



# Town of Plymouth

26 Court Street  
Plymouth, MA 02360

## Procurement Division

### ADDENDUM 1

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TO: Potential Bidders

FROM: Sandra Strassel, Procurement Officer

DATE: May 1, 2025

RE: IFB 22516, Jenney Pond Dam: Bypass Channel, Dam Repairs & Site Improvements

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ADDENDUM 1 modifies the original bid document issued on April 17, 2025. This Addendum consists of one hundred, forty-four (144) pages. Please acknowledge receipt of this addendum in the space provided on the BID FORMS. **Failure to do so may subject the bidder to disqualification.**

## **ADDENDUM NO. 1**

### **JENNEY POND DAM – BYPASS CHANNEL, DAM REPAIRS & SITE IMPROVEMENTS Plymouth, Massachusetts (22516/1982-08)**

**Original Bid Package Issued April 17, 2025  
Addendum No. 1 Issued April 30, 2025**

This Addendum No. 1 includes clarifications and modifications to the above-referenced bid package. Changes reflected herein shall supersede all previous bid package documentation.

## **A. REVISIONS TO CONTRACT DOCUMENTS**

The following modifications to the bid documents shall be made part of the official bid package and supersede any previous documentation. Revised sections have been attached herein, with all changes denoted in red:

- Revised Bid Forms
- Revised Special Provisions – SP-12 to SP-28.
- Revised Construction Plans – Sheet STR-07

## **B. ADDITIONAL CONTRACT DOCUMENTS**

The following additions to the bid documents shall be made part of the contract. Additional sections have been attached herein:

- Issued Permits (Attachment B)
- Granite Block Reuse Photos (Attachment C)
- Borings (Attachment D)

## **C. RESPONSE TO BIDDER QUESTIONS**

**Q1. Can a copy of the pre-bid meeting agenda and site walk notes be provided?**

**R1.** Yes, see attachment E and F.

**Q2. What is the estimated budget for this project?**

**R2.** The estimated budget for the project is approximately \$12,000,000.

**Q3. Specification section 748 specifies “A field office for the resident engineer, Town personnel or Town representative will be required.” Please specify what size field office (in square feet) is required for the resident engineer, Town Personnel or Town Representative.**

**R3.** The field office shall be a minimum of 250 square feet, with a minimum width of 8 feet. The field office must be heated and air conditioned and provide a reliable source of electricity and internet connection. At a minimum, the field office should contain two tables and six chairs.

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- Q4. Drawing STR-07 shows CIP concrete retaining wall 102 (Wall Type B). Is the Contractor to use the Concrete Wall – Type B detail on drawing STR-15 for the footing/wall detail for CIP Concrete Wall 102?**
- R4. Drawing STR-07 has been revised to show the footing & wall detail. See attached.
- Q5. Is the reinforced bar for all cast-in-place structures concrete epoxy coated or is it galvanized steel?**
- R5. Reinforcement for all cast-in-place structures shall be epoxy coated. Refer to Special Provisions for each item.
- Q6. Bid Item 813.30 & 813.32 are listed on the bid form with the Units as “SF”, the specification has it as “LF”. Please confirm the unit of measurement for these two bid items is LF**
- R6. The unit of measurement for Item 813.30 and 813.32 should be linear foot (LF). Please see revised Bid Form attached.

## **D. ATTACHMENTS**

### **A – Revised Contract Documents**

- A-1: Revised Bid Forms
- A-2: Revised Special Provisions
- A-3: Revised Construction Plans

### **B – Permits**

- B-1: Order of Conditions from the Plymouth Conservation Commission
- B-2: Chapter 91 Waterways Permit and License from the Massachusetts Department of Environmental Protection (DEP)
- B-3: 404 Clean Water Act Authorization – Project Construction Notification from the Army Corps of Engineers
- B-4: Chapter 253 Dam Safety Permit from the Massachusetts Office of Dam Safety
- B-5: Massachusetts Department of Transportation (MassDOT) State Highway Access Permit **[Pending]**
- B-6: Fishway Alteration Permit from the Massachusetts Division of Marine Fisheries **[To be submitted by Owner once the Contract is awarded]**

### **C – Granite Block Reuse Photos**

### **D – Borings**

### **E – Pre-Bid Meeting Agenda and Site Walk Notes (dated April 23, 2025)**

### **F – Pre-Bid Meeting Sign-in Sheet (dated April 23, 2025)**



# **Attachment A – Revised Contract Documents**

*Attachment A-1: Revised Bid Forms*

*Attachment B-2: Revised Special Provisions*

*Attachment B-3: Revised Construction Plans*

***Attachment A-1: Revised Bid Forms***

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NAME OF BIDDER

Bids must be submitted on this form and the following table. Bids submitted on any other form will not be considered valid. Please return this form and associated documents to:

Town of Plymouth  
Procurement Office  
26 Court Street  
Plymouth, MA 02360

**Bids must be received in the Procurement Office by 11:00 a.m. on Wednesday, May 28, 2025.** Postmarks will not be considered. All bids will be publicly opened and read at the above address, date and time. Prices are to include delivery charges unless otherwise specified. All offers are subject to the Invitation for Bids 22516. Please note your company's name and the Bid Number on the outside of your submission.

In compliance with the above, the undersigned offers and agrees, if this offer is accepted within thirty (30) business days from date of receipt of offers specified above, to perform herein described work for the prices offered opposite each item, and that said prices will be good for the term on the awarded contract.

FEDERAL FURNACE ROAD WATER MAIN REPLACEMENT PROJECT, AS SPECIFIED. PRICES SHALL INCLUDE ALL LABOR, EQUIPMENT, MATERIALS, SERVICES, PLANT, MACHINERY, APPARATUS, APPLIANCES, TOOLS, SUPPLIES AND ALL OTHER REQUIREMENTS NECESSARY TO COMPLETE ALL WORK AS SPECIFIED AND NO ADDITIONAL COMPENSATION WILL BE ALLOWED.

