



Massachusetts Department of Environmental Protection
Bureau of Resource Protection -- Wetlands

WPA Form 8B - Certificate of Compliance

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

A Project Information

1. This Certificate of Compliance is issued by:

Town of Orleans Conservation Commission
Conservation Commission

To:

Town of Orleans/Kent's Point
Name
19 School Road
Mailing Address
Orleans
City/Town MA 02653
State Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Town of Orleans/Kent's Point
Name
10/19/00
Dated
SE 54-1459
DEP File Number

By hand delivery, issued on: 12/19/00

3. The project site is located at:

Orleans
City/Town
39 Keziah's Lane
Street Address
49 61
Assessors Map/Plat# Parcel/Lot #

and the final Order of Conditions was recorded on 11/21/00

Date

at the Registry of Deeds for
Barnstable 13380 136, #73256
County Book Page

Certificate (if registered land)

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

Date

Project: Construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh.

B Certification

(Check all that apply):

[X] Complete Certification: It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

[] Partial Certification: It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification which have been completed and are released from this Order include:

Four horizontal lines for listing project areas or work.

[] Invalid Order of Conditions: It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

[] Ongoing Conditions: The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period.)

Condition Numbers:

Two horizontal lines for listing condition numbers.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection -- Wetlands

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And the Orleans Wetland Protection Bylaw, Chapter 160

C Authorization

Issued by:

Town of Orleans Conservation Commission
Conservation Commission
12/19/00
Date of Issuance

On this 19th day of December 2000
Month Year

This Certification must be signed by a majority of the conservation commission and a copy sent to the applicant and appropriate DEP Regional Office (see Appendix A).

Signature(s)

Handwritten signatures: J. Edward, Adrienne Pfluger, Andrew Yaw, James Swadlow, William Paul, D. Wessan, George R. Clint

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.

Notary Public Patricia J. Hall
March 27, 2009
My commission expires

D Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located. Detach on dotted line and submit to the Conservation Commission.

To: Town of Orleans Conservation Commission
Conservation Commission

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

Please be advised that the Certificate of Compliance for the project at 39 Keziah's Lane Orleans
Project Location Town
SE 54-1459
File Number

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

has been recorded at the Registry of Deeds of Barnstable County

Instrument Number
Document Number
Signature of Applicant

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

Date
Book
Page

BARNSTABLE REGISTRY OF DEEDS



WPA Form 8B - Certificate of Compliance

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

A Project Information

1. This Certificate of Compliance is issued by:

Town of Orleans Conservation Commission
Conservation Commission

To:

Town of Orleans/Kent's Point
Name
19 School Road
Mailing Address
Orleans
City/Town
MA 02653
State Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Town of Orleans/Kent's Point
Name
10/19/00
Dated
SE 54-1459
DEP File Number

By hand delivery, issued on: 12/19/00

3. The project site is located at:

Orleans
City/Town
39 Keziah's Lane
Street Address
49 61
Assessors Map/Plat# Parcel/Lot #

and the final Order of Conditions was recorded on 11/21/00

Date

at the Registry of Deeds for

Barnstable 13380 136, #73256
County Book Page

Certificate (if registered land)

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

Date

Project: Construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh.

B Certification

(Check all that apply):

[X] Complete Certification: It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

[] Partial Certification: It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification which have been completed and are released from this Order include:

Blank lines for listing project areas or work subject to partial certification.

[] Invalid Order of Conditions: It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

[] Ongoing Conditions: The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period.)

Condition Numbers:

Blank lines for listing condition numbers.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEC - 8 2000

DEP File Number:

SE 54-1459
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Town of Orleans
 Name
 19 School Road
 Mailing Address
 Orleans MA 02653
 City/Town State Zip Code
 (508) 240-3700
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Town of Orleans/Kent's Point
 Applicant
 10/19/00 SE 54-1459
 Dated DEP File Number

3. The project site is located at:

39 Keziah's Lane Orleans
 Street Address City/Town
 49 61
 Assessors Map/Plat Number Parcel/Lot Number

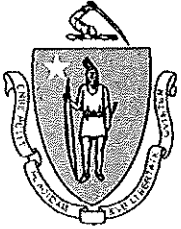
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Town of Orleans
 Property Owner (if different)
 Barnstable 13380 136
 County Book Page
 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see Appendix A).



WPA Form 5 - Order of Conditions

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

A Applicant Information

From: Town of Orleans Conservation Commission
Conservation Commission

For: SE 54-1459
Project File Number

To: Town of Orleans/Kent's Point
Applicant Name
19 School Road
Mailing Address
Orleans
City/Town
MA 02653
State Zip Code

The project site is located at:
39 Keziah's Lane Orleans
Street City/Town
49 61
Assessors Map/Plat# Parcel/Lot#

and the property is recorded at the Registry of Deeds for:
Barnstable 6575 248
County Book Page

Certificate (if registered land)

11-21-2000 2 02:16

The Notice of Intent for this project was filed on:
10/3/00
Date

The public hearing was closed on:
10/17/00
Date

Title and Date of final Plans and Other Documents:
Site Plan Kent's Point, E. Orleans, MA
Prepared for the Orleans Conservation
Commission

Dated: 1/15/99

Project:
Construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh.

Contact:
Robert Ward, Chairman, Conservation Commission

B Findings

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 area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Erosion Sedimentation Control
- Private Water Supply
- Recreation
- Groundwater Supply
- Aesthetics
- Flood Control
- Agriculture
- Land Containing Shellfish
- Aquaculture
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:
(check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the 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.



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.)

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- 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(b)(c).

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. 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.
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.
6. 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.

7. This Order does not become 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.
8. 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 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 this 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 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" [or, "MA DEP"] "File Number
SE 54-1459
Project File Number
10. 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 the Department.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the following attached plans and special conditions:
Final Approved Plans (attach additional plan references as needed) :
Site Plan Kent's Point, E. Orleans, MA
Prepared for the Orleans Conservation Commission

Title
1/15/99
Dated
Mark A. McKenzie
Signed and Stamped by
Orleans Conservation Commission
On file with



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.)

- 13. Any changes to the plans identified in Condition # 12 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.
- 14. The Agent or members of the Conservation Commission and 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.
- 15. 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.
- 16. 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 serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. 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.

