



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

36-1040

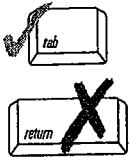
Provided by DEP

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
*and* Ipswich Wetlands Protection By-law

**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.



From:

Ipswich Conservation Commission  
Conservation Commission

This issuance is for (check one):

- Order of Conditions  
 Amended Order of Conditions

To: Applicant:

Feoffees of the Grammar School c/o James Foley, Chair

Property Owner (if different from applicant):

same  
Name

Name

c/o 25 Meadowview Road

Mailing Address

Ipswich MA 01938  
City/Town State Zip Code

Mailing Address

City/Town State Zip Code

1. Project Location:

Seaward of River Road and of Cliff Road, Little Neck Ipswich

Street Address

City/Town

24C

69 (for entire underlying parcel of Little Neck)

Assessors Map/Plat Number

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Essex South

No Deed (a colonial trust)

N/A

County

Book

Page

Certificate (if registered land)

3. Dates:

4/3/08

6/18/08

7/10/08

Date Notice of Intent Filed

Date Public Hearing Closed

Date of Issuance

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

Little Neck, Site Plan, River Road (4 shts), dated 4/2008 (sheets R1 to R4); and Site Plan, Cliff Rd (8 shts), dated 4/2008 (sheets C1 to C8)

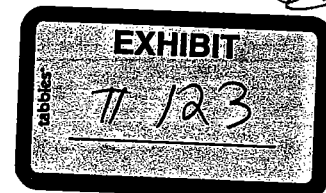
April 2008  
Date

Cliff Rd Construction Access Way, Typical Section-Feoffees of the Grammar School as of 6/18/08

5. Final Plans and Documents Signed and Stamped by:

Vine Associates, Inc.; David B. Vine, RPE  
Name

6. Total Fee:



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\$2,600.00 (state law)(plus \$1,300.00 local Bylaw filing)  
(from Appendix B: Wetland Fee Transmittal Form)

## 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 areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public Water Supply           | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution        |
| <input type="checkbox"/> Private Water Supply          | <input checked="" type="checkbox"/> Fisheries                 | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention   | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds 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 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.

**Denied** because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland 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.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions** (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

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**B. Findings (cont.)**

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 is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
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 the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to 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 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 36-1040"
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 DEP.
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 plans and special conditions referenced in this order.
13. Any change 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 the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any

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**B. Findings (cont.)**

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 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. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

See attached special conditions made part hereof.

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**Findings as to municipal bylaw or ordinance**

Furthermore, the Ipswich Conservation Commission hereby finds (check one that applies):  
Conservation Commission

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

Ipswich Wetlands Protection Bylaw  
Name

Ipswich General Bylaws Chapter XVIII  
Municipal Ordinance or Bylaw

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 ordinance or bylaw, specifically:

Ipswich Wetlands Protection Bylaw  
Name

Ipswich General Bylaws Chapter XVIII  
Municipal Ordinance or Bylaw

The Commission orders that all 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.

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**B. Findings (cont.)**

Additional conditions relating to municipal ordinance or bylaw:

See attached special conditions made part hereof.

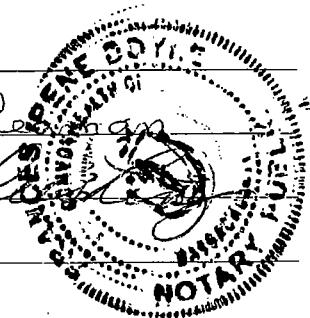
This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date 7/10/08

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 Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

Mary B. Melius  
Brian F. O'Neill

Barbara S. Brennan  
Ashley...  


On 9<sup>th</sup>  
Day

Of July, 2008  
Month and Year

before me personally appeared

David Standley, Chair

Frances Irene Doyle  
Notary Public  
Commonwealth of Massachusetts

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.

Frances Irene Doyle  
Notary Public

Frances Irene Doyle

My Commission Expires 03/23/2012

This Order is issued to the applicant as follows:

by hand delivery on 7/19/08

by certified mail, return receipt requested, on

**Order of Conditions IPS/DEP # 36-1040**

**Special Conditions: Feoffees of the Grammar School, Project on seaward sides of both River Road and Cliff Road, Little Neck, Ipswich, MA**