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
1	SITE PREPARATION	1	LS	\$	\$
2	SEDIMENT AND EROSION CONTROLS	1	LS	\$	\$
3	TRAFFIC MANAGEMENT	1	LS	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
4	DEMOLITION AND REMOVALS	1	LS	\$	\$
5	TURBIDITY MONITORING	1	LS	\$	\$
6	FISH BYPASS CHANNEL BED AND BANKS	1	LS	\$	\$
7	TOWN BROOK CHANNEL IMPROVEMENTS	1	LS	\$	\$
8	JENNEY POND BOLDER SLOPE PROTECTIONS	1	LS	\$	\$
9	ROOTWAD HABITAT FEATURE	4	EA	\$	\$
120.	EARTH EXCAVATION	1	LS	\$	\$
120.30	EXCAVATION FOR RULL DEPTH PATCH	500	SF	\$	\$
144.	CLASS B ROCK EXCAVATION	200	CY	\$	\$
145.	DRAINAGE STRUCTURE ABANDONED	1	EA	\$	\$
146.	DRAINAGE STRUCTURE REMOVED	6	EA	\$	\$
157.4	STONE ENDWALL AND COBBLE APRON	1	EA	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
158.69	SEEPAGE COLLECTION BLANKET	1	LS	\$	\$
160.2	CONTROLLED LOW-STRENGTH MATERIAL – MECHANICALLY EXCAVATABLE	300	CY	\$	\$
160.3	IMPERVIOUS SOIL BORROW	500	CY	\$	\$
160.4	STONE BENTONITE BEDDING	100	CY	\$	\$
170.	FINE GRADING AND COMPACTING – SUBGRADE AREA	1	LS	\$	\$
180.01	ENVIRONMENTAL HEALTH AND SAFETY PROGRAM	1	LS	\$	\$
180.4	MONITORING, HANDLING, AND STOCKPILING OF SOILS	1	LS	\$	\$
181.11	DISPOSAL OF UNREGULATED SOIL	4,500	CY	\$	\$
181.12	DISPOSAL OF REGULATED SOIL	200	TON	\$	\$
182.21	ASBESTOS CONCRETE SANITARY PIPE CUT, ABANDONED, FILLED AND CAPPED	30	LF	\$	\$
182.22	ASBESTOS CONCRETE SANITARY PIPE REMOVED AND DISPOSED	100	CY	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
191.6	TEST PIT	20	EA	\$	\$
204.11	GUTTER INLET – SPECIAL	2	EA	\$	\$
210.	SANITARY SEWER MANHOLE	6	EA	\$	\$
210.02	SANITARY SEWER MANHOLE REMOVED	2	EA	\$	\$
211.	SANITARY SEWER MANHOLE WITH DOGHOUSE BASE	1	EA	\$	\$
215.	CURED IN PLACE PIPE (CIPP)	270	FT	\$	\$
220.7	DRAINAGE STRUCTURE ADJUSTED	1	EA	\$	\$
221.	CATCH BASIN FRAME AND GRATE	2	EA	\$	\$
221.11	MANHOLE FRAME AND COVER – INSTALLED	7	EA	\$	\$
221.5	TRENCH DRAIN	12	LF	\$	\$
238.16	16 INCH DUCTILE IRON PIPE – FACTORY INSULATED	30	LF	\$	\$
241.12	12 INCH REINFORCED CONCRETE PIPE	53	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
250.06	6 INCH POLYVINYL CHLORIDE SANITARY SEWER PIPE	160	LF	\$	\$
250.15	15 INCH SDR35 POLYVINYL CHLORIDE SANITARY SEWER PIP	361	LF	\$	\$
250.16	16 INCH C900 POLYVINYL CHLORIDE SANITARY SEWER PIPE	57	LF	\$	\$
256.	TWO-WAY SANITARY CLEANOUT/CHIMNEY	5	EA	\$	\$
256.1	ANTI-SEEP COLLAR	1	LS	\$	\$
265.02	DRAINAGE CLEANOUT	18	EA	\$	\$
265.03	DRAINAGE DOMED RISER	7	EA	\$	\$
265.05	RAIN GARDEN	7	EA	\$	\$
265.08	8 INCH PIPE SUBDRAIN	97	LF	\$	\$
265.12	12 INCH PIPE SUBDRAIN	25	LF	\$	\$
269.08	8 INCH SLOT-PERFORATED CORRUGATED PLASTIC PIPE	675	LF	\$	\$
269.12	12 INCH SLOT-PERFORATED CORRUGATED PLASTIC PIPE	185	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
269.13	CURTAIN DRAIN AND COBBLE SWALE	755	LF	\$	\$
269.14	TOE DRAIN	185	LF	\$	\$
270.12	12 INCH PIPE AND UNDER REMOVED AND DISPOSED	180	LF	\$	\$
302.06	6 INCH DUCTILE IRON WATER MAIN	15	LF	\$	\$
302.08	8 INCH DUCTILE IRON WATER MAIN	270	LF	\$	\$
302.081	8 INCH DUCTILE IRON WATER MAIN – FACTORY INSULATED	70	LF	\$	\$
315.08	8 INCH WATER MAIN REMOVED AND DISPOSED	300	LF	\$	\$
346.1	WATER SERVICE PIPE REMOVED AND DISPOSED	210	LF	\$	\$
346.11	1 INCH SERVICE PIPE	25	LF	\$	\$
346.22	2 INCH SERVICE PIPE	160	LF	\$	\$
349.002	8 INCH BLOW-OFF PIPE	1	EA	\$	\$
349.06	6 INCH GATE VALVE	1	EA	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
349.08	8 INCH GATE VALVE	3	EA	\$	\$
369.2	12 X 8 TAPPING SLEEVE, VALVE AND BOX	1	EA	\$	\$
376.2	HYDRANT – REMOVED AND RESET	1	EA	\$	\$
384.	CURB STOP AND BOX	2	EA	\$	\$
461.5	ASPHALT PAVEMENT	945	SY	\$	\$
504.18	GRANITE CURB	675	LF	\$	\$
510.12	FLUSH GRANITE CURB EDGER	750	LF	\$	\$
580.1	GRANITE CURB REMOVED, RELOCATED AND RESET	695	LF	\$	\$
634.8	GUARDRAIL REMOVED, RELOCATED, MODIFIED AND RESET	175	LF	\$	\$
661.3	ADA HANDRAILS	390	LF	\$	\$
661.4	ORNAMENTAL METAL FENCE AND GATES	365	FT	\$	\$
661.5	GRANITE POST AND WOOD PICKET FENCE AND GATE	640	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
661.6	DECORATIVE FISH RAILING	146	LF	\$	\$
661.7	DECORATIVE ANIMAL FENCE PANEL	1	LS	\$	\$
700.1	AC UNIT FOUNDATION SLAB AND RELOCATION OF AC UNITS	1	LS	\$	\$
700.2	ELECTRIC VEHICLE CHARGER BASES	1	LS	\$	\$
701.	CEMENT CONCRETE SIDEWALK	65	SY	\$	\$
701.3	COLORED/TEXTURED CONCRETE SIDEWALK	1,115	SY	\$	\$
704.2	CRUSHED QUAHOG SHELL PAVING	40	SY	\$	\$
706.11	BRICK SIDEWALK ON CONCRETE SLAB	325	SY	\$	\$
706.12	RECYCLED BRICK PAVERS	80	SY	\$	\$
706.21	GRANITE PAVERS ON CONCRETE SLAB	152	SY	\$	\$
706.32	CUSTOM FISH PAVER CROSSWALK	10	SY	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
706.7	DETECTABLE WARNING PANELS	5	SY	\$	\$
707.12	GRANITE BLOCK BENCHES – INSTALL	13	EA	\$	\$
707.13	GRANITE BLOCK BENCHES – FURNISH AND INSTALL	6	EA	\$	\$
707.16	GRANITE POST	3	EA	\$	\$
707.18	WETU STRUCTURE	1	LS	\$	\$
707.23	DUMPSTER ENCLOSURE	1	LS	\$	\$
707.40	SITE FURNISHINGS RESET	6	EA	\$	\$
707.50	SITE FURNISHINGS – MISCELLANEOUS	1	LS	\$	\$
707.85	GRANITE BOLLARD	13	EA	\$	\$
707.90	GROUNDWATER SEEP IMPROVEMENTS	1	LS	\$	\$
734.4	SIGN	14	EA	\$	\$
735.5	EDUCATIONAL SIGNAGE – RESET	3	EA	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
735.55	INFORMATIONAL SIGNAGE – FURNISH AND INSTALL	2	EA	\$	\$
748.	MOBILIZATION	1	LS	\$	\$
751.2	LOAM / TOPSOIL	2,500	CY	\$	\$
755.36	PLANTING BED	3,000	SY	\$	\$
756.24	LANDSCAPE EDGE RESTRAINT	1,500	LF	\$	\$
765.	LAWN ESTABLISHMENT	7,400	SY	\$	\$
765.46	UPLAND MEADOW ESTABLISHMENT	430	SY	\$	\$
781.02	TREE – MAINTAINED AND REPLANTED	1	EA	\$	\$
781.369	TREES	39	EA	\$	\$
795.645	SHRUBS	335	EA	\$	\$
796.365	PERENNIALS	3,770	EA	\$	\$
800.1A	CONDUIT AND WIRE REMOVAL	1	LS	\$	\$
803.	GFI DUPLEX RECEPTACLE	1	EA	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
804.075	3/4 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	220	LF	\$	\$
804.15	1-1/2 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	1,110	LF	\$	\$
804.15A	1-1/4 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	100	LF	\$	\$
804.2	2 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	2,300	LF	\$	\$
804.2A	TRENCH AND BACKFILL	3,750	LF	\$	\$
804.3	3 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	230	LF	\$	\$
804.4	4 INCH ELECTRICAL CONDUIT TYPE NM – PLASTIC (UL)	150	LF	\$	\$
805.	400A, 240/120V-19H ELECTRICAL PANEL	1	EA	\$	\$
806.15	1-1/2 INCH ELECTRICAL CONDUIT TYPE RM – GALVANIZED STEEL	300	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
806.2	2 INCH ELECTRICAL CONDUIT TYPE RM – GALVANIZED STEEL	300	LF	\$	\$
807.	FUSED DISCONNECT SWITCH	1	EA	\$	\$
810.1A	CONDUIT SUPPORT ON CONCRETE WALL	1	LS	\$	\$
810.1B	CONDUIT SUPPORT UNDER PEDESTRIAN BRIDGES AND BOARDWALKS	1	LS	\$	\$
811.30	PULL BOX 15 X 25 X 36 INCHES – SD2.030	11	EA	\$	\$
811.38	HANDHOLE REMOVED	10	EA	\$	\$
812.09A	BOLLARD LIGHT STANDARD FOUNDATION PRECAST	15	EA	\$	\$
812.09B	LIGHT POLE STANDARD FOUNDATION PRECAST W/BOOT	32	EA	\$	\$
813.30	WIRE TYPE 7 NO. 10 GENERAL PURPOSE	4,050	LF	\$	\$
813.32	WIRE TYPE 7 NO. 6 GENERAL PURPOSE	19,500	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
813.84	POWER RECONNECTION TO NEW ELECTRICAL PANEL	1	LS	\$	\$
823.15A	AREA LIGHTING LUMINAIRE 70 WATT (TYPE-LP1)	6	EA	\$	\$
823.15B	AREA LIGHTING LUMINAIRE 30 WATT (TYPE-LP)	26	EA	\$	\$
823.15C	AREA LIGHTING LUMINAIRE 3 WATT STEP-LIGHT (TYPE-SL)	17	EA	\$	\$
823.15D	AREA LIGHTING LUMINAIRE 25 WATT (TYPE-BL)	15	EA	\$	\$
823.30A	AREA LIGHTING LUMINAIRE 50 WATT (TYPE-WL)	5	EA	\$	\$
823.79	WOOD LIGHT POLE	32	EA	\$	\$
837.	UTILITY PAD MOUNT TRANSFORMER CONCRETE PAD AND VAULT	1	EA	\$	\$
876.	POLE REMOVAL	24	EA	\$	\$
876A.	REMOVAL CONCRETE LIGHT STANDARD BASE	24	EA	\$	\$
864.30	MISCELLANEOUS PAVEMENT MARKINGS	965	SF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
868.12	12 INCH REFLECTORIZED WHITE LINE (EPOXY)	60	LF	\$	\$
868.18	18 INCH REFLECTORIZED WHITE LINE (EPOXY)	180	LF	\$	\$
869.04	4 INCH REFLECTORIZED YELLOW LINE (EPOXY)	290	LF	\$	\$
930.2	GRIST MILL DECK	1	LS	\$	\$
950.1	TEMPORARY SHORING	1	LS	\$	\$
953.2	H-PILE LAGGING WALL NO. 101	1	LS	\$	\$
982.35	TEMPORARY GANGWAY	1	LS	\$	\$
988.3	WEATHERED ROUNDED BOLDERS AND COBBLES	3,000	TON	\$	\$
988.4	CHANNEL BED MATERIAL / VOID FILLING MATERIAL	1,200	TON	\$	\$
989.2	CONCRETE REPAIR	140	SF	\$	\$
989.3	STONE MASONRY REPAIR	50	SF	\$	\$
989.35	RAMP REFACING	1	LS	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
989.4	DRY-STACKED STONE WALL REPAIR	220	SF	\$	\$
991.1	WATER CONTROL	1	LS	\$	\$
991.51	STOP LOG STRUCTURE NO. 1	1	LS	\$	\$
991.52	STOP LOG STRUCTURE NO. 2	1	LS	\$	\$
991.53	STOP LOG STRUCTURE NO. 3	1	LS	\$	\$
995.01	PEDESTRIAN BRIDGE NO. 1	1	LS	\$	\$
995.011	FISH BYPASS CULVERT AND EXIT STRUCTURE	1	LS	\$	\$
995.02	CONCRETE BOARDWALK NO. 1 AND NO. 2	1	LS	\$	\$
995.04	C.I.P. CONCRETE HEADWALL	1	EA	\$	\$
995.1	C.I.P. RETAINING WALL NO. 102	20	LF	\$	\$
995.2	CONCRETE CUTOFF WALL NO. 103	126	LF	\$	\$
995.3	WALL TYPE 'A'	200	LF	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
995.4	WALL TYPE 'B' WITH U-SECTION	116	LF	\$	\$
995.41	WALL TYPE 'B' WITH SPREAD FOOTING	150	LF	\$	\$
995.5	WALL TYPE 'C'	285	LF	\$	\$
995.55	WALL TYPE 'D'	48	LF	\$	\$
995.6	WEIR REPLACEMENT STRUCTURE	1	LS	\$	\$
995.7	MARKET STREET REPAIRS	1	LS	\$	\$
995.71	MAIN STREET EXTENSION REPAIRS	1	LS	\$	\$
995.8	STRUCTURAL CONDITION SURVEY AND MONITORING	1	LS	\$	\$
995.83	COLORED CAST-IN-PLACE CONCRETE STAIRS WITH HANDRAILS	6	EA	\$	\$
997.2	STONE MASONRY VENEER	350	SY	\$	\$
997.4	GRANITE WALL CAP	810	LF	\$	\$
1000.1	PUBLIC UTILITY COORDINATION	1	LS	\$	\$

ITEM #	BRIEF DESCRIPTION OF ITEM	EST. QTY.	UNIT	UNIT RATE	TOTAL AMOUNT
1000.2	GAS SERVICE PROVISIONS	1	LS	\$	\$
1000.3	COMMUNICATION WORK AND PROVISIONS	1	LS	\$	\$
1000.4	REMOVAL OF ABANDONED UTILITIES	1	LS	\$	\$
A.1	TEMPORARY BYPASS – WATER (ALLOWANCE)				\$50,000.00
A.2	TEMPORARY BYPASS – SEWER AND DRAINAGE (ALLOWANCE)				\$30,000.00
A.3	UTILITY WORK – MISCELLANEOUS (ALLOWANCE)				\$40,000.00
A.4	FIELD ORDER ALLOWANCE				\$200,000.00
<b>BID TOTAL</b>					<b>\$</b>

**BID TOTAL**

\$ \_\_\_\_\_  
(Amount in Words)

**NOTE:**

- The estimated quantities for unit price pay items are approximate only and are included solely for the purpose of comparison of bids. The quantities are based on estimates of the work to be performed during the term on the Contract; however, the Owner does not

expressly or by implication agree or warrant that the actual amount of work will correspond with such estimates and the Owner reserves the right to increase or decrease the amount of any class or portion of the work as it may deem necessary, without change of price per unit, which unit prices shall be used for increase and decreases (credits) for adjustments in the quantity of work required.

- All prices, except item totals, shall be stated both in words and figures. Discrepancies between unit prices and their respective total amounts will be resolved in favor of the unit price. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.
- All structural works should be priced for being installed with appropriate finishing works. Shop Drawings may be required for any additional design work.
- The successful bidder shall submit for review by the Owner, documentation to establish a “direct labor mark-up” for change orders which may be executed.
- The Owner reserves the right to withhold the fair market value for work not completed, in addition to the retainage on work completed as described in the Bid Documents.
- Unbalanced bid items will specifically be subject to review and to this potential withholding from periodic payment applications.

**THE FOLLOWING ITEMS ARE TO BE SUBMITTED WITH THE BID:**

- This completed and signed Bid Form
- Bid Security (5%)
- Delegation of Authority Form
- Certificate of Non-Collusion
- Certificate of OSHA Training
- Certificate of Tax Compliance
- Statement of Bidder’s Qualifications

THE UNDERSIGNED ACKNOWLEDGES RECEIPT OF ADDENDA #\_\_\_\_\_.

\*To be filled in by bidder if addenda are issued.

PLEASE NOT ANY EXCEPTIONS OF SEPARATE CONTRACTOR LETTERHEAD.

**THE UNDERSIGNED BIDDER HEREBY CERTIFIES:**

No person in the employ of the Town of Plymouth has any pecuniary interest in this proposal or in the Contract for work, which is proposed.

Bidder has carefully read and examined all the documents herein referred to, and knows and understands the terms and provisions therein. Bidder has satisfied themselves by personal examination of the site, and by such other means as they may wish, as to the actual conditions there existing, the character and requirements of the work, and the difficulties attendant upon its execution.

Bidder agrees that if this bid is accepted, they will contract with the Owner, as provided for in the Bid Documents, and that they will perform all the work, furnish all the material and equipment, and provide all labor, services, plant, machinery, apparatus, appliances, tools, supplies, and all other things required by the documents in the manner and within the time therein prescribed and according to the requirements of the Owner as therein set forth, and that they will take in full payment therefore, the lump sum applicable to the project as offered below.

Bidder understands that information relative to subsurface and other conditions, natural phenomena, existing pipes and other structures (surface and/or subsurface) has been furnished only for their information and convenience without any warranty or guarantee, expressed or implied, that the subsurface and/or other conditions, natural phenomena, existing pipes and other structures (surface and/or subsurface) actually encountered will be the same as those shown on the drawings or in any of the other Contract Documents, and agrees that the Bidder shall not use or be entitled to any such information made available to them through the Contract Documents or otherwise, or obtained by them in their own examination of the site, as a basis of or ground for any claim against the Owner or Engineer arising from or by reason of any variance which may exist between the aforesaid information made available to or acquired by them and the subsurface and/or other conditions, natural phenomena, existing pipes and other structures (surface and/or subsurface) actually encountered during the construction work, and has made due allowance therefor in this bid.

The foregoing bid is based upon the payment to laborers to be employed on the project of wages in an amount not less than the applicable prevailing wage rates established for the project by the Massachusetts Department of Labor Standards. The undersigned bidder agrees to indemnify the Owner for, from and against any loss, expense, damages, action or claims, including any expense incurred in connection with any delay or stoppage of the project work, arising out of or as a result of (1) the failure of the said bid to be based upon the payment of the said applicable prevailing wage rates or (2) the failure of the bidder, if selected as the Contractor, to pay laborers employed on the project the said applicable prevailing wage rates.

Bidder is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least ten (10) hours in duration at the time the employee begins work, and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that they will comply fully with all laws and regulation applicable to awards made subject to M.G.L. c.149 §44A.

Bidder agrees that they will fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)". The Contractor shall not award any subcontracts or purchase any materials from suppliers that appear on the Excluded Parties List System. The Contractor shall include this requirement in each subcontract, and require it to be included in all subcontracts regardless of tier. The Contractor shall maintain reasonable records to demonstrate compliance with these requirements.