Special Conditions (Use additional paper if necessary)

All work is to be supervised by the Conservation
 Administrator to assure it is done in accordance with the
 plan and the Town's wetlands regulations

Findings as to municipal law, bylaw, or ordinance

Furthermore, the

Orleans Conservation Commission
Conservation Commission

hereby finds (check one that applies):

that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

Name and citation of municipal law, bylaw, or ordinance

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.

that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

Town of Orleans Wetlands Regulations
Name and citation of municipal law, bylaw, or ordinance

The Commission orders that all the work shall be performed in accordance with the said additional 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.

Additional conditions relating to municipal law, bylaw, or ordinance:

(See attached.)

DEP #: SE 54-1459
 APPLICANT: Town of Orleans/ Kent's Point
 39 Keziah's Lane

STANDARD CONDITIONS ON ALL ORDERS

11/99

In accordance with 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 #8 on page 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 sub-contractors 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 sub-contractors will be liable for any violation of these Orders. Such liability may include stop work orders and/or fines of 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 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 54-1459". 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 agent shall have a right of entry to inspect the property for compliance with the provisions of this Order.
12. **Transfer of Ownership:** 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.**

APPLICANT: Town of Orleans/Kent's Point
39 Keziah's Lane
DEP #: SE 54-1459

FINDINGS:

The Applicant filed a Notice of Intent on 10/3/00 for construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh at 39 Keziah's Lane. A hearing was held on 10/17/00 at which time the Conservation Commission voted to approve the Project and Variance as presented. An Order of Conditions was issued on 10/19/00.

In accordance with Section 196A-3, K of the Town of Orleans Wetlands Regulations, the Applicant seeks a variance from Section 196A-7.C. of the Orleans Wetlands Protection Regulations to allow for construction of dug-in timber steps within 50' of a coastal beach and a salt marsh.

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.



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.

10/19/00

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:

John Edward
Andrie Yagow
Audrine Fugger
Judith Scaylon
William David
R. W. ...
Ray R. ...

SE 54-1459

DEP File Number

On this

19th

day of

October

Month

2000

Year

before me personally appeared

William Gristoll

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 ...

Notary Public

March 29, 2000

My commission expires

This Order is issued to the applicant as follows:

by hand delivery on

10/19/00

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

A Applicant Information

From:

Town of Orleans Conservation Commission
Conservation Commission

For:

SE 54-1459
Project File Number

To:

Town of Orleans/Kent's Point
Applicant Name
19 School Road
Mailing Address
Orleans
City/Town
MA 02653
State Zip Code

The project site is located at:

39 Keziah's Lane Orleans
Street City/Town
49 61
Assessors Map/Plat# Parcel/Lot#

and the property is recorded at the Registry of Deeds for:

Barnstable 6575 248
County Book Page

Certificate (if registered land)

The Notice of Intent for this project was filed on:

10/3/00
Date

The public hearing was closed on:

10/17/00
Date

Title and Date of final Plans and Other Documents:
Site Plan Kent's Point, E. Orleans, MA
Prepared for the Orleans Conservation
Commission

Dated: 1/15/99

Project:

Construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh.

Contact:

Robert Ward, Chairman, Conservation Commission

B Findings

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 area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Land Containing Shellfish
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat
- Erosion Sedimentation Control
- Recreation
- Aesthetics
- Agriculture
- Aquaculture

Furthermore, this Commission hereby finds that the project, as proposed, is:
(check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the 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

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

B Findings (cont.)

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- 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(b)(c).

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. 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.
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.
6. 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.

7. This Order does not become 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.
8. 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 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 this 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 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"
[or, "MA DEP"] "File Number
SE 54-1459

Project File Number
10. 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 the Department.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the following attached plans and special conditions:

Final Approved Plans (attach additional plan references as needed) :

Site Plan Kent's Point, E. Orleans, MA
Prepared for the Orleans Conservation Commission

Title
1/15/99

Dated
Mark A. McKenzie

Signed and Stamped by
Orleans Conservation Commission

On file with



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.)

- 13. Any changes to the plans identified in Condition # 12 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.
- 14. The Agent or members of the Conservation Commission and 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.
- 15. 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.
- 16. 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 serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. 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.

Special Conditions (Use additional paper if necessary)

All work is to be supervised by the Conservation
 Administrator to assure it is done in accordance with the
 plan and the Town's wetlands regulations

Findings as to municipal law, bylaw, or ordinance

Furthermore, the

Orleans Conservation Commission
Conservation Commission

hereby finds (check one that applies):

that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

Name and citation of municipal law, bylaw, or ordinance

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.

that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

Town of Orleans Wetlands Regulations
Name and citation of municipal law, bylaw, or ordinance

The Commission orders that all the work shall be performed in accordance with the said additional 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.

Additional conditions relating to municipal law, bylaw, or ordinance:

(See attached.)

DEP #: SE 54-1459

APPLICANT: Town of Orleans/ Kent's Point
39 Keziah's Lane

STANDARD CONDITIONS ON ALL ORDERS

11/99

In accordance with 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 #8 on page 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 sub-contractors 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 sub-contractors will be liable for any violation of these Orders. Such liability may include stop work orders and/or fines of 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 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 54-1459". 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 agent shall have a right of entry to inspect the property for compliance with the provisions of this Order.
12. **Transfer of Ownership:** 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.**

APPLICANT: Town of Orleans/Kent's Point
39 Keziah's Lane
DEP #: SE 54-1459

FINDINGS:

The Applicant filed a Notice of Intent on 10/3/00 for construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh at 39 Keziah's Lane. A hearing was held on 10/17/00 at which time the Conservation Commission voted to approve the Project and Variance as presented. An Order of Conditions was issued on 10/19/00.

In accordance with Section 196A-3, K of the Town of Orleans Wetlands Regulations, the Applicant seeks a variance from Section 196A-7.C. of the Orleans Wetlands Protection Regulations to allow for construction of dug-in timber steps within 50' of a coastal beach and a salt marsh.

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.



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.

10/19/00
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]
Andrie Yagou
Aurine Fugere
Judith Scaylon
William Sarril
[Signature]
[Signature]

SE 54-1459
DEP File Number

On this 19th
day of October
Month 2000
Year

before me personally appeared
William Parish

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 is issued to the applicant as follows:

by hand delivery on 10/19/00
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.