18. This Order allows the stabilization of failed sections of Coastal Bank/Riverfront Protection areas in two locations (via collapsed banking caused by sloughing off down to beach and/or rocky intertidal areas below). This project contemplates repair and augmentation of a previously existing hard-armoring solution dating back to before the existence of the state Wetlands Protection Act or the local municipal Ipswich Wetlands Protection Bylaw. This approval is partly given due to safety concerns with public and private use of existing roads that have been in place on Little Neck for decades. Specifically, at River Road, where the edge of road is undercut and collapsing from persistent storm damage, the work involves removal of a wooden revetment/retaining wall along the seaward sideline of the roadway that currently consist of upright buried timbers which are in significantly degraded and rotted condition and which have been damaged, compromised and undercut over decades of persistent seasonal storm surge actions impacting upon them and to then repair the road base and surface. That area also involves necessary repositioning and augmentation of the large boulders presently existing along the toe of the said wooden revetment wall, which function to ameliorate storm affects as well. At Cliff Road, the work involves accessing the Rocky Intertidal Shore via machine as limited and set forth hereinbelow, and cleaning up the collapsed banking materials, then importing and setting boulders at the toe of the Coastal Bank to stabilize the bank above, per the plans, then to install newly imported stone above the repaired toe of bank, cover it over with soil and conduct planting of indigent native species to effect a combination of hard and soft stabilization of the bank. Cliff Road is not yet in disrepair, but is at risk due to the significant damages that occurred in spring of 2007. This work involves no work within any Land Under Water Body (Ipswich River at River Rd, or the Atlantic Ocean (Plum Island Sound here) at both sites. The only impact to Coastal Bank or its buffer zone will be at River Road and that will also involve working within the Great Marsh Area of Critical Environmental Concern (ACEC) and possibly within its local Bylaw buffer zone. Proposed work within the "No-Disturbance Zone" and the "No-Build Zone" is allowed by waiver granted pursuant to the Ipswich Conservation Commission's Regulations under the Ipswich Wetlands Protection Bylaw because the work is completely site specific and cannot be relocated to other areas, due to the existing roads at issue. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in Condition 12, shall be on the site upon project commencement and during any site work for contractors to view and follow. This work is approved pursuant to the plans of Vine Associates, Inc., dated April 2008, as are more specifically referred to on Section A4 of Page One of the Form 5 Order of Conditions to which these Special Conditions are attached and hereby made part.
19. The applicant shall notify the Conservation Commission in writing at least 48 hours prior to commencement of activity on the site and shall advise the Commission of the name(s) and phone number(s) of the person(s) responsible on site for compliance with this Order.
20. Work shall halt on the site if a Commission member, its Conservation Agent, or DEP

representative determines that any of the work is not in compliance with this Order of Conditions. Work shall not thereafter resume until the Commission is satisfied that the work will comply, and until it has so notified the applicant in writing.

21. This Order shall apply to any successor-in-control or successor-in-interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners or portions of the property.
22. The form provided at the end of this Order shall be completed and stamped at the Registry of Deeds after the expiration of the 10-day appeal period and within 30 days of issuance if no request for appeal has been filed with the Department of Environmental Protection. This form shall be returned to the Commission within 21 days of recording and prior to commencement of any activities subject to the Order of Conditions, in accord with the Ipswich Wetlands Protection By-law, Section 5. The Conservation Commission reserves the right to revoke any order not recorded within 30 days of issuance.
23. Prior to any work commencing, temporary signs (black letters on white backgrounds) shall be displayed **AT EACH OF THE TWO SITES, IN TWO LOCATIONS AT EACH SITE PER BELOW, EACH SIGN CLEARLY** showing "IPS/DEP file No. 36-1040," which signs shall not be placed on any living tree. The Applicant shall cause such a designation sign to be placed at both the upgradient edge of work at the top of coastal bank at each site location, facing streetward; AND shall also place such signs at the toe of slope work areas at each site location, but facing seaward. The seaward facing signs shall contain letters not less than one foot high, readable from a distance of approximately 100 yards.
24. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor-in-interest or successor-in-control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that take place prior to issuance of the Certificate of Compliance.
25. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
26. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner and/or successor(s) to ensure that the project engineer and contractors are provided with a copy of this Order of Conditions and referenced documents before commencement of construction, and that personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor shall be held jointly liable for any violation of this Order resulting from the failure to strictly comply with its conditions.
27. If any changes or additions are made in the above-described plan(s) which may or will alter any area subject to protection under the Wetlands Protection Act and/or the Town of



Ipswich Wetlands Protection Bylaw, or any changes and additions in activity subject to regulations under M.G. L. Ch. 131, Paragraph 40; and/or the Town of Ipswich Wetlands Protection Bylaw Regulations; the applicant shall inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) are(is) significant enough to require the filing of a new or formally amended Notice of Intent. Any errors or omissions in the plans or information submitted by the applicant during the public hearing (including the full Notice of Intent) shall be considered material changes and the above procedures shall be followed.

