity within the resource area. Drawings must be to scale and should be clear enough for photocopying.

Certification is required from the Division of Water Pollution Control before the Federal permit can be issued. Certification may be obtained by contacting the Division of Water Pollution Control, 1 Winter Street, Boston, Massachusetts 02108.

Where the activity will take place within the area under the Massachusetts approved Coastal Zone Management Program, the applicant certifies that his proposed activity complies with and will be conducted in a manner that is consistent with the approved program.

Information provided will be used in evaluating the application for a permit and is made a matter of public record through issuance of a public notice. Disclosure of this information is voluntary; however, if necessary information is not provided, the application cannot be processed nor can a permit be issued.

I hereby certify under the pains and penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents and supporting data are true and complete, to the best of my knowledge.

Signature of Applicant



Date

3/1/99

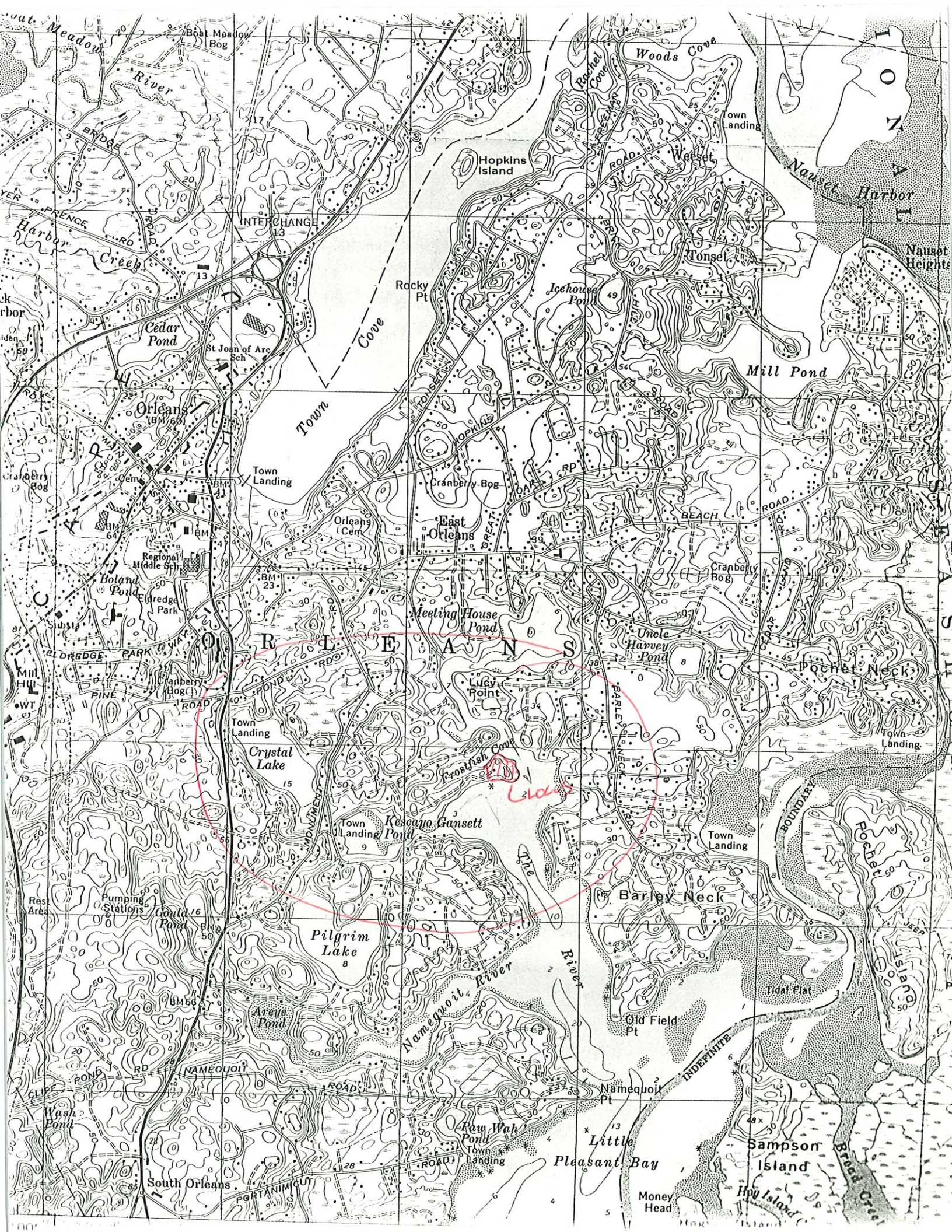
Signature of Applicant's Representative

Date

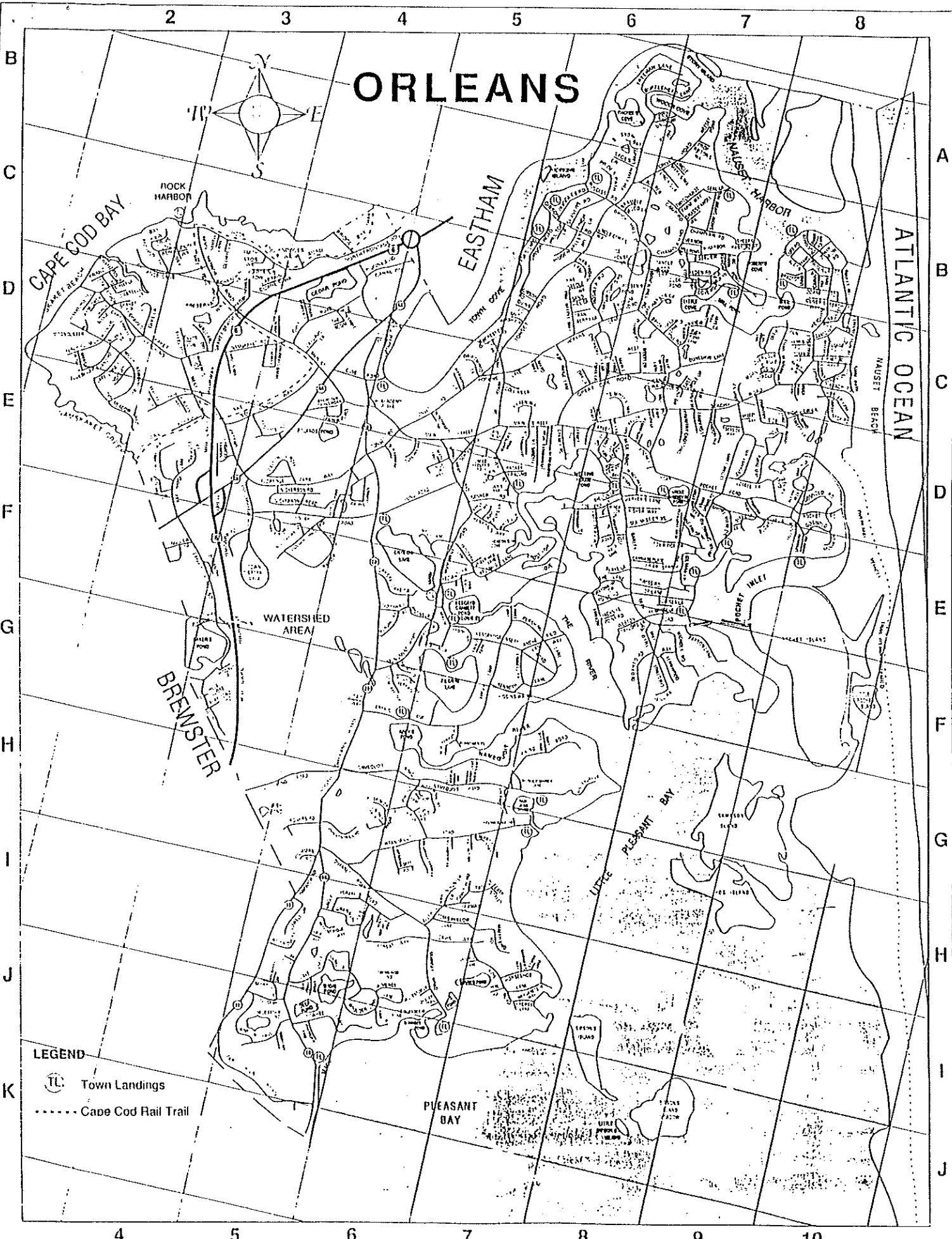
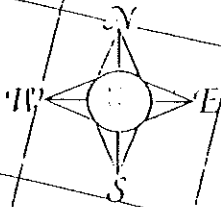
FORM
MED 100 (TEST)
1 MAY 82