Town of Orleans Conservation Commission

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

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

October 13, 2000

Orleans Conservation Commission
Orleans Town Hall
19 School Road
Orleans, MA 02653



Re: Kent's Point, 39 Keziah's Lane

Dear Commission Members:

This letter accompanies a Notice of Intent and accompanying plan for proposed timber steps.

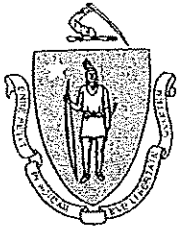
In accordance with Section 196A-3, K. of the Town of Orleans Wetlands Regulations, the applicant seeks a variance from Section 196A-7.C. of the Orleans Wetlands Protection Regulations to allow for the construction of dug-in timber steps to be located on a portion of the coastal bank on the southern side of the property and within 50' of a coastal beach and a salt marsh.

The proposed work is in accordance with the standards set forth in Section 196A-13, Staircases over coastal and inland banks.

Thank you for your attention to this request.

Sincerely,

Robert Ward, Chairman
Orleans Conservation Commission
For The Town of Orleans



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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

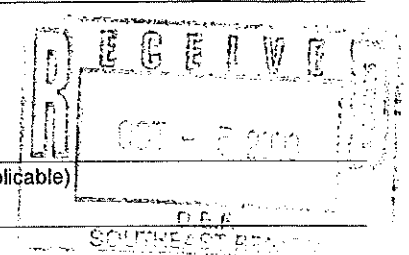
acd
10/11/00

DEP File Number:

SE 54-1459
Provided by DEP

Town _____

A. General Information



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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION



1. Applicant:

Town of Orleans
Name _____ E-Mail Address (if applicable) _____
19 School Road
Mailing Address _____
Orleans MA 02653
City/Town State Zip Code
508-240-3700
Phone Number _____ Fax Number (if applicable) _____

2. Representative (if any):

Orleans Conservation Commission
Firm _____
Robert Ward, Chairman
Contact Name _____ E-Mail Address (if applicable) _____
19 School Road
Mailing Address _____
Orleans MA 02653
City/Town State Zip Code
508-240-3700, ext. 425
Phone Number _____ Fax Number (if applicable) _____

3. Property Owner (if different from applicant):

Same as above
Name _____
Mailing Address _____
City/Town State Zip Code

4. Total Fee:

N/A - Municipal Filing
(from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:

39 Keziah's Lane Orleans
Street Address City/Town
49 61
Assessors Map/Plat Number Parcel /Lot Number

6. Registry of Deeds:

Barnstable 6575 248
County Book Page

Certificate (if Registered Land)

APJ



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

Provided by DEP

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

Town

A. General Information

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



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. Applicant:

Town of Orleans

Name E-Mail Address (if applicable)

19 School Road

Mailing Address

Orleans MA 02653

City/Town State Zip Code

508-240-3700

Phone Number Fax Number (if applicable)

2. Representative (if any):

Orleans Conservation Commission

Firm

Robert Ward, Chairman

Contact Name E-Mail Address (if applicable)

19 School Road

Mailing Address

Orleans MA 02653

City/Town State Zip Code

508-240-3700, ext. 425

Phone Number Fax Number (if applicable)

3. Property Owner (if different from applicant):

Same as above

Name

Mailing Address

City/Town State Zip Code

4. Total Fee:

N/A - Municipal Filing

(from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:

39 Keziah's Lane Orleans

Street Address City/Town

49 61

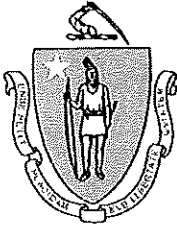
Assessors Map/Plat Number Parcel /Lot Number

6. Registry of Deeds:

Barnstable 6575 248

County Book Page

Certificate (if Registered Land)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

Provided by DEP

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

Town

A. General Information (cont.)

7. Summary of Project Impacts:

a. Is any work being proposed in the Buffer Zone?

Yes If yes, how many square feet?

200 SQFT

No

b. List the impacts of proposed activities on each wetland resource areas (temporary and permanent impacts, prior to restoration and mitigation):

<u>Resource Area</u>	<u>Size of Impact (e.g., sq. ft.)</u>
Coastal Bank	200 SQFT

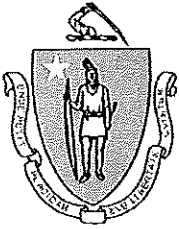
B. Project Description

1. General Project Description:

Construction of dug-in timber steps on a portion of the coastal bank on the southern side of the property facing The River and within 100' of a coastal beach and a salt marsh.

2. Plan and/or Map References:

Site Plan - Kent's Point, E. Orleans, MA Prepared for	1/15/99
Title	Date
The Orleans Conservation Commission	



WPA Form 3 – Notice of Intent

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

DEP File Number: _____

Provided by DEP _____

Town _____

C. Activities Subject to Regulation

1. a. Check the applicable resource areas if work is to be conducted in an associated Buffer Zone:

Inland Resource Areas

- Inland Bank
- Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

- Coastal Beach
- Rocky Intertidal Shore
- Salt Marsh
- Barrier Beach
- Coastal Dune
- Coastal Bank

b. Complete for all proposed activities located, in whole or in part, in Wetland Resource Area(s).

Inland Resource Areas:

Bordering Vegetated Wetlands:

Square Feet altered

Square Feet replaced

Land Under Water Bodies:

Square Feet altered

Cubic Yards dredged

Bank:

Linear Feet altered

Coastal Resource Areas:

Coastal Dune:

Square Feet altered

Cubic Yards/Volume removed

Salt Marsh:

Square Feet altered

Coastal Bank:

4' x 50'

Linear Feet altered

Bordering Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Land Under Salt Pond:

Square Feet altered

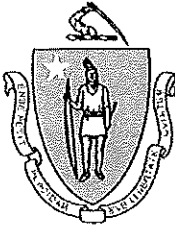
Cubic Yards dredged

Rocky Intertidal Zone:

Square Feet altered

Designated Port Area:

Square Feet altered



WPA Form 3 – Notice of Intent

Provided by DEP

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

Town

C. Activities Subject to Regulations (cont.)

Fish Run:

Land Containing Shellfish:

Linear Feet altered

Square Feet altered

Land Subject to Coastal Storm Flowage:

Beach:

100 SQFT

Square Feet altered

Square Feet altered

Land Under Ocean:

Square Feet altered

Cubic Yards dredged

Riverfront Area:

a. Name of Waterway (if available):

N/A

b. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

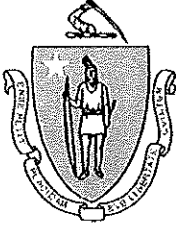
Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.