28. If unforeseen problems occur or arise during construction which may affect the statutory interests of the Wetlands Protection Act or the Town of Ipswich Wetlands Protection Bylaw, upon their discovery by either the Conservation Commission, its agent, or the Applicant/Owner, the Commission shall immediately be notified and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct corrective or remedial measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing for the permanent record.
29. The owners of the project and their successors-in-title, in the event they proceed to alter areas subject to the Commission's jurisdiction under the Order, agree that the Order does not in itself impose upon the Town any responsibility to maintain any project component or any proposed stabilization system and that the Town of Ipswich shall not be liable for any damage in the event of failure, error or problems with such components. By acceptance of this Order and commencement of the project, the owners agree to indemnify and hold harmless the Town of Ipswich, its commissions, boards, officials, staff, and residents, from liability for any damages attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not imply or certify that the site or downgradient areas will not be subject to flooding, additional or future storm damage, or any other form of water or physical damage. Maintenance of the bank stabilization system, if ever accepted by the Town of Ipswich as part of any public way or public obligation at any time in the future, becomes the responsibility of the Town of Ipswich only at that time. **For purposes of this provision and Order, the Feoffees of the Grammar School, while clearly a quasi-public if not actual public entity, are deemed to NOT be "the Town of Ipswich" or acting for it in any public capacity.**
30. Upon completion of this project, the applicant **shall** submit the following to the Conservation Commission in order to receive a Certificate of Compliance:
  - a. A letter from the applicant/engineer requesting a Certificate of Compliance, with applicable fees paid.
  - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted in substantial compliance with the Order and those plans, as shown on the plan(s)/documents referenced herein and above, and as may herein be conditioned by the Commission. Any material deviation/expansion or substitution of project components from the referenced

plans and documents must be detailed in this statement and must include an opinion statement of the engineer regarding the materiality of such changes in comparison to the original approval, and a rationale for having done differently than expressed in this original approval Order. The differences must make specific references to the original plan(s) and to the as-built plan(s) below.

- c. An "as-built" plan that is prepared, signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
31. Special Conditions # 46 and 48 do not expire and are intended to continue in full force and effect beyond the issuance of any Certificate of Compliance, in perpetuity.
32. The Commission reserves the right to amend this Order of Conditions if necessary, after a properly and legally advertised public hearing, if plans or circumstances are changed or if new conditions or information so warrant, in its sole discretion.
33. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals that may be necessary for this project. These permits **may include, but are not limited to** the following:
  - a. Section 404 of the Federal Water Pollution Control Act, U.S. Army Corps of Engineers.
  - b. Water Quality Certification (401) by DEP in accordance with the Federal Water Pollution Control Act under M.G.L. Ch. 21, Sect. 27(5) and under 314 CMR 9.00.
  - c. Disposal Works Construction Permit from the local Board of Health under M.G.L. Ch. 111, Sect. 31A and 310 CMR 15.00.
  - d. If applicable: any sewer extension permit from the DEP Division of Water Pollution Control under M.G.L. Ch. 21A, Sect.7 and 314 CMR 7.00 and/or any Board of Health permit for septic system design for any portion of the septic system that is within 100 feet of any resource area or 150 feet of the ACEC shall be submitted to the Commission prior to commencement of construction.
  - e. Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.), if applicable.
34. The applicant shall comply with the approved construction sequencing plan for this repair/stabilization project pursuant to supporting plans and details as appropriate.
35. Any other work within 100 feet of wetland resource areas or 200 feet from the river or 150 feet from the ACEC will require that a new Notice of Intent or Request for Determination of Applicability be filed in advance with the Commission and approved.
36. Prior to the start of any excavation or construction a pre-construction conference shall be held on the site, involving the contractor conducting the work, the site engineer, the applicant, the wetland scientist (if any) and members or agent of the Conservation Commission, to ensure that the requirements of this Order are understood by all parties.

A reasonable period of time shall be provided as notice of the pre-construction meeting (e.g. 72 business hours).

37. Prior to the commencement of construction on the site, adequate erosion and sedimentation control measures shall be implemented and maintained in effect throughout the entire construction phase, and until the site has been stabilized. The nature, location, and extent of erosion control measures will be determined by the Engineer in consultation with the Commission Agent, based on conditions of the River at the time of construction. This project shall occur only at low tide conditions, per below.
38. The Commission reserves the right to impose additional conditions on portions of this project to mitigate for any impacts which could or do result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) that are referenced in this Order of Conditions. Should the Commission require such installations, they shall be installed as soon as possible but not less than within 48 hours of the Commission's request.
39. All erosion control devices shall be inspected, cleaned and/or replaced as necessary during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
40. The applicant shall notify the Conservation Commission in writing at least 48 hours prior to commencement of activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order.
41. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface run-off leaving the site.
42. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered material damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted by the applicant for approval and implementation.
43. There shall be NO removal of existing undisturbed native beach or shoreline material from the rocky intertidal shore, nor from the beach, for use in this project in any way, but existing disturbed stabilization boulders that clearly served that purpose may be recovered for reuse in the re-stabilization process, as may eroded, collapsed bank material, per below.
44. The applicant shall remove any sloughed debris or "dumped" material that fell down onto the toe of Coastal Bank or that inadvertently ended up in jurisdictional resource areas which occurred from the initial bank collapses or from any subsequent events after said

wall or bank areas collapsed and before or during the work contemplated hereunder to repair the collapsed banks and wall.