Bidder will comply with the specific affirmative action steps contained in the EEO/AA provisions of this Contract, including compliance with the Disadvantaged Business Enterprise provisions required under these Contract provisions. The Contractor receiving the award of the Contract shall incorporate the EEO/AA provisions of this Contract into all subcontracts and purchase orders so that such provisions will be binding upon each subcontractor or vendor.

**THE UNDERSIGNED BIDDER HEREBY CERTIFIES UNDER THE PAINS AND PENALTIES OF PERJURY THE FOLLOWING:**

This bid in all respects is bona fide, fair, and made without collusion or fraud with any other person. As used in this paragraph, the word PERSON shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

Bidder has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support in accordance with M.G.L. c.62C §49A.

Bidder is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provisions of M.G.L. c.29 §29F, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated there under.

BIDDER \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

Printed Name and Title \_\_\_\_\_

Date Offered \_\_\_\_\_

### **DELEGATION OF AUTHORITY**

To be completed if this business is a Corporation.

At a meeting of the Board of Directors of \_\_\_\_\_ duly called and

(Name of Corporation)

held on \_\_\_\_\_ at which a quorum was present, and acting throughout, the

(Date)

Following vote was duly adopted: VOTED: That \_\_\_\_\_ the

(Name of Individual)

\_\_\_\_\_ of the Corporation, hereby is authorized to affix the Corporate

(Title)

Seal, sign and deliver in the name and on behalf of the Corporation, bids, proposals, contracts, bills of sale, conditional sale agreements, chattel mortgages, leases, bonds, applications, affidavits, certificates, and any other similar documents required in connection with sale of the Corporation's products to any purchaser, including assignments and satisfactions of any such documents.

Any and all applications, affidavits, statements, certificates, and similar documents required by law in connection with the licensing of the Corporation or its representatives for the sale, distribution, and servicing of its commercial products.

The authority is hereby delegated and shall be exercised by the aforesaid person in connection

with the duties as \_\_\_\_\_ of \_\_\_\_\_

(Title)

(Name of Corporation)

and not otherwise.

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

\_\_\_\_\_  
(Signature of person signing bid or proposal)

\_\_\_\_\_  
(Name of business)

### ***CERTIFICATE OF OSHA TRAINING***

In accordance with M.G. L. C.30, S.39S: The undersigned hereby certifies that all employees of

\_\_\_\_\_ (*Name of Company*) to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employees begins work and who shall furnish documentation of successful completion of said course with the first payroll report for each employee and that all employees to be employed in the work subject to this bid have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration.

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**CERTIFICATE OF TAX COMPLIANCE**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I,

\_\_\_\_\_, authorized signatory for \_\_\_\_\_, do  
hereby certify under the pains and penalties of perjury that said contractor has complied  
with all laws of the Commonwealth of Massachusetts relating to taxes.

**CONTRACTOR**

By: \_\_\_\_\_  
(Signature of Authorized Representative)

Title \_\_\_\_\_

Date \_\_\_\_\_

## STATEMENT OF BIDDER'S QUALIFICATIONS

Bidder's name \_\_\_\_\_

Bidder's address \_\_\_\_\_

**AUTHORIZED SIGNATURE:** \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Prospective bidders, and any intended subcontractors, performing the proposed work must provide references for at least ten (10) projects within the past ten (10) years that involve work of similar scope, complexity, and value, including but not limited to, utility replacement and relocation, roadway reconstruction, stream channel construction, dam maintenance and repairs, and park improvement projects. The bidder, and any intended subcontractors, must demonstrate the experience and capability to deliver the specialized scope of work as outlined in these specifications. Additionally, the bidder must demonstrate a history of working with the Town of Plymouth.

The references will be reviewed to assess the bidder's experience, capability, and track record in completing similar projects within budget and schedule requirements.

Utility Relocation and Replacement: Provide at least two (2) references within the last five (5) years demonstrating experience in relocating and replacing utilities as part of major infrastructure projects, including water, sewer, stormwater, and electrical utilities, demonstrating the capability to handle challenges associated with the operations, including coordination with public utility companies and compliance with relevant regulations.

(1) Project: \_\_\_\_\_

Owner: \_\_\_\_\_

Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_

Owner Contact Person & Phone/Email: \_\_\_\_\_

Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_

2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

(2) Project: \_\_\_\_\_

Owner: \_\_\_\_\_

Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_

Owner Contact Person & Phone/Email: \_\_\_\_\_

Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_

2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

Roadway Reconstruction: Provide at least two (2) references within the last five (5) years demonstrating evidence of successfully completing roadway reconstruction projects, showcasing experience with planning, execution, and project management for roadway work that includes complex vehicular and pedestrian traffic management in accordance with MUTCD standards to complete full depth paving, grading, drainage, and other associated tasks.

- (3) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

- (4) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

River Channel Construction: Provide at least two (2) references within the last ten (10) years demonstrating experience constructing a river channel, involving river, floodplain, wetland, and/or other nature-based construction, including the ability to successfully implement water control and sediment and erosion control methods to complete the proposed work within a regulated waterbody.

- (5) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

- (6) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

Dam Repair/Maintenance: Provide at least one (2) references within the last ten (10) years demonstrating experience performing repairs and/or maintenance to a dam, including the partial drawdown of an impoundment and ability to complete the proposed work within a regulated dam.

- (7) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

- (8) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

Park and Landscape Improvements: Provide at least one (1) reference within the last ten (10) years demonstrating experience in landscape work, including the construction of recreational areas, park facilities and amenities, and large-scale landscaping implementation. This should include knowledge of landscaping, planting, grading, and the integration of environmental features and site furnishings into public spaces.

- (9) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

Town of Plymouth: Provide at least one (1) reference within the last ten (10) years demonstrating experience working with the Town of Plymouth, Massachusetts.

- (10) Project: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Contract Amount: \_\_\_\_\_ Year Built: \_\_\_\_\_  
Owner Contact Person & Phone/Email: \_\_\_\_\_  
Project Description: \_\_\_\_\_

List names of Personnel with significant responsible experience with the project:

1. Principal Superintendent: \_\_\_\_\_ Available to oversee this contract? \_\_\_\_\_  
2. Other: \_\_\_\_\_ Position: \_\_\_\_\_ Available for this contract? \_\_\_\_\_

Additional information regarding your qualifications for this work:

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***Attachment A-2: Revised Special Provisions***

## **CONSTRUCTION DATES**

In accordance with issued permits, no in-water work shall be performed from September 1 to November 15 or from March 1 to June 30 to protect diadromous fish migration in Town Brook and Jenney Pond. Refer to the Plans, Section 8.11, and **Permits (Issued by Addenda)**. In-water work includes, but is not limited to: Installation of water control and sediment and erosion control measures; Removal and reconstruction of existing weir structure within Town Brook; Removal and improvement of existing sections of stone walls, boulder installation, railings and any other structure to be removed below the edge of water of Town Brook as shown on the Plans; Proposed dam headwall and culvert concrete repairs; Installation of the proposed fish bypass exit structure and stop log structure; Installation of Town Brook in-stream features including but not limited to pool, boulder clusters and channel roughness, rootwad habitat, boulder toe protection; Town Brook channel improvements including but not limited to dredge of material, invasive species removal and thalweg realignment; Removal of cofferdams, and any other silt producing activities.

The Contractor is advised that the Contract requires numerous phase completions dates to comply with the Town's operations. Refer to the Plans and Section 8.11.

## **PROSPECTIVE BIDDER REQUIREMENTS**

Prospective bidders, and any intended subcontractors, performing the proposed work must provide references for at least ten (10) projects within the past ten (10) years that involve work of similar scope, complexity, and value, including but not limited to utility replacement and relocation, roadway reconstruction, stream channel construction, dam maintenance, and park improvement work. The bidder, and any intended subcontractors, must demonstrate the experience and capability to deliver the specialized scope of work as outlined in these specifications. Additionally, the bidder must demonstrate a history of working with the Town of Plymouth.

The Contractor shall submit the Statement of Bidder's Qualifications (**Bid Forms**) with his bid, which will be evaluated for the required experience, capacity, and ability to complete the work to the required standards and within the Contract deadlines.

These references shall include project details, contact information for project managers or relevant stakeholders, and a brief summary of the scope and value of each project, demonstrating that the bidder has experience in the following key components:

1. **Utility Relocation and Replacement**: Provide at least two (2) references within the last five (5) years demonstrating experience in relocating and replacing utilities as part of major infrastructure projects, including water, sewer, stormwater, and electrical utilities, demonstrating the capability to handle challenges associated with the operations, including coordination with public utility companies and compliance with relevant regulations.
2. **Roadway Reconstruction**: Provide at least two (2) references within the last five (5) years demonstrating evidence of successfully completing roadway reconstruction projects, showcasing experience with planning, execution, and project management for roadway work that includes complex vehicular and pedestrian traffic management in accordance with MUTCD standards to complete full depth paving, grading, drainage, and other associated tasks.
3. **River Channel Construction**: Provide at least two (2) references within the last ten (10) years demonstrating experience constructing a river channel, involving river, floodplain, wetland, and/or other nature-based construction, including the ability to successfully implement water control and sediment and erosion control methods to complete the proposed work within a regulated waterbody.
4. **Dam Repair/Maintenance**: Provide at least one (2) references within the last ten (10) years demonstrating experience performing repairs and/or maintenance to a dam, including the partial drawdown of an

- impoundment and ability to complete the proposed work within a regulated dam.
5. Park and Landscape Improvements: Provide at least one (1) reference within the last ten (10) years demonstrating experience in landscape work, including the construction of recreational areas, park facilities and amenities, and large-scale landscaping implementation. This should include knowledge of landscaping, planting, grading, and the integration of environmental features and site furnishings into public spaces.
  6. Town of Plymouth: Provide at least one (1) reference within the last ten (10) years demonstrating experience working with the Town of Plymouth, Massachusetts.

The references will be reviewed to assess the bidder's experience, capability, and track record in completing similar projects within budget and schedule requirements. Prospective bidders shall be aware that the Town of Plymouth reserves the right to reject any bids that are not reliable (e.g. unbalanced bids or penny bids) at the discretion of the Owner.

### **WORK SCHEDULE**

During construction, the Contractor must maintain at least one travel lane on Spring Lane, Summer Street, Market Street, Sandwich Street, Robinson Street, Pleasant Street, and Main Street during working hours, and two-way traffic during non-working hours. Full road closures are only allowed for utility work, culvert installation, or roadway reconstruction, with prior Town approval, and are limited to non-business hours. Traffic setups for lane closures shall not begin before 7:00 a.m., and all construction equipment shall be off the road by 3:30 p.m., including traffic control setups, unless approved by the Town.

The Contractor shall submit a written proposed work schedule to the Owner's representative for review before starting any work. The schedule must minimize disruption to vehicular and pedestrian traffic and limit exposure to unpaved surfaces. Full road closures require coordination with the Owner, and Spring Lane cannot be fully closed without Town approval.

### **SUBSURFACE CONDITIONS**

Borings and groundwater observations were made during the design of this project, as provided in **issued addenda**. The Bidder is free to conduct more of these activities in preparing their bid, however, the cost to do so will be the sole responsibility of the Bidder. Any ground-disturbing activity will be coordinated through the Town of Plymouth.

### **SUBCONTRACTS**

The Bidder is specifically advised that any proposed Subcontractor to this Contract must be acceptable to the Town and that contract insurance requirements apply to each Subcontractor as well as to the Contractor.

### **ACCESS TO THE JOB SITE, STAGING, STORAGE**

The Contractor must obtain whatever access rights are required for contract work outside the Limit of Work shown on the Plans, or outside of public ways. If staging areas or additional access or work areas are desired by the Contractor, it will be the responsibility of the Contractor to make the necessary legal arrangements for same. The Town will not be responsible for providing storage or staging areas for the work proposed in this Contract, other than what is shown. The Contractor must furnish the Owner with a copy of written permission from any and all affected property owners where the Contractor intends to use private property for storage, staging, etc.

## **WATER CONTROL AND DEWATERING**

Compensation for any water control or dewatering operations necessary to complete any work required in the contract shall be conducted in accordance with applicable local, state, and federal environmental permits, and the cost of permit compliance shall be included in Item 991.1 –Water Control.

## **PROVISIONS FOR TRAVEL AND PROSECUTION OF WORK**

Emergency access must be always maintained through the work site, and operations must be scheduled and executed to minimize delays to vehicles and pedestrians. The Contractor shall prosecute his work so that traffic will be maintained over and through the work site, Spring Lane, Summer Street, Market Street, Sandwich Street, Robinson Street, Pleasant Street and Main Street, with a maximum of safety and convenience in accordance with the provisions of Section 7.09, Public Safety and Convenience.

Access to the various residential and commercial properties, public spaces and the parking spots on Spring Lane, except those designated on the Plans, must be maintained to vehicular traffic for the duration of this project. It will be the responsibility of the Contractor to conduct the construction operations in such a manner that residents and patrons will be provided reasonable access to and from their homes and businesses and that emergency vehicles, school buses and town-contracted solid waste removal vehicles will not be blocked. Access to the work areas from Spring Lane, Summer Street, Main Street, Market Street and Sandwich Street must not interrupt the normal vehicular traffic flow throughout the duration of this project.