"Exception to ENG Form 4345 approved by HQUSACE, 6 May 1982"



"This document contains a joint Department of the Army and State of Massachusetts application for a permit to obtain permission to perform activities in United States waters. The Office of Management and Budget(OMB) has approved those questions required by the US Army Corps of Engineers. OMB Number 0702-0036 and expiration date of 30 September 1983 applies". This statement will be set in 6 point type.



ORLEANS



LEGEND

-  Town Landings
-  Cape Cod Rail Trail

NOTICE OF INTENT FEE TRANSMITTAL FORM

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WETLANDS AND WATERWAYS

NOTICE OF INTENT (NOI) APPLICANT:

PROPERTY OWNER:

Name N/A - MUNICIPAL FILING

Name TOWN OF ORLEANS

Street _____

Street _____

City/Town _____

City/Town _____

State _____ Zip Code _____

State _____ Zip Code _____

Phone Number _____

PROJECT LOCATION: Street/Lot Number _____

City/Town _____

DEP FILE NUMBER (if available) _____

NOI FILING FEE

DISPUTED FEE

Total NOI Filing Fee: \$ N/A

Total Disputed Fee: \$ _____

State Share of Filing Fee: \$ _____
(1/2 of fee in excess of \$25.00)

(as determined in Notice of
Insufficient Fee letter from
conservation commission.)

City/Town Share of
Filing Fee: \$ _____

State Share of Fee: \$ _____
(1/2 of total disputed fee)

City/Town Share of Fee: \$ _____
(1/2 of total disputed fee)

INSTRUCTIONS:

1. Send this Fee Transmittal form and a check or money order, payable to the Commonwealth of Massachusetts, to the DEP Lock Box at:

Dept. of Environmental Protection
Box 4062
Boston, MA 02211


2. Attach a copy of this form to the Notice of Intent submitted to the local Conservation Commission.
3. Attach a copy of this form and a copy of the DEP check to each of the Notice of Intent forms submitted to the DEP regional office.

AFFIDAVIT OF SERVICE

I, Mark A. McKenzie, hereby certify under the pains and penalties of perjury that on 3/1/99 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by East Cape Engineering, Inc. with the Orleans Conservation Commission on 3/1/99 for property located at Kent's Point Frostfish Lane, Orleans.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.


Name Mark A. McKenzie - East Cape Engineering, Inc.

3/1/99
Date

NOTICE TO ABUTTERS

TO: Abutters to: KENT'S POINT - FROSTFISH LANE

Assessor's Map No. 49 Parcel No. 61

Owned by : ORLEANS CONSERVATION

FROM: : Owner _____ Other _____

In accordance with Section 7 of the Orleans Wetland Protection By-Law, we are notifying you that a filing has been made with the Orleans Conservation Commission with regard to work at the above captioned location.

Proposed work Includes:

DEMOLITION OF EXISTING BUILDING STRUCTURES AND RESTORATION
OF THE SITE TO A NATURAL STATE.

The filing was made in accordance with the requirements of MGL C131 s40, The Massachusetts Wetlands Protection Act and the Orleans Wetlands Protection By-Law.

Copies of the filing and plans are on file with the Conservation Commission and are available to the public. A public hearing will be held on Tuesday, March 16, 1999 beginning at 9 a.m. at the Orleans Town Hall and will be publicized in the Cape Codder Newspaper no less than 5 days prior to the hearing. If you have any questions please call the Orleans Conservation Commission at 508-240-3700 Ext. 425 or EAST CAPE ENGINEERING, INC. phone # 508-255-7120.