WPA Form 3 – Notice of Intent

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

C. Activities Subject to Regulation (cont.)

2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

- Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
- DEP BVW Field Data Form (attached)
- Final Determination of Applicability issued by Conservation Commission (attached)
- Other Methods for Determining the BVW boundary (attach documentation):
 - 50% or more wetland indicator plants
 - Saturated/inundated conditions exist
 - Groundwater indicators
 - Direct observation
 - Hydric soil indicators
 - Credible evidence of conditions prior to disturbance.

3. a. Is any portion of the proposed project located in estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

Yes If yes, include proof of mailing or hand delivery of NOI to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

No

Date of Map

b. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

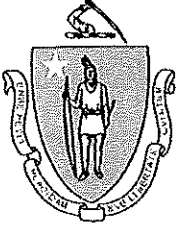
Yes If yes, provide name of ACEC (see Appendix D for ACEC locations):

No Pleasant Bay

c. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

Yes

No



WPA Form 3 – Notice of Intent

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

D. Performance Standards

1. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

Yes If yes, describe which limited project applies to this project:

No

2. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.

Yes If yes, describe which exemption applies to this project:

No

3 a. Is the project located in the Riverfront Area?

Yes If yes, indicate the proposed project purpose:

- | | |
|--|---|
| <input type="checkbox"/> Single Family House | <input type="checkbox"/> Industrial Development |
| <input type="checkbox"/> Residential Subdivision | <input type="checkbox"/> Commercial Development |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Other (describe) |

b. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes

No

4. a. Describe how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location. Attach narrative and supporting documentation. **Work to be done in accordance with the Orleans Wetlands Regulations. Project will lessen pedestrian impact.**

b. Is this project exempt from the DEP Stormwater Policy?

Yes If yes, explain why the project is exempt:

No buildings are proposed.

No

If no, stormwater management measures are required. Applicants are encouraged to complete Appendix C: Stormwater Management Form and submit it with this form.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

Provided by DEP

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

Town

E. Additional Information

Applicants must include the following with this Notice of Intent (NOI):

- USGS or other map of the area (along with a narrative description, if necessary), containing sufficient information for the Conservation Commission and the Department to locate the site.
- Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland (BVW) replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this NOI.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Appendix B. Wetland Fee Transmittal Form).

No fee shall be assessed for projects of the federal government, the Department, or cities and towns of the Commonwealth.

Applicants must submit the following information (in addition to pages 1 and 2 of Appendix B) to confirm fee payment:

N/A - Municipal Filing

Check Number

Check date

Payor name on check

Applicant name (if different from payor)

G. Signatures and Submittal Requirements

I hereby certify under the 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. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Signature of Applicant

Date

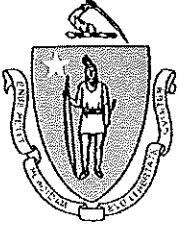
Signature of Property Owner (if different)

Date

John Edward
Signature of Representative (if any)

10/3/00

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

DEP File Number:

Provided by DEP

Town

G. Signatures and Submittal Requirements (cont.)

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

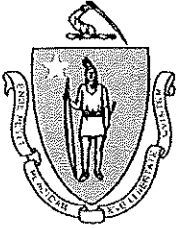
For DEP:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and a copy of the state fee payment must be sent to the DEP Regional Office (see Appendix A) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

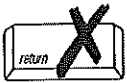
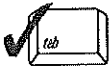
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Appendix B – Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Applicant Information

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



1. Applicant:

Town of Orleans
 Name
 19 School Road
 Mailing Address
 Orleans MA 02653
 City/Town State Zip Code
 508-240-3700
 Phone Number

2. Property Owner (if different):

Same as above
 Name
 Mailing Address
 City/Town State Zip Code
 Phone Number

3. Project Location:

39 Keziah's Lane Orleans
 Street Address City/Town

B. Fees

To calculate filing fees, refer to the category fee list and examples in Section D of this form.

Abbreviated Notice of Resource Area Delineation (Form 4A):

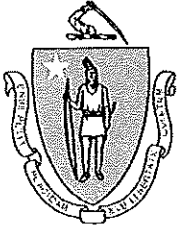
The fee is calculated as follows (check applicable project type):

single family house project
 _____ X \$1.00= _____
 (feet of BVW) Total fee (not to exceed \$100)

all other projects
 _____ X \$1.00= _____
 (feet of BVW) N/A - Municipal Filing
 Total fee (not to exceed \$1,000)

State share of filling fee: _____
 (1/2 of total fee less \$12.50)

City/Town share of filling fee: _____
 (1/2 of total fee plus \$12.50)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Appendix B – Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (cont.)

Abbreviated Notice of Intent (Form 4) or Notice of Intent (Form 3):

The fee should be calculated using the following six-step process and worksheet:

Step 1/Type of Activity: Describe each type of activity (see Section D for a list of activities) that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories in Section D.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category(identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
N/A - Municipal Filing			

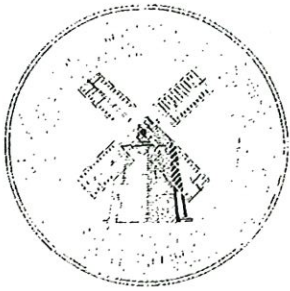
Step 5/Total Project Fee: N/A

Step 6/Fee Payments:

Total Project Fee: _____
 (Total fee from Step 5)