The Contractor shall be responsible for the erection, location and maintenance of suitable signs, barricades, lighting and other devices necessary to afford adequate protection to his workers, Town personnel and consultants assigned to the project and to the traveling public in accordance with the project Plans and specifications and further in accordance with the provisions of the MUTCD. In lieu of any provisions of Subsection 7.11 of the Standard Specifications to the contrary, payment for all costs (including Police Details and Roadway Flaggers) incurred in maintaining the flow of traffic and protecting the public during construction shall be considered as included in the various contract prices, and no additional payment will be allowed thereafter.

Temporary, partial lane closures within Spring Lane are permitted in accordance with the typical traffic management details shown on the Plans, if a Traffic Control Plan is submitted to the Town in advance. Temporary, partial lane closure, may be approved to complete the proposed work including but not limited to:

- Installation/removal of utility systems (sewer, water, gas, electric, telecommunications, and stormwater drainage)
- Installation of the proposed fish bypass culvert, cut-off wall, H-pile lagging wall and C.I.P. Retaining wall within or adjacent to Spring Lane.
- Roadway reconstruction, including curbs and sidewalks and any other miscellaneous site features and amenities.

Full closure of the roadway is permitted only during non-business hours and requires prior authorization from the Town, with a minimum notice of two weeks. At least one travel lane must be open and accessible at least one hour before the start of business hours, for all affected businesses.

## **HAUL ROUTES AND POSTED LIMITS**

It is the Contractor's responsibility to ascertain whether haul routes are over accepted public ways or private ways prior to using same for hauling purposes, and it is further the Contractor's responsibility to ascertain whether there are any weight limitations or other restrictions and to abide by them. If the Contractor or his Subcontractor utilizes any bridges with posted limits, he shall submit to the Engineer a list of all vehicles including equipment used during construction and shall verify that weight restrictions are not exceeded. No additional compensation shall be granted due to any inconvenience imposed on the Contractor due to any haul routes.

## **TRAFFIC CONTROL**

Traffic control shall comply with the applicable sections of Part VI of the latest edition of the *Manual on Uniform Traffic Control Devices*. Sign placement shall conform to the applicable sketches herein and/or as shown in said Part VI.

The Contractor shall provide and use the necessary (as approved) warning devices, barricades, drums, signs, special lighting units, special apparel, etc. in accordance with the provisions of Section 850, Traffic Controls for Construction and Maintenance Operations in the performance of the work.

Work areas on this project shall not be left overnight without adequate protection. A sufficient amount of traffic cones, drums, barricades, and hazard warning lighting devices will be placed and maintained as necessary and approved, or where and when approved by the Engineer.

Where the Town authorizes general traffic from a traveled way to be detoured over Town streets, the Contractor shall be responsible for maintenance of such detours and placing them in the equivalent condition they were in prior to general traffic being detoured. No extra payment will be made for such work.

## **UTILITY CONTACTS**

Before commencing work on the project, the Contractor shall be responsible for contacting all utility companies servicing the area 72 hours prior, to obtain construction requirements, standards, and to provide adequate notice of commencement of work. The Contractor's attention is further directed to the requirements of Protection of Utilities and Property herein included in these Special Provisions.

The following are the names of owners and representatives of the principal utilities affected. The accuracy of this list is not guaranteed by the Town

### Electric

Eversource  
300 Cadwell Drive  
Springfield, MA 01104

Brian Mello, Sr Account Executive – SE MA  
(508) 441-5832  
[brian.mello@eversource.com](mailto:brian.mello@eversource.com)

### Gas

Eversource Gas  
157 Cordaville Road  
Southborough, MA 01772

Aaron Taylor, Gas Project Engineer  
O: (508) 441-5165 D: (774) 357-9001  
[aaron.j.taylor@eversource.com](mailto:aaron.j.taylor@eversource.com)

Christopher Duarte, Manager of Operations

Telecommunications

Verizon

[christopher.duarte@eversource.com](mailto:christopher.duarte@eversource.com)

Engineering Hotline for Work Orders  
[1-866-686-1195](tel:1-866-686-1195)

Darren Andrade  
401-408-6441

Comcast

Rich Chisholm  
[Richard\\_ChisholmJr@comcast.com](mailto:Richard_ChisholmJr@comcast.com)

Ben Bryant, RW Bryant Contracting  
[Ben@rwbryant.com](mailto:Ben@rwbryant.com)

Water and Sewer

Town of Plymouth Water and Sewer Division  
169 Camelot Drive  
Plymouth, MA 02360

Kendra Martin, Water & Wastewater Engineer  
(508) 747-1620  
[kmartin@plymouth-ma.gov](mailto:kmartin@plymouth-ma.gov)

Peter Gordon, Water Superintendent  
[pgordon@plymouth-ma.gov](mailto:pgordon@plymouth-ma.gov)

Douglass Pinard, Sewer Superintendent  
[dpinard@plymouth-ma.gov](mailto:dpinard@plymouth-ma.gov)

**ELECTRICAL FEES**

The Town of Plymouth will waive the electrical permit fee for town projects.

The Town of Plymouth will be responsible for payment to the electrical utility company for the proposed electrical service.

**DRAINAGE**

The Contractor shall maintain the existing drainage system within the project corridor to provide continuous drainage of the roadway and construction area.

No separate payment will be made for the maintenance or cleaning of the existing drainage system but all costs in connection therewith shall be included in the unit prices bid for the various Contract items.

**NOTIFICATION TO ABUTTERS**

The Contractor shall notify each abutting property owner or building manager at least 7 days before the start of construction that is proposed to impact access to their property. The Contractor will inform the owner of the property or building manager as to the type of work that will be performed, the period of time (hours, time of day, number of days) and any restrictions that may result such as access to building, parking, utilities, etc. The Contractor will provide a contact name and number to each property owner or building manager to maintain communication throughout the project.

## **APPROVED EQUIVALENT (Supplementing Subsection 5.03 and Section 6.00)**

For any materials named or described in these specifications, an approved equivalent (approved equal) to that named or described in the said specifications may be furnished, as approved by the Engineer.

## **ENGINEERING DIRECTIVES**

Contractors can access MassDOT, Highway Division Engineering Directives at:  
<https://www.mass.gov/lists/construction-specifications>

## **GOVERNING LAW**

This contract is subject to all relevant chapters and sections of the Massachusetts General Law  
<https://malegislature.gov/Laws/GeneralLaws>

## **SECTION 2.00 – PROPOSAL REQUIREMENTS AND CONDITIONS**

Delete the entire section.

Refer to the Specifications prepared by the Town of Plymouth Procurement Division, including, but not limited to Section A – INVITATION and **Section B – GENERAL CONDITIONS** for information regarding proposal requirements and conditions.

## **SECTION 3.00 – AWARD AND EXECUTION OF THE CONTRACT**

Delete the entire section.

Refer to the Specifications prepared by the Town of Plymouth Procurement Division, including, but not limited to Section A – INVITATION and **Section B – GENERAL CONDITIONS** for information regarding award and execution of the Contract.

## **SECTION 4.00 – SCOPE OF WORK**

Section 4.00 – Scope of Work is amended as follows:

**4.01**      **Intent of the Contract** – Add the following to the end of Subsection 4.01:

The proposed work for this project includes a fish bypass channel, dam repairs, and walkway and drainage improvements associated with the historic Jenny Grist Mill dam and building. Repairs to Jenney Pond Dam include drainage improvements within Spring Lane, seepage controls downstream of the dam, boulder placement on the eastern embankment, repair of the existing concrete outlet headwall and existing culvert, and construction of the proposed fish bypass channel and culvert designed to function as an emergency spillway.

The project also includes the rehabilitation of an existing concrete weir that is located within the Town Brook channel downstream of the grist mill and new concrete sidewalks, walls, and a headwall along Town Brook. Channel improvements within Town Brook include removal of invasive species, minor dredging, and rock and woody debris placement for habitat improvement and proposed boulder habitat features to redirect channel thalweg. Site improvements also include groundwater drainage improvements along the walkway, an overlook area along the fish bypass and downstream of the fish

bypass, a new pedestrian footbridge over the fish bypass, a raised boardwalk along the existing path, and native plantings and landscaping.

Utility upgrades associated with the project include the replacement of the sanitary sewer main, water main, gas main and service, relocation of utility pole and primary services, and electrical conduit within Spring Lane and adjacent to the Jenney Grist Mill building as well as full-depth reconstruction of the Spring Lane roadway. The proposed project seeks to improve aquatic habitat for fish and wildlife species, enhance the visual aesthetics of a public resource, and promote public safety and enjoyment of an existing public area.

Refer to the Bid Form for additional information and associated quantities.

The scope includes, but is not limited to, the following:

- Site preparation and mobilization, including clearing and grubbing, construction staking and establishment of staging areas.
- Installation of traffic and site access controls.
- Installation of construction access roads.
- Installation and maintenance of sediment and erosion control measures.
- Turbidity control and monitoring, including the installation of turbidity curtains at prescribed locations, and daily spot turbidity monitoring during in water work or as requested by the owner.
- Establishment of a water control system which shall include but not be limited to cofferdams, turbid and clean water pumps, sumps, settling basins, and any necessary equipment/detail needed to perform the work in the dry.
- Work within Town Brook:
  - Improvements under Main Street and Market Street bridges.
  - Town Brook channel improvements (minor dredging, invasive species removal and thalweg realignment).
  - Installation of habitat features and channel complexity (pools, rootwad habitat, boulder clusters and channel roughness) and replacement of weir structure.
  - Stone masonry wall restacking and repairs.
  - Installation of proposed fish bypass channel entrance.
  - Proposed sidewalk improvements along Town Brook.
- Work within Jenny Pond:
  - Installation of boulder slope protection.
  - Installation of fish bypass exit structure.
  - Installation of cutoff wall no. 103.
  - Dam wall repairs and installation of stop logs.
- Work within Spring Lane:
  - Removal/relocation of existing and/or installation of proposed utilities systems (sewage, water, gas, electricity, stormwater drainage).
  - Installation of proposed fish bypass culvert and exit structure.
  - Installation of H-pile lagging wall and C.I.P retaining wall.
  - Complete full depth roadway and sidewalk reconstruction and installation of site furnishings and features.
  - Removal, storage and re-installation/relocation of existing site features (Plimouth Grist Mill Sign, bus signs and posts, educational signs, benches, light poles, monuments, etc.).
  - Final backfilling and grading, site cleanup, planting, restoration, and landscaping of finished work within and adjacent to the Spring Lane roadway.

- Work for construction of proposed fish bypass:
  - Excavation and grading for proposed fish bypass channel.
  - Installation of walls, including U-sections and stone veneer.
  - Installation of rock steps, grade control features, boulder revetment, channel bedding layer, armor layer, and channel bed material within the bypass channel.
  - Installation of proposed pedestrian bridge, miscellaneous structures and appurtenances.
- Installation of upland site improvement features (sidewalks, walls, fencing, signage, seating, drainage, electrical components, etc.).
- Final backfilling and grading.
- Site restoration, including the installation of trees, shrubs, perennials, mulch, and seed mixes.
- Final site cleanup.

**4.06 Increased or Decreased Contract Quantities** – Delete the second, third, fourth, and fifth paragraph and replace with the following:

- A. Where the actual quantity of a pay item varies by more than 100% above or below the estimated quantity stated in the Contract, an equitable adjustment in the Contract Price for that pay item shall be negotiated upon demand of either party regardless of the cause of the variation in quantity. A demand for an equitable adjustment must be submitted to the other party within 30 days after beginning the work of the affected item that is greater than 100% above the bid quantity or within 30 days after completing the work when the actual quantity is 100% less than the bid quantity

No allowances will be made for loss of anticipated overhead costs or profits suffered or claimed by the Contractor resulting directly or indirectly from such increased, decreased or eliminated quantities or from unbalanced allocation among the contract items from any other cause. It is the intention of this provision to preserve the bid basis while limiting the Contractor's risk exposure to 200% of each bid quantity.

In the case of an overrun, the contractor will be compensated at the Contract Unit Price for a quantity up to 200% of the Contract quantity. The adjusted unit price shall only be applied to that quantity above 200% of the contract quantity.

Neither party shall be required to demonstrate any change in the cost to perform the work based solely on the overrun. The original Contract unit bid price shall have no bearing on determining the adjusted unit price for an overrun. The adjusted unit price shall be based on the estimated cost of performing the added work over 200% of the bid quantity.

**4.07 Maintenance of Detours** – Delete paragraph "A" and replace with the following:

- B. Where the Town authorizes general traffic from a traveled way to be detoured over Town streets, the Contractor shall be responsible for maintenance of such detours and placing them in the equivalent condition they were in prior to general traffic being detoured. No extra payment will be made for such work.

**SECTION 5.00 – CONTROL OF WORK**

Section 5.00 – Control of Work is amended as follows:

**5.02 Plans and Detail Drawings** – All submittals, shop drawings and working drawings shall be

submitted via email directly to:

SLR International Corporation  
99 Realty Drive  
Cheshire, CT 06410  
Attn: Mr. Andrew Greene, PE and Taylor DelVecchio, PE  
Email: [agreene@slrconsulting.com](mailto:agreene@slrconsulting.com) and [tdelvecchio@slrconsulting.com](mailto:tdelvecchio@slrconsulting.com)

**5.03 Conformity with Plans and Specifications** – The Contractor shall make his own determination of dimensions and details in the field and have no claim for difference between the Plans and the actual field measurements.