Please complete and return the enclosed.

Sincerely, *Mark A. McKenzie*

Mark A. McKenzie

Date 2/26/99

TO: Owners of KENT'S POINT - FROSTFISH LANE - ORLEANS
and Conservation Commission Members

FROM: Abutter: _____

I have reviewed the material and:

_____ Find no problems with the proposed plans

OR

_____ Have a concern as stated here:

_____ Plan on attending the Hearing on _____

Sincerely:

Signature Date

PLEASE RETURN TO:
ORLEANS CONSERVATION COMMISSION
19 SCHOOL ROAD
ORLEANS, MA 02653

ABUTTERS TO KENT'S POINT
FROSTFISH LANE, ORLEANS
ASSESSORS MAP 49, PCL. 61
ORLEANS CONSERVATION COMMISSION

MAP #	PCL.#	NAME & ADDRESS OF ABUTTER
49	45	Katherine H. Udall 35 Keziahs Lane Orleans, MA 02653
49	58	Lynne W. Hirst P.O. Box 118 Orleans, MA 02653
49	59	Sherman C. & Joan S. Reed P.O. Box 731 Orleans, MA 02653
49	60	Peter S. & Alice E. Norgeot 41 Keziahs Lane Orleans, MA 02653



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703

BOARD OF
SELECTMEN
TOWN
ADMINISTRATOR

TO: Conservation Commission
FROM: John F. Kelly, Town Administrator *JFK*
RE: Kent's Point Building Demolition Specifications
DATE: March 8, 1999

MAR - 8 1999

This morning I reviewed the final specifications for the demolition work at Kent's Point with Town Counsel Michael Ford and Office Manager Anne LeMaitre. At this meeting it was brought to my attention that an Order of Conditions, listed under Section 1 paragraph 4, has not yet been adopted by the Commission relative to this project and therefor is not available to attach to the specifications as required. Please be advised that it is Mr. Ford's opinion that since the Order of Conditions may have cost implications for the contractor that it must be made a part of the specification. It is my further understanding that a public hearing is scheduled for March 16, 1999 to review the Notice of Intent for the project and to develop the Order of Conditions. Please inform Anne when the process is complete and the Order of Conditions are available so a time table can be developed with publications, bid opening and award dates.

I also request the Commission contact Mark McKenzie of East Cape Engineering for clarification with regards to the demolition permit. It not stated in the specification that obtaining the demolition permit from the Building Department is the Contractor's responsibility and the Contractor will need to include permit costs in his bid.

Finally, please be advised the Orleans Historical Commission has submitted a proposed article for the May Annual Town Meeting to adopt a general bylaw entitled "Procedure for the Demolition of Historically or Architecturally Significant Buildings". The article is modeled after a similar bylaw in Eastham, and may apply to this project if adopted at the May Town Meeting. The Commission may want to review this with Town Counsel prior to bidding.



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703

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*Mark
can you
make
this
change
ASAP.
we cannot*

*Delay any
longer.*

*if you HAVE
QUESTIONS PLEASE
CONTACT J. Wood
AT COMS COMM
JHYB Bland*

*P.S You probably ought to be
at the hearing 3/16/99
to hear the concerns of
the ~~Cons~~ Cons Comm. of my
Bob Bland*

Specifications for Bid *(Revised)*

**Demolition of Buildings
At
Kent's Point
East Orleans**

Prepared for:

Orleans Conservation Commission

January 1999

OPTION 2: Historical Preservation of Artifacts

MAR 10 1999

Prepared By:

east cape engineering, inc.
44 Route 28
Orleans, MA 02653
(508) 255-7120

Section 1: Project Description:

This project involves the demolition of all existing structures and restoring the site to a natural condition for the property known as Kent's Point in East Orleans. The property is owned by the Town of Orleans and the all work will be contracted by the town under the control of the Conservation Commission.

The buildings are old wood frame structures, some of which were constructed in the 1800s. The buildings are situated as shown on the attached site plan. The main house sits on a full foundations, whereas the remaining buildings are either slabs or on posts.