45. During the public hearing process the Commission received comments on this NOI from the Massachusetts Dept of Environmental Protection/NERO office, questioning why a soft solution could not be effected instead of a hard solution (armoring). The applicant's engineer, Vine Associates, Inc., then submitted responses to those comments and both the comments and the responses are specifically and expressly incorporated into this decision. The Commission heard significant experience testimony of expert coastal bank stabilization engineers from the applicant's consulting firm of Vine Associates, Inc.; which addressed the soft solution concern/approach as impractical and ineffectual in this type of scenario and at this specific location, and did so to the Commission's satisfaction. The Vine letter in response to DEP's concerns was dated June 19, 2008 and was sent to DEP on or about that date. The Commission relied heavily upon that Vine opinion and its vast experience in making its regulatory decision in this matter. The DEP comment about sediment sources for the areas at toe of slope in both locations are addressed hereinbelow with more specificity.
46. This decision also incorporates the Vine Associates, Inc., letter dated June 16, 2008 regarding scope of work and access to work, which is attached to this Order. The stabilized areas at Cliff Road shall be planted for additional stabilization pursuant to that letter, to include planting of New England Salt Tolerant Grass Mix provided by the New England Wetland Plants, per the letter; and shall then be covered with properly stapled biodegradable matting for additional erosion control over the seeded areas, until well stabilized. Native shrubs (NOT native cultivars) consisting of Bayberry, Beach Plum and Rugosa Rose and/or as set forth in the letter shall be planted in clusters within the stabilization areas per the planting plan. All stabilization efforts shall be monitored for two full growing seasons tolled by completion of the plantings, for viability. Reports of status of same shall be filed with the Commission at the end of each annual growing season following the plantings. Should any stabilization fail, the applicant will be expected to re-stabilize the area with additional or replacement plantings as warranted and approved by the Commission.
47. The work shall commence in the Fall of 2008 and proceed to conclusion before winter of 2008-2009 arrives. ALL work shall occur at other than extreme tides and preferably at low tides. Work is extremely time-dependent and may continue into, or occur in, evenings as timeline dictates and the tides allow.
48. This restabilization project includes a permanent provision **REQUIRING** periodic renourishment of the areas below the restabilized areas, using appropriately sized material of a sort determined by periodic sieve analyses conducted at the site, in order to properly augment the material that would normally be transported from the bank by natural erosion down onto the downgradient areas, were the banks not being armored. This provision is meant to satisfy the DEP comment on sedimentation nourishment of downgradient areas in its comments on this project. The cost and effort to so nourish the downgradient areas shall be solely at the expense and effort of the owner/applicant, shall

be conducted by qualified contractors delivering the proper materials using best management practices, and is NOT discretionary. Renourishment SHALL occur. A written report of each occasion of renourishment activities shall be prepared and filed with this Commission within 90 days after any such renourishment activity is conducted and completed. The renourishment of downgradient areas, however, need not and shall not occur more often than once in every five calendar years commencing after the completion of the initial re-stabilization project approved in this Order.

49. The applicant's contractor(s) shall conduct the Cliff Road component of this project by accessing the damaged area from the entry area of Little Neck itself, and shall construct a temporary "causeway" along the rocky intertidal shore to the damaged areas, using rocks available on the shore and importing only those necessary to properly and successfully conduct the project, then removing those materials as the contractor works his way back out toward the access point. The temporary access there will be constructed primarily within the toe of the proposed revetment to allow access to the far end of the work area, per the typical cross sectional plan referenced hereinabove. Existing bank material will be excavated and placed on the seaward side to provide an approximately 15 foot wide accessway/work area. Armor stones will be stockpiled along the edge of the way which will provide protection to the temporary access way and the exposed bank. Material excavated from the bank will be used to backfill the deeply eroded bank areas. Excess excavated bank material will be placed over the top of the new revetment to provide future beach nourishment. The contractor will construct the revetment in thirty to forty foot sections, working his way back to the access point at Pavilion Beach, near the intersection of Bay Avenue and Little Neck Road.