**5.07 Construction Survey Control** – Delete the entire subsection and replace with the following:

- A. Construction baselines and benchmarks are shown on the Plans. The survey control points (CP) provided herein are based on information derived from the original survey and **HAVE NOT** been verified by SLR International Corporation (SLR) since. These points are being furnished for informational purposes only and the user of this information is cautioned to verify the existence of, and field check the accuracy of these points prior to use. Any other information contained herein is copied from previous maps or plans and may not reflect current conditions. The user is cautioned not to rely on its accuracy. **SLR DISCLAIMS ANY LIABILITY** whatsoever to user of this document due to lost, damaged and/or disturbed CP's. There are no warranties, representations, expressed or implied and SLR cannot be held responsible for any discrepancies that may arise.
- B. The Contractor's attention is directed to the necessity of making his own investigation in order to assure that no damage to existing structures, drainage lines, traffic signal conduits, etc., will occur.
- C. The Contractor is responsible to perform his own construction stakeout of the project as defined within these specifications.
- D. The Contractor shall be responsible for protecting, maintaining, and/or transferring all benchmarks as needed to complete the work. Benchmarks within the project limits that need to be transferred or reset shall be done prior to the start of excavation or construction work.
- E. The Contractor shall be responsible for the placement and preservation of adequate ties to all control points, whether established by him or found on the project, necessary for the accurate re-establishment of all base lines or center lines shown on the Plans.
- F. All stakes, references, and batter boards including original, additional or replacement, which may be required for the construction operations, signing and traffic control shall be furnished set and properly referenced by the Contractor. He shall be solely and completely responsible for the accuracy of the line and grade of all features of the work. Any errors or apparent discrepancies found in previous surveys, Plans, specifications or special provisions shall be called to the Engineer's attention by the Contractor for correction or interpretation prior to proceeding with the work.
- G. All staking shall be performed by qualified engineering or surveying personnel who are trained, experienced and skilled in construction layout and staking of the type required under

the contract and who are acceptable to the Engineer. The personnel shall perform this staking under the direct supervision of a person, or persons, of engineering background experienced in the direction of such work and acceptable to the Engineer.

- H. The Engineer may check the control of the work, as established by the Contractor, at any time as the work progresses. The Engineer will inform the Contractor of any deficiencies identified; however, said notification does not relieve the Contractor of any responsibility for the accuracy of the layout work. Further, the Contractor shall, at his expense, correct or replace as required any deficient layout and construction work which may be the result of inaccuracies in his staking operations or of his failure to report inaccuracies in his staking operations or of his failure to report inaccuracies found in work done by the Engineer or by others. If, as a result of these inaccuracies, the Engineer is required to make further studies, redesign, or both, all expenses incurred by the Owner due to such inaccuracies will be deducted from any monies due the Contractor.
- I. The Contractor shall provide at his own expense all materials and labor as may be required to establish and maintain all project horizontal and vertical control grade lines, additional reference marks and line and grade stakes. The Contractor's plan for project control shall be submitted to the Engineer for approval prior to starting any work.
- J. If the Contractor, through willfulness or carelessness, removes or permits to be removed such reference marks before the prosecution of the work requires it, they shall be replaced at his own expense. All work shall conform, during its progress and its completion, truly to the lines and grades shown on the Plans and shall be done in a thoroughly substantial and workmanlike manner, in accordance with the Plans and directions given by the Engineer from time to time as shall be deemed necessary by him during its execution.
- K. The Contractor shall exercise due care when working around property bounds at all locations. Should any damage to a bound result from the actions of the Contractor, it shall be replaced and/or realigned by the Contractor as approved by the Engineer. No further compensation will be due the Contractor for the materials and labor required to reestablish this bound in its proper orientation as shown on the Plans.
- L. The Contractor shall promptly report to the Engineer any survey discrepancies, changed conditions, or design issues of which the Contractor or subcontractors become aware, so that the Engineer may take measures to resolve or minimize the consequences of any changes deemed necessary by the Engineer. The Contractor shall impose a similar notification requirement in all subcontracts.
- M. The Contractor shall notify Massachusetts DIG SAFE at 811 or 1-888-DIG-SAFE (888-344-7233) at least 72 business hours prior to digging. Once notified, Dig safe will contact member utilities to come to the site and mark underground utility wires, cables and pipelines.
- N. The Contractor will be provided with digital pdfs of the Plans upon which he will detail the "As-Built" line, grade and measurements. Completed As-Built drawings shall be submitted to the Engineer before final approval of the work and before final acceptance.
- O. The Contractor shall furnish all necessary personnel, engineering equipment and supplies, materials, transportation, and work incidental to the accurate and satisfactory completion of this work.

**5.09     Inspection of Work** – Amend Subsection 5.09 as follows:

**Add the following to the end of Paragraph 1:** Whenever the term "Engineer" appears in these documents, it shall be interpreted as meaning the Town's authorized representative.

**Add the following to the end of Paragraph 9:** No materials shall be used or paid for under the Contract that have not been examined and passed outside the prescribed limits of work.

**5.10     Removal of Defective or Unauthorized Work** – Amend as follows:

The Contractor shall guarantee that the Work and services to be performed under this Contract, and all workmanship, materials and equipment performed, furnished, used, or installed in the construction of the same, shall be performed and furnished in strict accordance with the Plans, Contract Specifications, and other Contract Documents, that the strength of all parts of all manufactured equipment shall be adequate and as specified and that the performance test requirements of the Contract shall be fulfilled. This **guarantee** shall be for a **period of one year** from and after the date of completion and acceptance of the Work as stated in the final estimate. If part of the Work is accepted in accordance with subsections 5.11 and 9.05, the guarantee for that part of the Work shall be for a period of one year from the date fixed for such acceptance.

If at any time within the said period of guarantee, any part of the Work requires repairing, correction or replacement, the Engineer may notify the Contractor in writing to make the required repairs, corrections, or replacements. If the Contractor neglects to commence making such repairs, corrections, or replacements to the satisfaction of the Engineer within three (3) days from the date of receipt of such notice, or having commenced fails to prosecute such Work with diligence, the Engineer may employ other persons to make the same and all direct and indirect costs of making said repairs, corrections, or replacements, including compensation for additional professional services, shall be paid by the Contractor.

**SECTION 6.00 – CONTROL OF MATERIALS**

**6.01     Source of Supply and Quality** – Amend as follows:

The Contractor will be required to submit to the Engineer for approval, copies of the manufacturers or supplier's statement for each kind of material furnished, which shall certify compliance with these Contract Specifications and shall contain the information required by Section 6.01 of the Standard Specifications.

Whenever it is written that an equipment manufacturer must have a specified period of experience with his product, equipment that does not meet the specified experience period can be considered if the equipment supplier or manufacturer is willing to provide a bond or cash deposit for the duration of the specified time period that will guarantee replacement of that equipment in the event of failure. All shop drawings are to be clearly legible and complete, including the title block. The following information should appear in the title block:

- a) Project location and City/Town
- b) Bridge, culvert or pole number or description
- c) Contract number
- d) Contractor

e) Description of what is on drawing

A clear, signed Massachusetts Professional Engineer's Stamp is to be affixed.

## **SECTION 7.00 – LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC**

The following Subsections shall be amended as follows:

**7.01     Laws to be Observed** – Add the following to the end of "Section B. Air Pollution Control":

Combustible construction materials and rubbish shall not be burned. The Contractor shall provide other satisfactory, approved methods of disposal without additional compensation.

In the conduct of construction activities and operation of equipment, the Contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent and otherwise minimize atmospheric emissions of air contaminants.

**7.2     Pollution Prevention** – Amend as follows:

### **I. Air Pollution Prevention.**

**B. Construction Dust Control** – Add the following to the end of the section:

The Contractor will be held liable for any damage resulting from dust or spills of materials originating from the work under the Contract without additional compensation.

### **II. Water Pollution Requirements.**

**D. Construction Requirements** – Add the following to the end of the section:

The Contractor's activities shall be performed by methods that will prevent entrance, or accidental spillage of solid matter, contaminants, debris or other objectionable pollutants and wastes into streams, watercourses, lakes and underground water sources. Objectionable pollutants and wastes include but are not limited to refuse, garbage, cement, steel, concrete, sewage, petroleum products, salts, paints, solvents and chemicals. Dewatering for earthwork operations or structure foundations adjacent to or encroaching on waterways or wetlands shall be conducted in a manner to prevent muddy water and silty materials from entering the waterways or wetlands by construction of intercepting ditches, hay barriers, settling ponds, or by other approved means.

Turbidity increases in a waterway that are caused by construction activities shall be limited to that permitted by State water quality standards, or as presented in these Special Provision, whichever is more stringent. This construction may include the diversion of a stream, construction and removal of a cofferdam, earthwork in or adjacent to a waterway, or construction of ditches and settling ponds. Mechanized equipment shall not be operated in flowing water except as necessary to perform the required water control work.

Note: Salt shall not be used adjacent to wells, wetlands and waterways without the approval of the Engineer.

**E. Work in or Near Streams, Rivers and Impoundments** – Add the following to the end of the

section:

The Contractor shall not store fuel nor permit any refueling of construction equipment while such equipment is in the stream or within 50 feet of its bank.

**7.04 Motor Vehicles** – Delete the first paragraph and add the following to the subsection:

The Town will not accept any materials delivered to any project in motor vehicles or semi-trailer units that exceed the legal maximum gross weight allowed for the particular class as specified in Section 19A of Chapter 90 of the General Laws of Massachusetts.

**7.05 Insurance Requirements** – Delete the entire subsection.

Refer to the Specifications prepared by the Town of Plymouth Procurement Division, including, but not limited to **Section D – INSURANCE REQUIREMENTS** for information regarding insurance requirements.

**7.09 Public Safety and Convenience** – Amend as follows:

The Contractor's attention is directed to the fact that the work on this Project may be performed on streets that are utilized by pedestrians as well as by vehicles. The Contractor shall be responsible for the installation of adequate precautions and other safety measures and controls deemed necessary by the Engineer for his own personnel. Private drives and walks shall be maintained passable by the Contractor at his own expense, and the Contractor shall assume full responsibility for the adequacy and safety of the provisions made.

All automotive equipment, not protected by traffic cones or flares that is in use in areas that are open to traffic shall have one amber flashing warning light mounted on the roof or the highest practical point of the machinery. These lights shall be in operation whenever the equipment is working on the road and/or traveling in the work area at a speed less than 20 MPH. Amber flashers must be visible to both oncoming and overtaking vehicular traffic and shall have a minimum of 32 candlepower and a flashing frequency of 50-60 times per minute.

All vehicles, except passenger cars, that are assigned to the project and that operate at speeds of 25 MPH or less, shall have an official SLOW MOVING VEHICLE EMBLEM displayed. A sketch of the Emblem is included in the Construction Standards.

No work under this contract shall be performed on Saturdays, Sundays, holidays, or the day before/after a holiday without prior written approval from the Owner. Contractor shall submit a proposed work schedule to the Owner for his review before any work is started. Extended working hours may be granted with Owner approval.

The Contractor shall be responsible for the prosecution of all necessary work in order to meet the schedule requirements with no additional compensation therefore, other than as provided under the Contract Proposal. The Contractor shall have no claim for damages of any kind on account of any interruption, delay or suspension of the work affected by the schedule requirements.

The Contractor shall be responsible for maintenance of flow in all water courses, water pipes, drains and other pipes in the flow way of the proposed work or for any conveyance of the flow to a suitable point of discharge in such a manner that there will be no flow upon or hindrance to other work or cause a

nuisance of any kind.

**7.13     Protection and Restoration of Property** – Amend as follows:

The Contractor's attention is directed to the existence of overhead and underground utilities on all streets involved in this contract. The utilities may include storm drains, water, telephone, electric, gas, sanitary sewer, cable television, etc. The Contractor will be required to take any and all precautions necessary to protect all remaining or newly installed utilities during the execution of this contract. The Contractor's attention is further directed to Sections 7.13 and 7.14 of the Standard Specifications.

The Contractor, in constructing or installing structures alongside or near sanitary sewers, storm drains, water or gas pipes, electric, cable or telephone conduits, poles, sidewalks, walls or other structures to remain, shall, at his expense, sustain them securely in place, cooperating with the officers and agents of the various utility companies and municipal departments which control them, so that the services of these structures shall be maintained. They shall also be responsible for the repair or replacement, at their own expense, of any damage to such structures caused by their acts or neglect and shall leave them in the same or better condition as they existed prior to the commencement of work. In case of damage to utilities to remain, the Contractor shall promptly notify the owner and shall, if requested by the Engineer, furnish laborers to work temporarily under the utility owner's direction in providing access to the utility. Pipes or other structures damaged by the operation of the Contractor may be repaired by the utility company which suffers the loss. The cost of such repairs shall be borne by the Contractor, without compensation therefor.

If, as the work progresses, it is found that any of the utility structures to remain are so placed as to render it impracticable, in the judgment of the Engineer, to do the work called for under this Contract, the Contractor shall protect and maintain the services in such utilities and structures and the Town will, as soon thereafter as it reasonably can, cause the position of the utilities to be changed or take such action as it deems suitable and proper. If live service connections are to be interrupted by excavation of any kind, the Contractor shall not break the service until new services are provided. Abandoned services shall also be plugged off or otherwise made secure by the utility company involved.