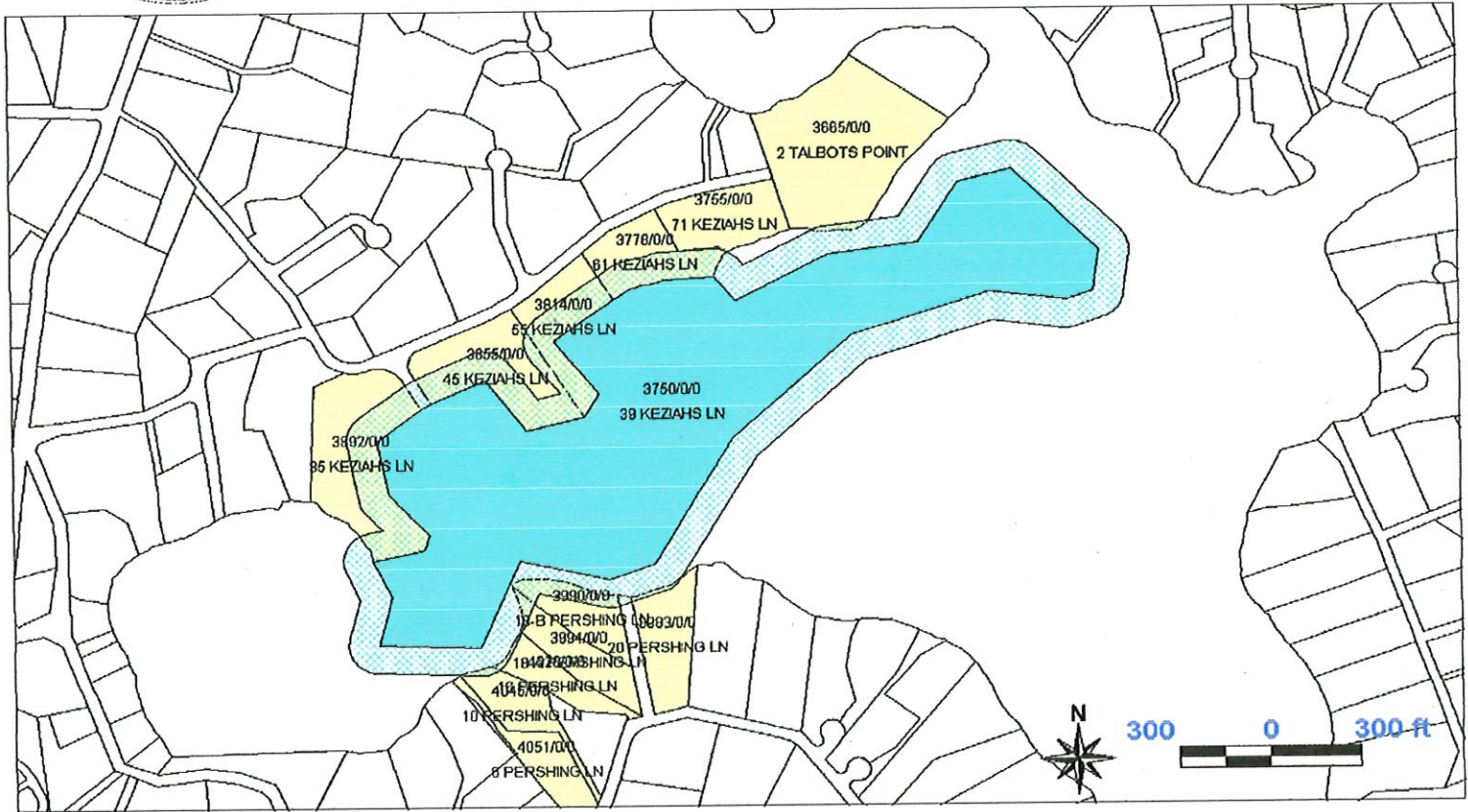
State share of filing fee: _____
 (1/2 total fee less \$12.50)

City/Town share of filing fee: _____
 (1/2 total fee plus \$12.50)



TOWN OF ORLEANS, MA
BOARD OF ASSESSORS

Abutters List Within 100 feet of Parcel (MapMapID = 3750/0/0)



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip Code	Country
4,164	49-62-0-R (3665-0-0)	GASS MARILYN TALBOT	2 TALBOTS POINT	69 WOODBRIDGE TR	S HADLEY	MA	01075	
6,035	49-61-0-E (3750-0-0)	TOWN OF ORLEANS CONSERVATION COMMISSION	39 KEZIAHS LN	19 SCHOOL RD	ORLEANS	MA	02653	
4,160	49-57-0-E (3755-0-0)	NAMEQUOIT SAILING ASSOC INC C/O SUSAN POWERS GERRATT	71 KEZIAHS LN	26 REXHAME ST	BOSTON	MA	02131	
4,161	49-58-0-R (3778-0-0)	HIRST LYNNE W	61 KEZIAHS LN	PO BOX 118	ORLEANS	MA	02653	
4,162	49-59-0-R (3814-0-0)	REED SHERMAN C AND REED JOAN :	55 KEZIAHS LN	PO BOX 731	ORLEANS	MA	02653	
4,163	49-60-0-R (3855-0-0)	NORGEOT PETER S ET UX ALICE E	45 KEZIAHS LN	41 KEZIAHS LN	ORLEANS	MA	02653	
4,151	49-45-0-R (3892-0-0)	UDALL KATHERINE H	35 KEZIAHS LN	35 KEZIAHS LN	ORLEANS	MA	02653	
4,483	56-18-0-R (3983-0-0)	MILLIN JAMES M	20 PERSHING LN	PO BOX 885	ORLEANS	MA	02653	
4,484	56-19-0-R (3990-0-0)	GOLDMAN VIRGINIA H	18-B PERSHING LN	PO BOX 561	S ORLEANS	MA	02662	
4,485	56-20-0-R (3994-0-0)	HUSSEY DAVID C & HUSSEY JANE K	18-A PERSHING LN	13 ST THOMAS AVE	S NATICK	MA	01760	
4,486	56-21-0-R (4020-0-0)	SILVA CHARLES W & HELEN T	16 PERSHING LN	PO BOX 1099	ORLEANS	MA	02653	
4,487	56-22-0-R (4045-0-0)	SILVA CHARLES W & HELEN T	10 PERSHING LN	PO BOX 1099	ORLEANS	MA	02653	

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip Code	Country
4,489	56-24-0-R (4051-0-0)	WILKINSON ROBERT L & JUDITH L	6 PERSHING LN	95 ELDREDGE PKWY	ORLEANS	MA	02853	

NOTICE TO ABUTTERS

To: Abutters to Kent's Point, 39 Keziah's Lane
Assessor's Map # 49 Parcel # 61
Owned by Town of Orleans

From: Orleans Conservation Commission

In accordance with Section 7 of the Orleans Wetland Protection Bylaw, 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:

Construction of timber steps on a portion of the coastal bank on the southern side
of the property facing The River.

The filing was made in accordance with the requirements of MGL Chapter 131, § 40, the Massachusetts Wetlands Protection Act and the Orleans Wetland Protection Bylaw.