A report was completed which looked at the potential environmental hazards associated with remodeling or demolition of the structures. The results of the survey indicated that there is asbestos insulation on the pipes and the boiler in the basement of the main house. Additionally, it was found that the majority of the painted wood surfaces on the main house contained high concentrations of lead based paint.

The site is situated on an environmentally fragile point of land. The majority of the structures are well within the protective conservation buffer zone and all work will be completed under an Order of Conditions from the Orleans Conservation Commission. These orders will be attached to these specifications as additional requirements to be considered when bidding on the demolition work.

Since the project involves municipally owned buildings, the demolition will be completed under the supervision of a professional engineer hired by the Town of Orleans. The engineer will inspect the work progress and be in charge of contract and specification compliance throughout the job.

Section 2: Project Work Plan

The contractor will prepare a work plan for review by the engineer and the town. The work plan will outline the work tasks necessary for completion of the work and provide any documentation requested as part of these project specifications such as haul road layout, asbestos removal subcontract information, and disposal plans.

* Upon approval of the Project Work Plan, the contractor shall apply and obtain all town required town permits to include a demolition permit.

Section 3: Site Access and Preparation

Access to the site will be via existing drives and roads. It should be noted that the main access to the site is over a narrow one lane road (Frost Fish Ln). Once on the property, all access will remain on the existing dirt driveway. Trimming of trees and vegetation will be permitted only as necessary to allow passage of large equipment. The contractor

is responsible for coordinating all vehicular traffic with the Orleans Police Department and will pay for a police detail if required by the police department. The contractor is also required to maintain the roads as work progresses including cleanup of tracked dirt and repair of any damage to the road surface as directed by the engineer.

The contractor will install silt fencing and/or hay bales along the limit of work as defined on the site plan and as directed in the Order of Conditions issued by the Orleans Conservation Commission. The contractor is responsible for maintaining the integrity of the silt protection throughout the duration of the project.

Access to the smaller outbuildings will require installation of temporary haul roads. The roads will be constructed by the contractor and the width and length minimized to allow access to the buildings. The haul roads should be routed to avoid removal of any significant vegetation. All haul road layout must be approved by the engineer prior to construction.

All equipment used on site will be secured and stored in one central location at the end of the day. The equipment will be stored outside of the conservation buffer zone. Storage of bulk fuel for fueling equipment on site overnight is not permitted. The contractor is responsible for ensuring all equipment is not releasing contaminants into the environment while working on site. Any identified release will be the responsibility of the contractor for cleanup at the contractor's expense.

Section 4: Utilities

The contractor is responsible for the disabling of all utilities associated with the site to include but not limited to water, electric, telephone, cable, and gas. The contractor will arrange for the utility company to disconnect the utility. The contractor will also have Dig Safe mark out utilities which could be impacted during movement of construction equipment into the site. If the contractor requires electrical power at the site other than generators, the contractor will arrange for a temporary power hook up on site with the electric company. The contractor will bear all costs for temporary electrical service if required.

The existing heating system uses #2 Fuel Oil. Prior to doing any demolition, the contents of the fuel oil tank will be removed and disposed/reused and the tank removed, cleaned and disposed in accordance with all state tank regulations.

Section 5: Asbestos Removal

All asbestos containing material will be removed prior to beginning any demolition activities. Approximately 75 linear feet of asbestos pipe insulation and 100 square feet of boiler insulation was identified in the main building during the building review.

The contractor will subcontract a Massachusetts Licensed asbestos removal contractor to do the asbestos removal. A copy of the subcontractor's license will be included in the work plan.

The asbestos removal contractor will submit a work plan detailing how the removal operation will be conducted which demonstrates compliance with all state regulations and best management practices of the industry. As this is a site demolition project and personnel will not re-inhabit the building, clearance sampling will not be required at the completion of the work, however the operation must insure no release of asbestos material to the atmosphere or to the other areas of the building.

The asbestos contractor is responsible for notifying the state as required that an asbestos removal operation will occur and will not begin work until the regulated approvals or waiting times have passed.