Full compensation for furnishing all labor, materials, tools, equipment and incidentals and for doing all the work involved in protecting or repairing property to remain as specified in this section shall be considered as included in the prices paid for the various contract items of work and no additional compensation will be allowed therefor.

**SECTION 8.00 – PROSECUTION AND PROGRESS**

The following Subsections shall be amended as follows:

**8.02     Schedule of Operations** – Replace the first paragraph with the following:

The Contractor is required to submit, to and for the comments of the Owner, a Critical Path Method (CPM) baseline schedule within two weeks of the notice to proceed. The CPM baseline schedule shall show the proposed methods of construction and sequence of construction work and the time the Contractor proposes to complete the various items of work. The schedule shall acknowledge and demonstrate that it will meet all project milestones and required phase completion dates. The Contractor shall be responsible for submitting monthly CPM schedule updates throughout the duration of the project.

**8.07 Character of Workers, Methods, and Equipment** – Add the following to the end of the fourth paragraph:

Other safety equipment shall be added as required to perform the work in which the Contractor and its subcontractors are engaged and in accordance with all local, state, and federal requirements in effect. Safety equipment shall be provided at no additional cost to the Town.

**8.08 Preservation of Roadside Growth** – Delete the entire subsection and replace with the following:

The Contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works and for excavation operations, all trees, native shrubbery, and vegetation shall be preserved and protected from. Movement of men and equipment shall be done in a manner that will prevent damage to property.

All work areas shall be groomed and regraded in a manner to conform to the natural appearance of the landscape. Where destruction, scarring, damage, or defacing may occur as a result of the Contractor's operations, the same shall be repaired, replanted, reseeded, replaced or otherwise corrected at the Contractor's expense.

The location and grade of temporary access roads shall be subject to the approval of the Engineer. When no longer required by the Contractor, temporary access roads shall be regraded to conform to the natural contours and shall be left in a condition that will promote revegetation.

The Contractor shall take all necessary care when excavating or working in the vicinity of existing trees that are to remain so that the root systems, trunks, and branches are not damaged. All precautions shall be taken to ensure that heavy equipment does not damage any roots, including those that lie below the limits of excavation.

Avoid any direct soil contamination in root zone areas by petroleum, petroleum products or solvents, salts, or any other pollutant during construction.

All cutting or trimming of trees to be preserved shall be executed by a Massachusetts Certified Arborist. The Contractor shall provide the Engineer with a copy of the certification prior to any work on trees.

Trees that, in the judgment of the Engineer and the Town of Plymouth Tree Warden, have been irreparably damaged by the Contractor shall be removed at no cost to the Owner. The cost of removal of destroyed trees shall be paid for by the Contractor.

**8.11 Failure to Complete Work on Time** – Delete Schedule of Liquidated Damages and replace with the following:

The Contractor shall pay, as liquidated damages, the sum of five hundred dollars (\$500.00) for each consecutive calendar day of delay for completing the Contract as further discussed in **Section A – INVITATION**.

In addition to what is stated in the General Conditions, the following liquidated damages shall apply to the Project Milestone deadlines below:

<b>Project Milestone</b>	<b>Construction Phase (see Plans)</b>	<b>Required Phase Completion Date</b>	<b>Liquidated Damages (per Day)</b>
Milestone 1	Phase 1: Mobilization	September 2, 2025	\$500.00
Milestone 2A	Phase 2A: Town Brook & Jenny Pond Work (In-Water Work) & Spring Lane Utility Work	February 27, 2026	\$500.00
Milestone 2B	Phase 2B: Spring Lane Surface Reconstruction Work	March 27, 2026	\$500.00
Milestone 3	Phase 3: Fish Bypass Channel & Grist Mill Site Work	May 22, 2026	\$500.00
Milestone 3A/3B	Phase 3A & 3B: Market Street, Sandwich Street & Downstream Path Work	June 27, 2026	\$500.00
Milestone 4	Phase 4: Remaining Jenny Pond, Spring Lane, Grist Mill Deck Work (In-water Work)	August 28, 2026	\$500.00
Milestone 5	Phase 5: Upland & Remaining Site Work (Substantial Completion)	October 30, 2026	\$500.00
Milestone 6	Phase 6: Final Completion	December 31, 2026	\$500.00

The work to be completed prior to each milestone (phase) end date has been summarized above but shall comply with the phases and Work shown in the Plans.

## **SECTION 9.00 – MEASUREMENT AND PAYMENT**

The following Subsections shall be amended as follows:

### **9.01 Measurement of Quantities** – Section shall be amended as follow:

Method of measurement will be as defined in the Standard Specifications and/or as modified in these Special Provision for each pay item.

### **9.02 Scope of Payment** – Section shall be amended as follow:

Basis of payment shall be as specified in the Standard Specifications and/or as modified in these Special Provisions for each pay item.

### **9.04 Partial Payment** – Delete the first two paragraphs and replace with the following:

The Engineer shall make a monthly estimate of the total amount of work completed from one estimate to the next. The Town will process the estimated value from the Engineer's report. The Party of the First Part shall retain 5% of such estimated value, as part security for the fulfillment of the Contract by the Contractor, and shall also retain from said estimates an amount sufficient to cover claims which it may have against the Contractor and claims filed pursuant to Chapter 149, Section 29 and Chapter 30, Section 39A and F of the Massachusetts General Law. The party of the First Part shall pay monthly to the Contractor while carrying on the work the balance not retained as hereinbefore provided. No such estimates or payment shall be required to be made when, in the Engineer's judgment, the work is not proceeding in accordance with the provisions of the Contract, or when in his judgment the total value of the work done since the last estimate amounts to less than \$1,000.00.

### **DISPOSAL OF EXCESS MATERIAL**

Surplus materials obtained from any type of excavation, and all existing and other materials not required to be removed and stacked or needed for use on the project, as determined by the Engineer, shall become the property of the Contractor and disposed of subject to the regulations and requirements of local authorities governing the disposal of such materials, in accordance with each bid item, at no additional compensation.

Surplus construction material acceptable to the Town may be transported at the Contractor's expense to the Plymouth DPW Facility at 159 Camelot Drive, Plymouth, MA. The town will accept bituminous concrete, brick, concrete and clean fill. The concrete must not have any steel reinforcing. All large pieces of material shall be smaller than 12 inches measured along the longest axis. The contractor will be responsible for transporting all materials to the DPW facility and for coordinating with DPW staff prior to delivery and the necessary segregation of soil from concrete, brick and asphalt.

Surplus soil and sediment shall be handled and paid for in accordance with Subsection 180.

***Attachment A-3: Revised Construction Plans***



## **Attachment B - Permits**

*Attachment B-1: Order of Conditions from the Plymouth Conservation Commission*

*Attachment B-2: Chapter 91 Waterways Permit and License from the Massachusetts Department of Environmental Protection (DEP)*

*Attachment B-3: 404 Clean Water Act Authorization – Project Construction Notification from the Army Corps of Engineers*

*Attachment B-4: Chapter 253 Dam Safety Permit from the Massachusetts Office of Dam Safety*

*Attachment B-5: Massachusetts Department of Transportation (MassDOT) State Highway Access Permit **[Pending]***

*Attachment B-6: Fishway Alteration Permit from the Massachusetts Division of Marine Fisheries  
**[To be submitted by Owner once the Contract is awarded]***

***Attachment B-1: Order of Conditions from the Plymouth  
Conservation Commission***

### Order of Conditions Instructions

☐

This is the "ORIGINAL" Order of Conditions    ☒ **Approval**   ☐ **Denial**

☐

This is a "COPY" of the Order of Conditions. The 'Original' was mailed to your representative \_\_\_\_\_

#### **PRIOR TO COMMENCING WORK**

To complete this Order of Conditions and prevent unnecessary delays, please read and follow ALL Conditions. Contact the Conservation Office between 7:30 to 4 PM, Mon, Wed, Thu; 7:30 to 6:30 PM Tue and 7:30 to noon on Friday. 508-747-1620, x10139 or x10140 if clarification or assistance is needed.

#### **BEFORE THE PROJECT CAN BEGIN**

- Scheduled your pre-construction meeting with the Conservation Planner, 508-747-1620, x10139.
- If REVISED plans are requested as a condition in the Order, they must be submitted for approval at the pre-construction meeting.
- If a License Agreement with the Town Manager's Office is required, proof of license is to be provided at the pre-construction meeting.
- The Commission must be notified in writing of the start of your project, giving 24-hour notice.
- The "ORIGINAL" Approval Order must be recorded at the Registry of Deeds or at Land Court, located on Obery Street, in Plymouth. The Registry does not accept COPIES of the Order for recording (unless that copy is a "Certified True Copy" attested by the Plymouth Town Clerk). Sign the Order on page (12). After recording the Order, the Registry will stamp page 1 with recording information. You must return a copy of Pg. 12 (signed) to the Conservation Office, 26 Court St., 3<sup>rd</sup> floor. **We cannot sign off your building permit application until we have proof of recording of this Order.**
- Denial orders do not have to be recorded.
- There is a 10-day (business days) appeal period, from the "Date of Issuance" of the Order. No work may commence until this 10-day appeal period is over.
- If approved a sign must be posted on the site, with the following information:  
**DEP Number: SE57- 3363** , **PCC Number: PCC- 24-22**  
These numbers are located on the top right corner of your Order of Conditions.

#### **ISSUANCE OF A CERTIFICATE OF COMPLIANCE (COC)**

When the project is complete, you must request a COC by submitting a letter to the Commission stating that the project has been completed and in accordance with the Order of Conditions and approved plans. **Note: Some projects require engineering certification to be submitted with "as-built" plans.** A fee of \$100 is charged for your request for a COC (check payable to Town of Plymouth). Any changes from the Conservation-approved plans must be noted in your request. A COC will be issued once the Agent has inspected and the Commission takes a vote (in a public meeting) that all work has been completed to the satisfaction of the Order. Once the COC is issued, you must record the original "signed" document at the Registry of Deeds on Obery Street in Plymouth. **Recording your COC is a very important final step.**





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #  
 SE57-3363  
 eDEP Transaction #  
 Plymouth PCC - 24-22  
 City/Town

## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Plymouth  
 a. County 3589 b. Certificate Number (if registered land) 197  
 c. Book d. Page
7. Dates: May 29, 2024  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Jenney (Arms House) Pond dam, Dam Repairs, Bypass Channel & Site Improvements  
 a. Plan Title SLR International Corporation W. Andrew Greene, PE  
 b. Prepared By August 15, 2023 c. Signed and Stamped by varies  
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title g. Date

## B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

### Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

MassDEP File #

SE57-3363

eDEP Transaction #

Plymouth-PCC -24-22

City/Town

**B. Findings (cont.)**

**Denied because:**

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	470 a. linear feet	b. linear feet	1,000 c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	11,730 a. square feet 96 (20 of 96 is coastal) e. c/y dredged	b. square feet f. c/y dredged	3,110 c. square feet	d. square feet
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	109,800 a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

MassDEP File #

SE57-3363

eDEP Transaction #

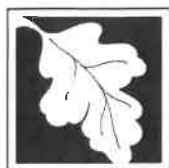
Plymouth PCC-24-22

City/Town

**B. Findings (cont.)**

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

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



**Massachusetts Department of Environmental Protection**  
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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 7/15/2024 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



**Massachusetts Department of Environmental Protection  
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**C. General Conditions Under Massachusetts Wetlands Protection Act**

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number" SE57-3363 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection**  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☒ is subject to the Massachusetts Stormwater Standards
  - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

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

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**C1. Town of Plymouth Conditions – Chapter 196**

**Findings**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Flood storage capacity   | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Erosion & sedimentation control |
| <input type="checkbox"/> Water Pollution          | <input type="checkbox"/> Waste Disposal                     | <input type="checkbox"/> Groundwater Aquifers                       |
| <input type="checkbox"/> Public water supplies    | <input type="checkbox"/> Private water supplies             | <input type="checkbox"/> Water Recharge Areas                       |
| <input checked="" type="checkbox"/> Fisheries     | <input type="checkbox"/> Shellfish                          | <input checked="" type="checkbox"/> Wildlife Habitats               |
| <input type="checkbox"/> Endangered plant species | <input type="checkbox"/> Agricultural values                | <input type="checkbox"/> Aesthetic Values                           |
| <input type="checkbox"/> Recreational Values      |   |   |
- Control of floodwater & runoff, to assure the continuation of the natural flow pattern of watercourses.

The Town of Plymouth Conservation Commission has found it necessary to include these additional General Conditions for all Approved projects.