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, October 17, 2000 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.

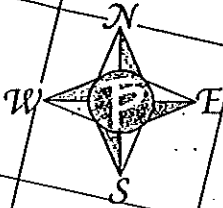
Please complete and return the enclosed.

Sincerely,

Orleans Conservation Commission

2 3 4 5 6 7 8

ORLEANS



CAPE COD BAY



ROCK HARBOR

EASTHAM

ATLANTIC OCEAN

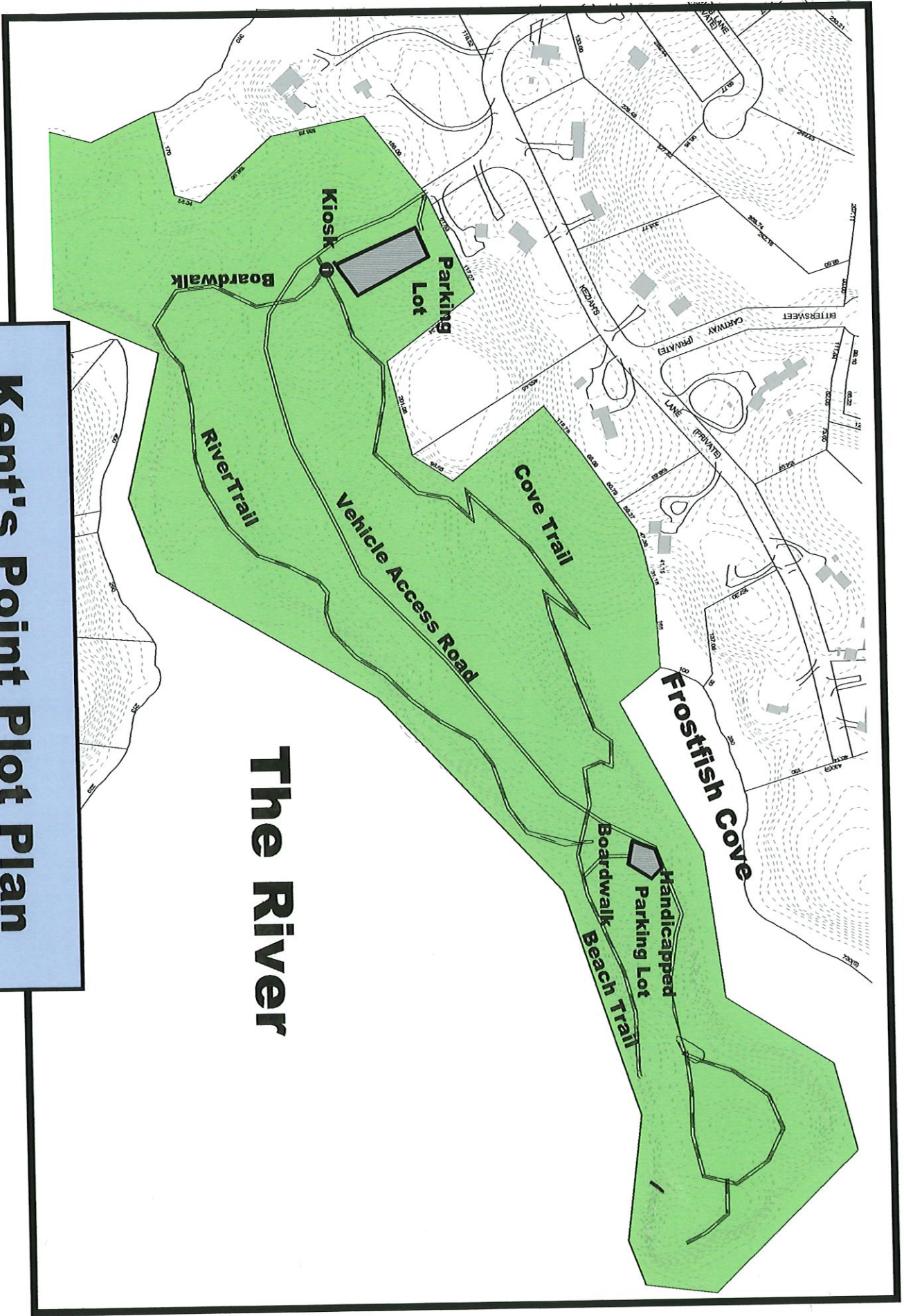
A
B
C
D
E
F
G
H
I
J



- LEGEND**
-  Town Landings
 -  Cape Cod Rail Trail

4 5 6 7 8 9 10

Kent's Point Plot Plan



The River



Town of Orleans
Conservation Commission

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

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

November 21, 2000

Jared Hagan
c/o Orleans Scout Troop #72
15 Lockwood Lane
South Orleans, MA 02662

Re: Kent's Point Stairway

Dear Jared:

The Orleans Conservation Commission and our Conservation Agent, Jenny Wood, would like to thank you for the exceptional job you (and your team) did in constructing the dug-in timber stairs at Kent's Point.

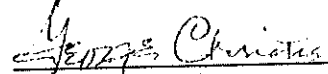
Your troop can be proud of the project you undertook and successfully completed which will help to provide both erosion control and additional access for visitors to our Kent's Point Conservation Area.

Thank you again for your volunteer effort on our behalf.

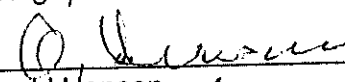
Sincerely,



Robert Ward, Chairman



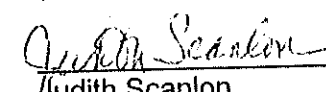
George Christie



Arnold Henson



William Parish



Judith Scanlon

James Snedecor



Andrée Yager
ORLEANS CONSERVATION COMMISSION



Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

November 6, 2000

Orleans Conservation Commission
Town Hall
19 School Road
Orleans, MA 02653

RE: Applicant: Town of Orleans
 Project Location: 39 Keziah's Lane
 Project Description: Construction of dug-in timber steps
 NHESP File No. 00-8007

Dear Commissioners:

The applicant listed above has submitted a Notice of Intent with project plans (dated January 15, 1999) to the Natural Heritage & Endangered Species Program (NHESP) in compliance with the coastal rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37) for the subject project.