The asbestos contractor will be responsible for the disposal of the asbestos material at an approved disposal facility. The asbestos contractor will indicate the disposal facility where the material is planned to be disposed and documentation as to the approval of the facility to accept this material. The asbestos contractor is responsible for preparing the bill of lading as require for disposal.

All plans and approvals shall be reviewed by the engineer and approved prior to proceeding with removal activities.

Section 6: Building Demolition

Due to the presence of lead based paint on most of the wood surfaces in the buildings, all components of the building must be demolished and sent to an approved C& D landfill. The MaDEP allows for disposal of lead paint covered demolition debris at a standard C&D landfill as long as the lead painted wood has not be segregated from the remainder of the demolition material. Therefore no segregation of wood materials will be permitted and no reuse or recycling of any wood will be allowed.* This includes all exterior and interior windows, doors, siding or trim. No processing of demolition material is permitted including tub grinding and/or chipping.

The demolished building debris will be placed immediately into the transporting containers and hauled off site as filled. No stockpiling of any demolition material will be permitted on site to ensure no release of contaminants to the environment. All containers leaving the site will be secured and covered to ensure no material is lost from the containers.

All components of every building will be completely removed from the site including all foundation materials (with the exception of the main building), walkways, porches, and fences. The foundation of the main building will be collapsed into the cellar hole once all non-masonry materials are removed from the cellar (i.e. pipes, boiler, etc.). Shrubs

* Unless otherwise provided in Section 9, Artifacts

immediately adjacent to buildings may be removed if necessary. All other trees and vegetation will be preserved while demolishing the buildings.

The property will be policed to round up any man made materials remaining on site. Any debris, garbage, or waste found on site will be taken away with the demolition materials.

Section 7: Well and Sewage System Removal

The sewage systems on site, which include a Title 5 system and some cesspools, will be pumped and then filled with clean sand. The well will be abandoned in place by filling the well casing with concrete grout in accordance with Orleans Board of Health requirements. If it is determined that the removal of the well transmission pipe will impact the site to a large extent, the engineer may allow abandoning the piping in place.

Section 8: Site Restoration

As the demolition is completed, each building foundation hole will be backfilled with clean fill and compacted (this includes any fill needed to fill in the collapsed foundation of the main building). Any other excavation area including utility lines, etc. will also be backfilled to grade with clean fill and compacted. All exposed fill will be covered with 4 inches of loam and compacted. As haul roads are no longer needed, they will be restored by filling in ruts, removing any placed material, and covered with 4 inches of loam. All loamed areas will then be hydroseeded using a conservation seed mix to be approved by the Orleans Conservation Officer.

The existing driveway and roads into the site will be restored to the condition prior to commencing work including removing any ruts, filling any potholes and sweeping any hard surfaces if covered with dust, debris, or dirt.

The silt barriers will be maintained until growth is established in the disturbed area. At the point where growth is established, the silt barriers will be removed and disposed.

Prior to release of the contractor, the Conservation Commission and the engineer will inspect the site to ensure all restoration has been completed to the satisfaction of the town.

Section 9: Artifacts

The listed items in Appendix A hereto are to be separately removed and held until receipt of notice from the Orleans Conservation Commission as to the disposition of said items. In the event no notice is received by May 20, 1999 the Contractor shall be free to dispose of these items as he sees fit. The contractor will take care to remove these items with the intent of preserving the artifacts in the existing condition for future use and/or display by the Orleans Historical Society.

Appendix A

The Orleans Historical Society plans a major building project to expand the current museum, archives, and office. This request for structures from the Kent's Point property would be incorporated into the building. Use of these items would enable the Orleans Historical Society to preserve part of Orleans' history.

The following items shall be removed and set aside:

1. Paneling located in the newer section of the house (living room), including fireplace mantle and moldings.
2. Wainscoting from the 1802 section of the house
3. Old door located in the rafters of the work shed
4. Windows from the 1802 section of the house (first floor only)
5. Millstone located at back entrance
6. Low garden fencing located in front of the porch
7. Window shutters from the front of the building
8. Dining room closet
9. Corner cabinet located in the dining room
10. All inside hardware
11. All old doors with hardware
12. All signage
13. Kitchen lamp (wrought iron)

The Orleans Historical Society Board of Directors requests a pre-proposal meeting with the bidding contractors and a town to discuss the removal methods to preserve the condition of the listed items.