**Project Management**

1. All construction must comply with the latest referenced plans and the conditions of this Order. Under this filing, no change in plan is permissible without prior written approval from the Commission. For any proposed change in the approved plans or in the work, the applicant shall inquire in writing of the Commission whether the change is substantial enough to require either an Amended Order of Conditions or a new Notice of Intent.
2. Copies of all required permits, including proof of recording of the Order from the Registry of Deeds (Book and Page No.), shall be submitted to the Commission prior to commencing any work on site.
3. The project engineer(s) and contractor(s) shall be provided with copies of this Order, the submitted Notice of Intent, and the above referenced plans and shall have these documents available on-site during construction.
4. Prior to Commencement of work with Conservation Jurisdiction, a pre-construction meeting shall be held amongst the Applicant's Engineer, Contractor and Conservation Staff to clearly delineate the responsibilities of the parties and clarify any ambiguities in this OOC.
5. The Conservation Commission shall be notified at least twenty-four (24) hours prior to commencement of the work. This notification must be in writing and sent by mail, electronically or hand delivered to the Conservation Office, Town Hall, 26 Court Street, Plymouth, MA 02360. This enables the Commission the opportunity to ensure all pre-construction conditions have been met.
6. This Order shall apply to and become the responsibility of the applicant, owner, their agent, successor or assignee.
7. No additional work shall be allowed in or within 100 feet of the wetland/resource area boundary, including but not limited to the cutting or removing, of vegetation or soil, unless it is specifically allowed by this Order and as is shown on the final approved plan, or unless it is first approved by the Conservation Commission.
8. Copies of all plans and/or other information received by the Commission for this project shall be submitted by the applicant, (via hard copy or email) to the Southeast Regional Office of the Department of Environmental Protection (DEP), 20 Riverside Drive, Route 105, Lakeville, MA 02347.

9. If work associated with this Order is subject to the Massachusetts Stormwater Policy Standards, then General Condition No. 19 (page 7) also becomes a part of this Order under the Town of Plymouth Wetland Bylaw.
10. If any unforeseen problems occur during construction that affect any of the statutory interests identified in MGL c. 131 §40 (3 10 CMR 10.00 et seq.) and/or the Town of Plymouth Wetlands By-Law, the Applicant shall notify the Conservation Commission upon discovery, and an immediate meeting shall be held between the Conservation Commission, the Applicant, the Applicant's Engineer, and the Contractor, and any other concerned parties, to determine the corrective measures to be employed. The Applicant shall then implement the agreed-upon corrective measures. In the event of a dispute between the meeting participants, the Commission's view shall prevail.

#### **Sedimentation / Erosion Control**

11. Prior to the commencement of any site activity, a Professional Engineer (PE), licensed by the Commonwealth of Massachusetts, shall inspect the installation of the erosion control barriers (ECB) for compliance with the final approved plan referenced (or mandated) by this Order of Conditions. The inspection results shall be submitted to the Conservation Commission in writing, signed and wet stamped by the PE who performed the inspection. No work can commence without this approval.
12. An extra 10% of ECB must be stored on site in the event of an emergency or storm.
13. The Contractor shall install ECB as shown on the plan referenced in this decision. The sedimentation barriers will also serve as the limit of work, and no work, disturbance, or alteration shall occur on the resource area side of the barrier except as described in these Conditions.
14. If siltation, erosion, or other adverse impacts to any resource areas occur, the Commission reserves the right to impose additional conditions as necessary to protect the interests of the Wetlands Protection Act and the Plymouth Wetlands Protection By-Law.
15. To assure the continued effective removal of sediments, the Contractor will inspect the barriers weekly and after each rainfall event to determine its condition. At the time of these inspections, accumulated sediments will be removed from the barriers and damaged barriers will be repaired or replaced as necessary. In no event shall silt be allowed to accumulate to a height greater than half of the height of the ECB. Any removed sediment will be disposed at a suitable location.
16. No ECB may be removed without the approval of the Commission or its staff.

#### **Heavy Equipment**

17. All machinery deployed within Conservation jurisdiction shall use biodegradable hydraulic fluid. Documentation shall be submitted to the Conservation Commission prior to initiation of site activity.
18. No vehicles/heavy equipment/machinery shall be stored within wetland resource areas or the 100-foot buffer zone resource areas.
19. There shall be no more than a total of 50 gallons of fuel (other than what is in vehicles) or maintenance chemicals relating to this construction stored on the site in an area subject to the Conservation Commission's jurisdiction at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission and the Board of Health shall be notified prior to initiating any emergency repair on the site drainage system or wetland resource area.

- 
20. Any leaks or spills of hydraulic fluid, gasoline, or other oils or hazardous material must be cleaned up immediately and disposed of at an appropriate off-site location in accordance with all federal, state, and local requirements and regulations. The Contractor must notify the Conservation Commission and the Board of Health within 24 hours of any spillage or leakage of oil or hazardous material, including appropriate amount of Speedy Dry on site.

**Site Maintenance**

21. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
22. Any stockpiled or similar material must be enclosed within an erosion control barrier to prevent erosion or siltation migrating into resource areas or the undisturbed buffer zone.
23. The Contractor shall be responsible for removing and disposing of debris and excavated material to an off-site disposal area in accordance with all federal, state, and local requirements and regulations. Any excavated asphalt must be placed immediately on trucks and disposed of at an appropriate off-site location.
24. No debris, fill, and excavated material shall be stockpiled within 25 feet (horizontal distance) of the limit of work. At no time shall any debris or other material be buried or disposed of within wetland resource areas or the 100-foot buffer zone resource areas, other than fill that is shown on the above-referenced plans.
25. Any debris, sediment, or other material that falls into or otherwise enters the wetland resource area during the construction period must be immediately removed by hand.

**Certificate of Compliance**

26. Prior to the final inspection and before issuance of the Certificate of Compliance, the Engineer, or Consultant shall prepare an As-Built plan of the completed project work and attest to the Conservation Commission, in writing, that all the Conditions in this Order have been substantially complied with and the project, as constructed adheres to the approved plans and field changes on file with the Commission and/or any deviations.



**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

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SE57-3363

MassDEP File #

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Plymouth hereby finds (check one that applies):  
Conservation Commission

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

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Plymouth Wetlands Protection Bylaw

C.196

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



**Massachusetts Department of Environmental Protection**  
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**E. Signatures**

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

JULY 15, 2024

1. Date of Issuance

Please indicate the number of members who will sign this form.

FOUR

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

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

  
 Signature

Sean Andersen - Chair

Printed Name

  
 Signature

Maura Flaherty

Printed Name

  
 Signature

Paul Churchill

Printed Name

  
 Signature

James F. Carpenter

Printed Name

  
 Signature

Walter Morrison, III

Printed Name

  
 Signature

Paul Denoncourt

Printed Name

  
 Signature

Printed Name

  
 Signature

Printed Name

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date



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

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## **F. Appeals**

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

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
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## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Town of Plymouth

Conservation Commission

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

To:

Town of Plymouth

Conservation Commission

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

0 Town Brook

Project Location

SE57-3363

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection – Wetland

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 and  
Town of Plymouth Wetlands Bylaw

DEP File Number

SE57-3363

Provided by DEP

PCC File Number

PCC-24-22

In addition to General Conditions and Additional Conditions, the Commission has found it necessary to include the following Special Conditions pursuant to the Massachusetts Wetlands Protection Act and the Town of Plymouth Wetlands Bylaw. The listed General Conditions, Findings and Additional Special Conditions are automatically part of this Order of Conditions.

**FINDINGS:**

**0 Town Brook – Jenney Pond**

Parcel ID: 018-000-043-000 (+multiple)

***Town of Plymouth***

***SLR International Corporation***

A Notice of Intent for an Ecological Restoration Project at Jenney Pond

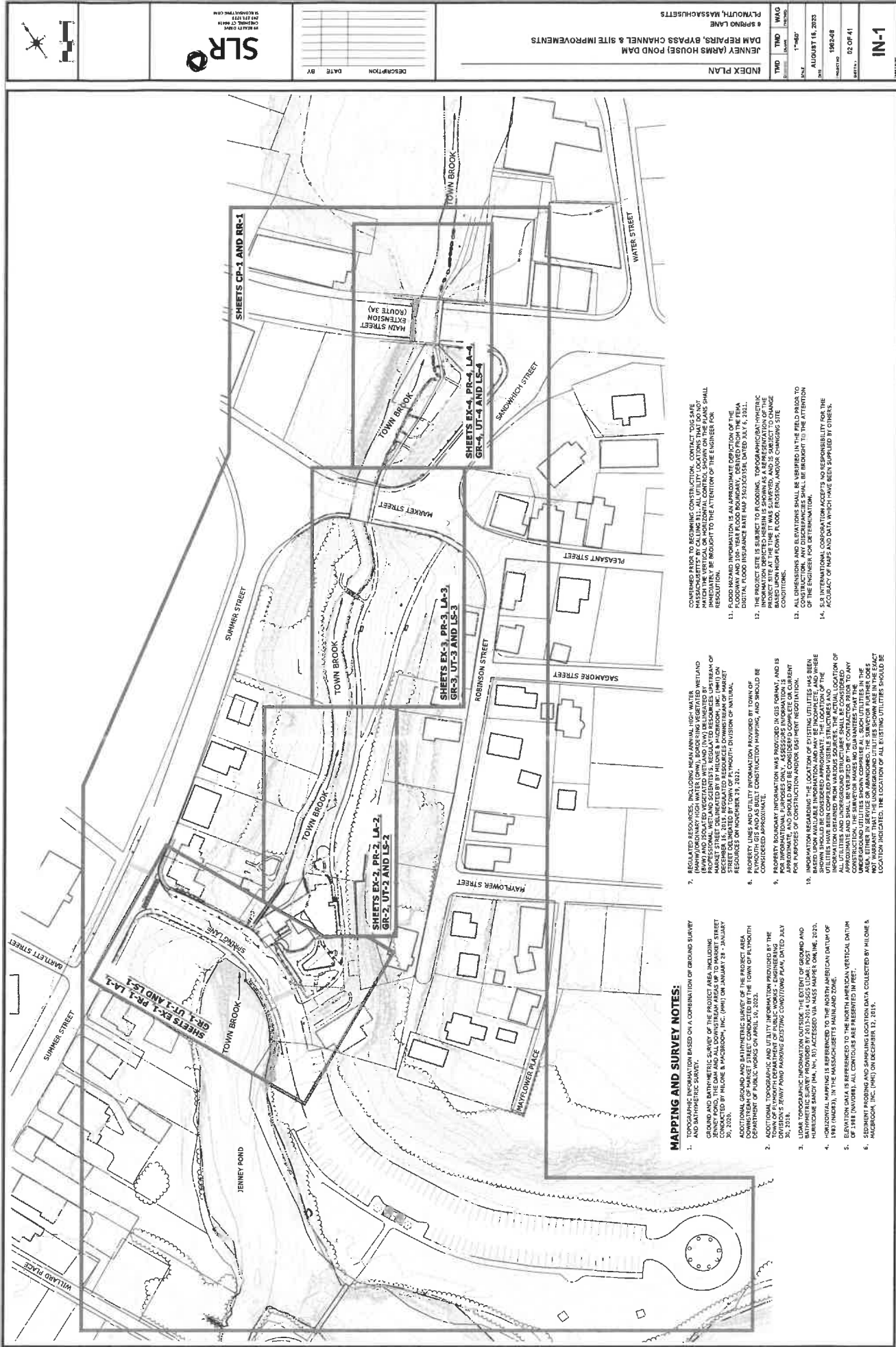
**SE57-3363**

**PCC-24-22**

**Regulatory References**

The proposed project is located within the following Resource Areas. The analysis performed does address all the impacts of the project on the performance standards for the Resource Areas under both the State Act and the Plymouth By-law/Regulations.

**SPECIAL CONDITIONS:**



**MAPPING AND SURVEY NOTES:**

1. TOPOGRAPHIC INFORMATION BASED ON A COMBINATION OF GROUND SURVEY AND BATHYMETRIC SURVEY. THE PROJECT AREA INCLUDING JENNEY POND, THE DAM AND ALL DOWNSTREAM AREAS UP TO MARKET STREET DELINEATED BY ALPINE & HACHCOCK, INC. (A/H) ON JANUARY 28<sup>th</sup>, JANUARY 30, 2020.
2. ADDITIONAL GROUND AND BATHYMETRIC SURVEY OF THE PROJECT AREA DOWNSTREAM OF MARKET STREET CONDUCTED BY THE TOWN OF FLYMOUTH DEPARTMENT OF PUBLIC WORKS ON APRIL 17, 2022.
3. JENNEY POND FLOODING INFORMATION OBTAINED FROM THE TOWN OF FLYMOUTH DEPARTMENT OF PUBLIC WORKS' ENGINEERING DIVISION'S JENNEY POND FLOODING EXISTING CONDITIONS PLAN, DATED JULY 2011.
4. JENNEY POND FLOODING INFORMATION OBTAINED FROM THE TOWN OF FLYMOUTH DEPARTMENT OF PUBLIC WORKS' ENGINEERING DIVISION'S JENNEY POND FLOODING EXISTING CONDITIONS PLAN, DATED JULY 2011.
5. HORIZONTAL MAPPING IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), IN THE MASSACHUSETTS MAIN ZONE.
6. ELEVATION DATA IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AS DETERMINED BY ALPINE & HACHCOCK, INC. (A/H) ON DECEMBER 12, 2018.
7. REGULATORY REQUIREMENTS, INCLUDING MASS ANNUAL HIGH WATER (MAHW) AND 100-YEAR FLOOD VEGETATED WETLAND (100V) DELINEATED BY ALPINE & HACHCOCK, INC. (A/H) ON JANUARY 28<sup>th</sup>, JANUARY 30, 2020.
8. PROPERTY BOUNDARY INFORMATION WAS PROVIDED BY TOWN OF FLYMOUTH ENGINEERING DIVISION. CONSTRUCTION MAPPING, AND SHOULD BE CONSIDERED APPROPRIATE.
9. PROPERTY BOUNDARY INFORMATION WAS PROVIDED BY TOWN OF FLYMOUTH ENGINEERING DIVISION. CONSTRUCTION MAPPING, AND SHOULD BE CONSIDERED APPROPRIATE.
10. INFORMATION REGARDING THE LOCATION OF EXISTING UTILITIES HAS BEEN BASED UPON AVAILABLE INFORMATION AND MAY BE INCOMPLETE, AND WHERE UTILITIES HAVE BEEN COMPILED FROM VISIBLE STRUCTURES AND ALL UTILITIES AND RECORDS AND STAFF SQUARES THE ACTUAL LOCATION OF UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF UTILITIES PRIOR TO ANY CONSTRUCTION.
11. FLOOD HAZARD INFORMATION IS AN APPROXIMATE DERIVATION OF THE FLOODWAY AND 100-YEAR FLOOD BOUNDARY, DERIVED FROM THE FEMA DIGITAL FLOOD INSURANCE RATE MAP 2500030101L DATED JULY 16, 2021.
12. INFORMATION DETECTED HEREIN IS SHOWN AS A REPRESENTATION OF THE PROJECT SITE AT THE TIME IT WAS SURVEYED, AND IS SUBJECT TO CHANGE DUE TO HIGH FLOOD, FLOOD, EROSION, AND/OR CHANGING SITE CONDITIONS.
13. ALL DIMENSIONS AND ELEVATIONS SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY.
14. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND VERIFICATION FOR THE ACCURACY OF MAPS AND DATA WHICH HAVE BEEN SUPPLIED BY OTHERS.