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project may occur within the actual habitat of the diamondback terrapin (*Malaclemys terrapin*). The diamondback terrapin is a state-protected species listed as "Threatened" pursuant to the Massachusetts Endangered Species Act (M.G.L c.131A). **It is our opinion that this project, as currently proposed, will not adversely effect the actual habitat of the diamondback terrapin if the proposed stairs are constructed within an existing path.**

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

Sincerely,


Patricia Huckery
NHESP Wetlands Environmental Reviewer

cc: Town of Orleans
 Jim Mahala, DEP Southeast Regional Office
 file



Natural Heritage & Endangered Species Program

Route 135, Westborough, MA 01581 Tel: (508) 792-7270 x 200 Fax: (508) 792-7821
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement
<http://www.state.ma.us/dfwele/dfw/nhESP>

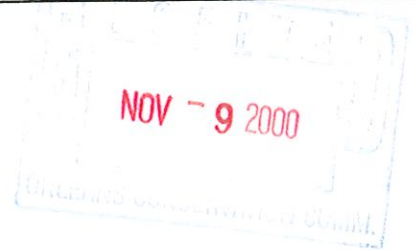


Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

November 6, 2000

Orleans Conservation Commission
Town Hall
19 School Road
Orleans, MA 02653



RE: Applicant: Town of Orleans
 Project Location: 39 Keziah's Lane
 Project Description: Construction of dug-in timber steps
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Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read "PHUCKERY".

Patricia Huckery
NHESP Wetlands Environmental Reviewer

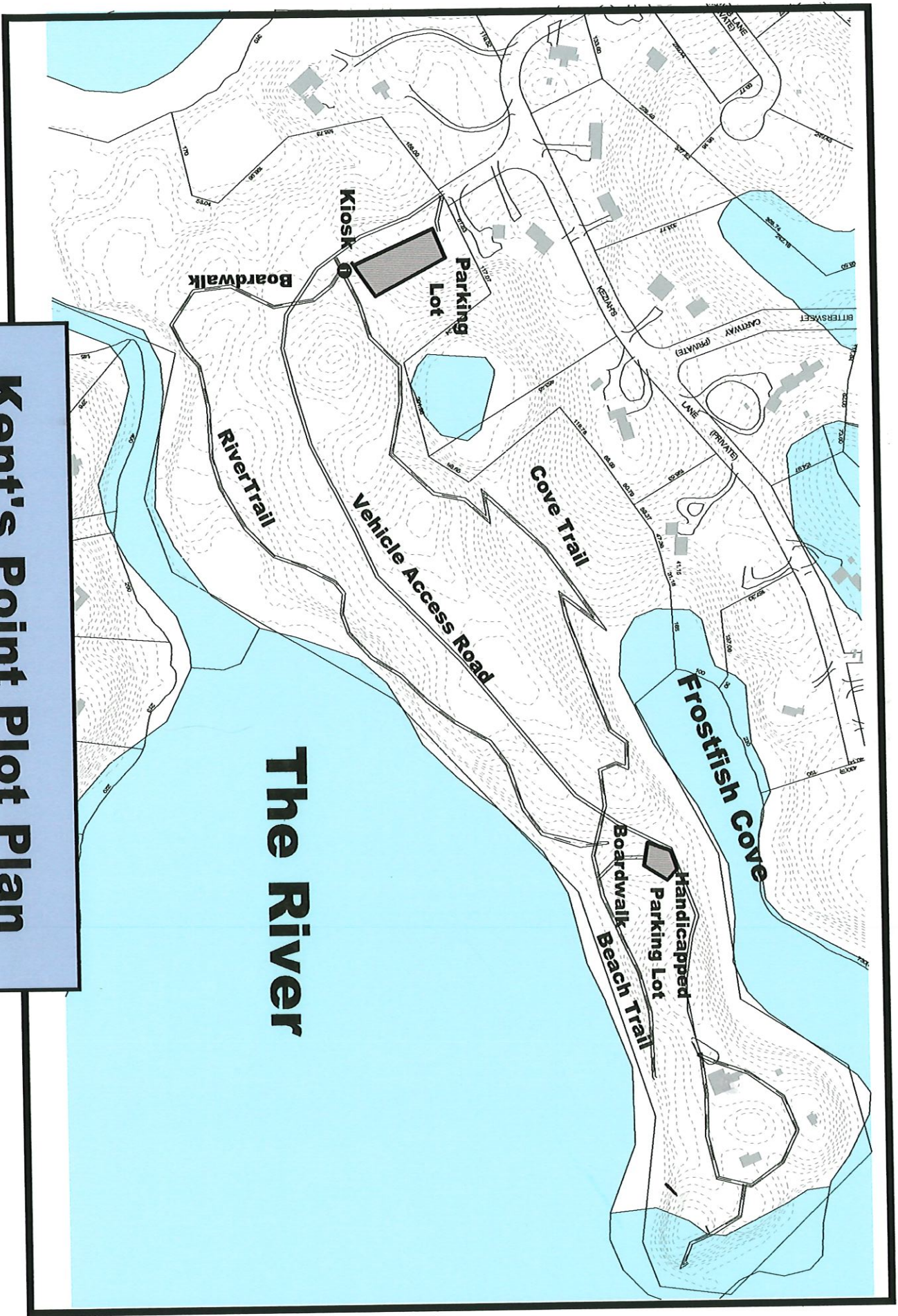
cc: Town of Orleans
 Jim Mahala, DEP Southeast Regional Office
 file



Natural Heritage & Endangered Species Program

Route 135, Westborough, MA 01581 Tel: (508) 792-7270 x 200 Fax: (508) 792-7821
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement
<http://www.state.ma.us/dfwele/dfw/nhesp>

Kent's Point Plot Plan



The River

Date: October 3, 2000

To: Owners of Kent's Point, 39 Keziah's Lane
And Conservation Commission Members

From: Abutter Sherman and Joan Reed

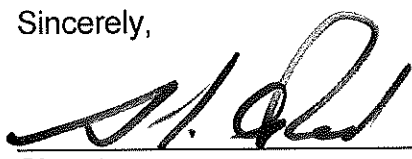
I have reviewed the material and
 Find no problem with the proposed plans
or

Have a concern as stated below:

We remain concerned about inadequate Town
Maintenance of Frost Fish Lane

~~We~~ plan on attending the hearing on Tues Oct 17
what is time?