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703

BOARD OF
SELECTMEN
TOWN
ADMINISTRATOR

TO: Conservation Commission
FROM: John F. Kelly, Town Administrator *JFK*
RE: Kent's Point Building Demolition Specifications
DATE: March 8, 1999

MAR -- 8 1999

This morning I reviewed the final specifications for the demolition work at Kent's Point with Town Counsel Michael Ford and Office Manager Anne LeMaitre. At this meeting it was brought to my attention that an Order of Conditions, listed under Section 1 paragraph 4, has not yet been adopted by the Commission relative to this project and therefor is not available to attach to the specifications as required. Please be advised that it is Mr. Ford's opinion that since the Order of Conditions may have cost implications for the contractor that it must be made a part of the specification. It is my further understanding that a public hearing is scheduled for March 16, 1999 to review the Notice of Intent for the project and to develop the Order of Conditions. Please inform Anne when the process is complete and the Order of Conditions are available so a time table can be developed with publications, bid opening and award dates.

I also request the Commission contact Mark McKenzie of East Cape Engineering for clarification with regards to the demolition permit. It not stated in the specification that obtaining the demolition permit from the Building Department is the Contractor's responsibility and the Contractor will need to include permit costs in his bid.

Finally, please be advised the Orleans Historical Commission has submitted a proposed article for the May Annual Town Meeting to adopt a general bylaw entitled "Procedure for the Demolition of Historically or Architecturally Significant Buildings". The article is modeled after a similar bylaw in Eastham, and may apply to this project if adopted at the May Town Meeting. The Commission may want to review this with Town Counsel prior to bidding.

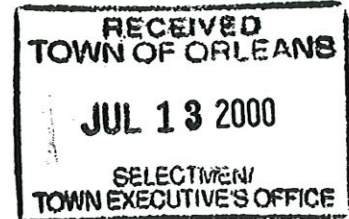
McConnell Enterprises, Inc.

Scrap Metal Recycling * Concrete Disposal * Plant Dismantling

Office: 10 Ice House Lane, P. O. Box 187, Essex, MA 01929 Tel: 978-768-6078 FAX: 978-768-3648
Yard: 60 Garden Park, Braintree, MA 02184 Tel: 781-848-8070 FAX: 781-848-2870

July 11, 2000

T.A.	O.W.	T.A.S.	CC Construction		
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Town of Orleans
Attn: Anne, Selectman's Office
19 School Road
Orleans, MA 02653

508-240-3700 x341

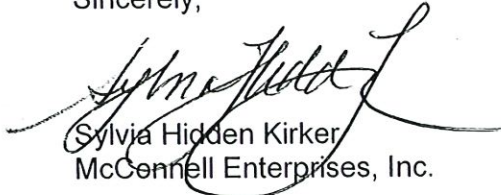
RE: KENT POINT JOB

Dear Anne:



I received your telephone concerning the silth fence at the above job. I would like to take this opportunity to thank the Town of Orleans for the removal of the silth fence.

Sincerely,


Sylvia Hidden Kirker
McConnell Enterprises, Inc.

CMM00\0711to.shk

Enclosure



Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

MEMO

To: Bob Bersin, Highway Manager
From: Bob Ward, Chairman, Conservation Commission
Date: July 17, 2000
Re: Kent's Point

On behalf of the Conservation Commission, I would like to express our thanks for your prompt attention in filling in the previously-undisclosed narrow well to the north side of the former house site at Kent's Point. Your timely response to this situation has eliminated a potential public safety hazard on the property.

Thank you again for your department's assistance.

cc: John Kelly, Town Administrator



Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

MEMO

To: John Kelly, Town Administrator
From: Jenny Wood, Conservation Administrator *JW*
Date: June 28, 2000
Re: Kent's Point Demolition Project

With regard to the above-referenced project, please be advised that the silt fence has not been removed in the timeframe previously requested by the Conservation Commission.