Sincerely,



Signature

10/11/00

Date

Please return to:
Orleans Conservation Commission
Orleans Town Hall
19 School Road
Orleans, MA 02653

Date: October 3, 2000

To: Owners of Kent's Point, 39 Keziah's Lane
And Conservation Commission Members

From: Abutter Marilyn Talbot Gass

I have reviewed the material and
 Find no problem with the proposed plans
or
 Have a concern as stated below:

We plan on attending the hearing on Tuesday, October 17, 2000
or my representative

Sincerely,

Marilyn Talbot Gass 10.10.2000
Signature Date

Please return to:
Orleans Conservation Commission
Orleans Town Hall
19 School Road
Orleans, MA 02653

Date: October 3, 2000

To: Owners of Kent's Point, 39 Keziah's Lane
And Conservation Commission Members

From: Abutter Robert and Judith Wilkinson

I have reviewed the material and
 Find no problem with the proposed plans

or
 Have a concern as stated below:

I/We plan on attending the hearing on _____

Sincerely,

Robert L. Wilkinson 10-4-2000

Signature

Date

Please return to:

Orleans Conservation Commission
Orleans Town Hall
19 School Road
Orleans, MA 02653

Date: October 3, 2000

To: Owners of Kent's Point, 39 Keziah's Lane
And Conservation Commission Members

From: Abutter David and Jane Hussey

I have reviewed the material and
 Find no problem with the proposed plans

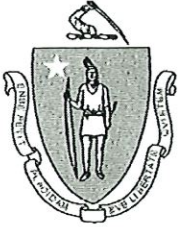
or
 Have a concern as stated below:

We plan on attending the hearing on _____

Sincerely,

David Hussey 10/3/00
Signature Date

Please return to:
Orleans Conservation Commission
Orleans Town Hall
19 School Road
Orleans, MA 02653



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

acd
10/11/00

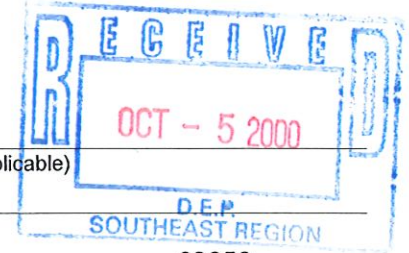
DEP File Number:

SE 54-1459

Provided by DEP

Town _____

A. General Information



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



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. Applicant:

Town of Orleans
 Name _____ E-Mail Address (if applicable) _____
 19 School Road
 Mailing Address _____
 Orleans MA 02653
 City/Town State Zip Code
 508-240-3700
 Phone Number _____ Fax Number (if applicable) _____

2. Representative (if any):

Orleans Conservation Commission
 Firm _____
 Robert Ward, Chairman
 Contact Name _____ E-Mail Address (if applicable) _____
 19 School Road
 Mailing Address _____
 Orleans MA 02653
 City/Town State Zip Code
 508-240-3700, ext. 425
 Phone Number _____ Fax Number (if applicable) _____

3. Property Owner (if different from applicant):

Same as above
 Name _____
 Mailing Address _____
 City/Town State Zip Code

4. Total Fee:

N/A - Municipal Filing
 (from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:

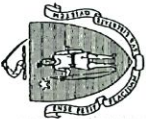
39 Keziah's Lane Orleans
 Street Address City/Town
 49 61
 Assessors Map/Plat Number Parcel /Lot Number

6. Registry of Deeds:

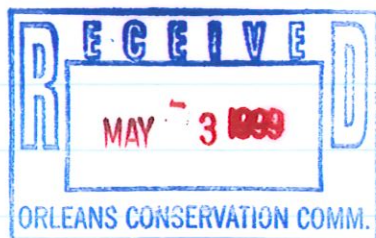
Barnstable 6575 248
 County Book Page

Certificate (if Registered Land)

ISSUANCE OF A FILE NUMBER
 INDICATES ONLY
 COMPLETENESS OF SUBMITTAL,
 NOT APPROVAL OF APPLICATION



RS



May 3, 1999

Dear Jenny,

I took these pictures last fall of the paths developing on the Bank at Kent's Point over looking Lonnie's River.

Before the land was developed with walking paths, this bank was so welcoming that occasionally people stopped to investigate from their boats-

Since the paths have been developed people can now climb down the bank and ^{also} get up it from their boats and they do! Although there is a sign at the top asking people not to climb on the bank, there is none on the waterfront. And, there is no environmental explanation as to the reason - erosion of Fragile bank, home to wild animals and birds. (Fox used to burrow there, and Kingfishers. I'm not sure if either do anymore) Also, home to fragile plants ~~that~~ that are ~~exes~~ essential to holding the bank. As a Botanist perhaps

May 3, 1991



John Jensen

I took these pictures last fall of the gates developed on the bank of Lake Point over looking Tonnes River.

Before the land was developed with working gates, this bank was so steep that occasionally people stepped to investigate from their balconies.

Since the gates have been developed people can now climb down the bank and get up it from their balconies. Although there is a sign at the top asking people not to climb on the bank there is none on the waterfront. And there is an environmental explanation as to the reason - erosion of fragile bank. Some to wild animals and birds. Fox used to burrow there, and (Kuffner) in fact was if either do (Kuffner) they tend to (Kuffner) public is essential to holding the bank. As a botanist gardener

you could classify or name the plants there.

At anyrate I've been going in and out of that river for about 55 years, and more "people" damage has happened in the last five years than in the 50 before it — and probably centuries before that.

The Bank is a very special spot and I hope that the Conservation Commission can be pro-active in saving it. For my part, I'd like to see the path unto the Bank eliminated and let people get their views at other less fragile spots. Not all of nature has to be opened up to the general public.

If you would ever like a boat ride out there, I have a handy row boat and would love to take you.

I hear good things about your work for the Town. Thanks! We need it!

sincerely, Pam Herrick

Telephone:
255-0266

you could classify or name the plants there.

At analysis it's been going in and out of that river for about 25 years, and more people damage has happened in the last five years than in the 50 before it - and probably centuries before that.

The bank is a real special spot and I hope that the Conservation Commission can be pro-active in saving it. For my part, I'd like to see the path into the bank eliminated and let people get their views of other less fragile spots. Not all of nature has to be opened up to the general public. ~~It's a beautiful area~~

If you would ever like a boat ride out there, I have a handy row boat and would love to take you.

I have good things about you want for the town. Thank you very much from the district.

2520 Ave
1313 Ave