As a result and in accordance with your letter to McConnell Enterprises dated June 5th, please advise the contractor that the Commission will have the silt fence removed and McConnell's \$500 cash bond will be forfeited.

Thank you for your prompt attention to this matter.



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703
<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN
TOWN
ADMINISTRATOR

June 5, 2000

Mr. Crosby Martin, President
McConnell Enterprises, Inc.
60 Garden Park
Braintree, MA 02184

CERTIFIED MAIL



Re: Kent's Point Demolition Project


Dear Mr. Martin:

The Town of Orleans is currently holding a \$500 cash bond on the above referenced project. This cash bond was being held until the Town's representatives were satisfied with the hydro seed growth on the disturbed area and the silt fence was removed. I have been advised by the Conservation Commission that they are satisfied with the growth of the hydro seed and now the silt fence must be removed.

Please schedule the work and have the fence removed within 14 days of receipt of this letter. If the silt fence is not removed within the timeframe requested the Town will direct one of its employees to remove the silt fence and you will forfeit your \$500 cash bond.

If you have any question please contact me or my Office Manager Anne Fusco LeMaitre at 508-240-3700 ext. 415.

Very truly yours,


John F. Kelly
Town Administrator

Cc: Orleans Conservation Commission



Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

MEMO

To: John Kelly, Town Administrator
From: Jenny Wood, Conservation Administrator *JW*
Date: May 24, 2000
Re: Kent's Point Demolition Project

With regard to the above-referenced project, please be advised that the hydro seeding has been completed to the Conservation Commission's satisfaction. The Commission now requests that McConnell Enterprises be instructed to remove the silt fence within 2 weeks of receipt of your letter notifying the contractor of this.

Any funds remaining to be paid to the contractor can be released by your office once the silt fence has been removed.

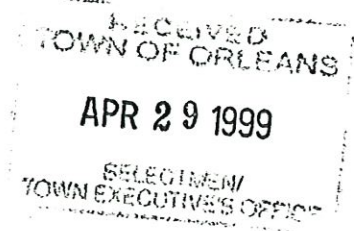
Thank you for your prompt attention to this matter.



Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388



To: John F. Kelly, Town Administrator

From: Conservation Commission

Date: April 27, 1999

Re: Kent's Point Demolition



We have reviewed the bids opened on April 26, 1999 for the demolition of the Kent's Point Buildings.

We find that the offer of \$56,550.00 by McConnell Enterprises, Inc. is acceptable pending satisfactory review of McConnell Enterprises, Inc. references which will be conducted by East Cape Engineering.

Subsequent to Award of the above contract, we request that you authorize East Cape Engineering, to proceed with the work noted as Item #2 in their letter of December 10, 1998, to Mr. Ward of the Conservation Commission, regarding Demolition Oversight and Inspection.

Thank you,

William B. Parish, Chairman
Orleans Conservation Commission

Approved as recommended:

4/30/99
Date

Disapproved as recommended:

Date

Peter S. Norgent
45 Keziah Ln.
Orleans, MA 02653-4126

Date 2/26/99

MAR 15 1999

TO: Owners of KENT'S POINT - FROSTFISH LANE - ORLEANS
and Conservation Commission Members

FROM: Abutter: PETER S. NORGEOT

I have reviewed the material and:

Find no problems with the proposed plans

~~OR~~ But

Have a concern as stated here:

Considerable damage to a paved portion of the road was caused by trucks bringing in road materials (T-Base - Bob Child's trucks) will further damage occur during demolition phase? Will the town repair existing and possible new damage?

Notwithstanding the above, we believe that returning the Kent property to a natural state (no man-made structures) is a wise move and wholeheartedly support it.

Plan on attending the Hearing on March 16th @ 09:00

Sincerely:

Peter S. Norgent 3/12/99
Signature Date

PLEASE RETURN TO:
ORLEANS CONSERVATION COMMISSION
19 SCHOOL ROAD
ORLEANS, MA 02653