***Attachment B-2: Chapter 91 Waterways Permit and License  
from the Massachusetts Department of Environmental  
Protection (DEP)***

*The Commonwealth of Massachusetts*

BOOK 59772 PAGE 74

Recorded On:

Mar 17, 2025 at 10:14A

PLYMOUTH COUNTY REGISTRY OF DEEDS

John R. Buckley Jr. Register

No. WW01-0000525

*Whereas, Town of Plymouth*

of -- Plymouth -- in the County of -- Plymouth -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- construct and maintain a fish bypass channel, perform dam repairs and other channel, walkway and site improvements, and to perform improvement dredging --

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the -- Select Board -- of the -- Town of Plymouth. --

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

-- Town of Plymouth --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain a fish bypass channel, perform dam repairs and other channel, walkway and site improvements, and to perform improvement dredging --

in and over the waters of -- Town Brook -- at -- 6 Spring Lane and off Market Street and Main Street Extension -- in the -- Town of Plymouth -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. WW01-0000525 (9 Sheets).

The structures hereby authorized shall be limited to the following use(s): to control water levels, enhance fish passage and restoration of riverine habitat, shoreline stabilization for the protection of existing structures and public access to waterfront open space for passive recreational purposes.

This license is issued for an unlimited term in accordance with 310 CMR 9.15(1)(c).

**Special Waterways License Conditions:**

1. In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely over or around all structures within such area. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.
2. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.
3. Within sixty (60) days of completion of the licensed project, the Licensee shall request, in writing, that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

**Special Waterways Dredge Conditions:**

1. Dredging shall be performed by mechanical methods.
2. Dredging of approximately 90 cubic yards of sediment associated with the restoration of the stream channel of Town Brook shall be to the NAVD 88 elevations and dimensions as shown on License Plan No. WW01-0000525.
3. All work shall be performed in accordance with the Ecological Restoration Order of Conditions (SE67-3363) issued by the Plymouth Conservation Commission on July 15, 2024.
4. No dredging or in-water silt-producing activities shall occur from February 15<sup>th</sup> to June 30<sup>th</sup> or September 1<sup>st</sup> to November 15<sup>th</sup> of any year.
5. Dredged material shall be utilized as fill associated with the proposed site improvements or beneficially reused or disposed at an approved upland location.
6. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this License

Please see pages 3 and 4 for additional conditions to this License.

Duplicate of said plan, number WW01-0000525 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

**STANDARD WATERWAYS LICENSE CONDITIONS**

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
  2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
  3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
  4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
  5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
  6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
  7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
  8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.
  9. This License authorizes structure(s) and/or fill on:  
  
    \_\_\_ Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.  
  
    X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.  
  
    \_\_\_ a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.  
  
    X Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

**STANDARD WATERWAYS DREDGING CONDITIONS**

1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. ~~In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of the Department, and, when required, the Licensee shall provide at his/her expense a dredge inspector approved by the Department.~~
2. ~~This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.~~
3. All subsequent maintenance dredging, and transport and disposal/reuse of dredged material during the term of this License shall conform to the standards and conditions applied to the original dredging operation performed under this License.
4. After completion of the work hereby authorized, the Licensee shall furnish to the Department a suitable plan showing the depths at NAVD 88 over the area dredged. Dredging under this License shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his/her expense, remove the shoal areas. The Licensee shall pay all costs associated with such work. Nothing in this License shall be construed to impair the legal rights of any person, or to authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.
5. The Licensee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.
6. The Licensee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the location and amount of the proposed work, and or the time at which work is expected to begin.
7. Whosoever violates any provision of this License shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Town of Plymouth -- by paying into the Treasury of the Commonwealth -- two dollars and zero cents (\$ 2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (0 cy = \$ 0.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Plymouth.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 10<sup>th</sup> day of February in the year two thousand twenty-five.

for Program Chief B. C. [Signature]

Department of Environmental Protection

Commissioner [Signature]

# THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Town of Plymouth --

of the further sum of -- zero dollars and zero cents (\$ 0.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON.

Approved by the Governor.

[Signature]  
Governor

**ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE**

**Page 3**

**Waterways License Application No. 23-WW01-0116-APP, License No. WW01-0000525**

**Town of Plymouth, Town Brook, 6 Spring Lane, Plymouth**

Massachusetts Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, Massachusetts 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

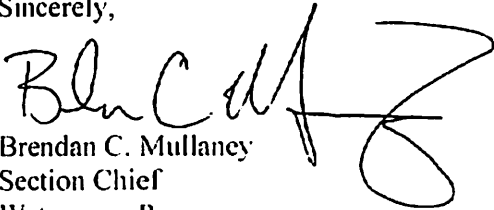
- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

Dismissal of request

The request for appeal will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please feel free to contact me at (857) 276-1331 or [david.hill@mass.gov](mailto:david.hill@mass.gov), if you have any questions pertaining to the Chapter 91 License.

Sincerely,



Brendan C. Mullaney  
Section Chief  
Waterways Program

cc: Daniel Padien, Waterways Program Chief, DEP Boston  
Office of Coastal Zone Management  
Plymouth Harbormaster  
Plymouth Conservation Commission  
Town of Plymouth-Department of Marine and Environmental Affairs, Attn: David Gould

***Attachment B-3: 404 Clean Water Act Authorization – Project  
Construction Notification from the Army Corps of Engineers***



**DEPARTMENT OF THE ARMY**  
**US ARMY CORPS OF ENGINEERS**  
**NEW ENGLAND DISTRICT**  
**696 VIRGINIA ROAD**  
**CONCORD MA 01742-2751**

April 29, 2025

Regulatory Division  
File Number: NAE-2023-02403

David Gould  
Town of Plymouth, Department of Marine and Environmental Affairs  
26 Court Street  
Plymouth, MA 02360  
Sent by email: dgould@plymouth-ma.gov

Dear David Gould:

The U.S. Army Corps of Engineers (USACE) has reviewed your application submitted by SLR International Corporation on behalf of the Town of Plymouth, to permanently discharge up to 205 cubic yards (CY) of fill material into no more than 2,270 square feet (0.0521-acre) of waters of the U.S., including wetlands, and temporarily discharge up to 280 CY of fill material into no more than 3,700 square feet (0.0849-acre) of waters of the U.S., including wetlands. Specifically, the work will involve the following components:

(a) A total of up to 105 CY of fill material will be temporarily discharged into a total of 1,370 square feet (SF) (0.0345-acre) below the ordinary high water (OHW) mark of Jenney Pond and up to a total of 15 CY of fill material will be permanently discharged into 205 SF (0.0047-acre) below the OHW mark of Jenney Pond in order to perform repairs to the Jenney Pond Dam. These impacts are associated with temporary dewatering measures for riprap replacement and repairs to the existing concrete sill/weir.

(b) A total of up to 175 CY of fill material will be temporarily discharged into 2,330 SF (0.0535-acre) below the OHW mark of Town Brook and up to a total of 70 CY of fill material will be permanently discharged into 995 SF (0.0228-acre) below the OHW mark of Town Brook and 105 CY of fill material will be permanently discharged into 690 SF (0.0158-acre) of wetlands in order to construct a fish bypass channel/emergency spillway and to make habitat improvements to Town Brook.

The fish bypass channel will be constructed through both uplands and wetlands and will include the construction of an entrance and exit, as well as the installation of a culvert within the upland portion.

Town Brook habitat improvements will include the installation of boulder clusters and random channel roughness rock, woody debris within the channel bank, and boulder features at the tow of the Market Street retaining wall.

(c) A total of up to 15 CY of fill material (concrete/pavers) will be permanently discharged into 380 SF (0.0087-acre) of wetlands in order to construct a walkway for pedestrian site improvements.

This project is located at Latitude 41.9538° N., Longitude 70.6649° W., at 6 Spring Lane, in Plymouth, Massachusetts. The work is shown on the enclosed plans titled "Jenney (Arms House) Pond Dam, Dam Repairs, Bypass Channel & Site Improvements," sheets 1 – 40, dated August 15, 2023.

Based on the information that you have provided, we verify that, as described above, the activity described in part (a) is authorized by Massachusetts Regional General Permit (MA RGP) 2, Maintenance; part (b) is authorized by MA RGP 10, Aquatic Habitat Restoration, Enhancement, and Establishment Activities; and part (c) is authorized by MA RGP 17, Recreational Facilities. These RGPs are enclosed and are available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit>.

Please review the enclosed RGPs and their general conditions carefully and ensure that you and all personnel performing work authorized by the RGPs are fully aware of and comply with the terms and conditions. A copy of the RGPs and this verification letter shall be available at the work site as required by General Condition 17. Additionally, you must perform this work in compliance with the following special condition(s):

1. In-water work shall not take place within the following time of year restrictions: March 1 to June 30 and September 1 to November 15.

2. If one or more northern red-bellied cooters are observed on the project site at any time during construction, work will stop immediately, and work will not resume until the individual(s) has/have left the project site on their own accord. The permittee shall contact the Corps and the U.S. Fish and Wildlife Service within 24 hours if any northern red-bellied cooters are observed.

3. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated start date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This authorization expires on June 1, 2028. You must commence or have under contract to commence the work authorized herein by June 1, 2028, and complete the work by June 1, 2029. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* this authorization expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special conditions provided above or all the terms and conditions of the RGPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Permittees are responsible for applying for and obtaining any other necessary approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

Please contact Roberta K. Budnik of my staff at [roberta.k.budnik@usace.army.mil](mailto:roberta.k.budnik@usace.army.mil) or (978) 318-8766 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Malterud". The signature is fluid and cursive, with a large loop at the end.

Ryan Malterud  
Deputy Chief  
Regulatory Division

Enclosures

cc:

Matthew Sanford, Agent	<a href="mailto:msanford@slrconsulting.com">msanford@slrconsulting.com</a>
Sarah Overton, Agent	<a href="mailto:soverton@slrconsulting.com">soverton@slrconsulting.com</a>
Ed Reiner, EPA	<a href="mailto:reiner.ed@epa.gov">reiner.ed@epa.gov</a>
Kaitlyn Shaw, NMFS	<a href="mailto:kaitlyn.shaw@noaa.gov">kaitlyn.shaw@noaa.gov</a>
Alexa Cacacie, NMFS	<a href="mailto:alexa.cacacie@noaa.gov">alexa.cacacie@noaa.gov</a>
Eliese Dykstra, USFWS	<a href="mailto:eliese_dykstra@fws.gov">eliese_dykstra@fws.gov</a>
David Simmons, USFWS	<a href="mailto:david_simmons@fws.gov">david_simmons@fws.gov</a>
Sean Duffey, CZM	<a href="mailto:sean.duffey@mass.gov">sean.duffey@mass.gov</a>
Patrice Bordonaro, CZM	<a href="mailto:patrice.bordonaro@mass.gov">patrice.bordonaro@mass.gov</a>
Plymouth ConComm	<a href="mailto:rvacca@townhall.plymouth.ma.us">rvacca@townhall.plymouth.ma.us</a>

## **GP 2. MAINTENANCE (Authorities: §10 and §404)**

Repair, rehabilitation, or replacement of any previously authorized<sup>1</sup>, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 (activities occurring before certain dates), provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction technique requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This GP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the activities above. Maintenance dredging and beach nourishment are not eligible under GP 2 (see GP 7). Stream crossing modifications (including sliplining), replacements or extensions are not eligible under GP 2 (see GPs 6, 17, 23). See GP 25 Emergency Situations for expedited review of emergency activities.

**Not authorized under GP 2 (IP required):** (a) Permanent impacts in >1 acre in non-tidal waters and/or wetlands; or (b) Permanent impacts >1/2 acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in tidal vegetated shallows; or (c) Temporary impacts >1 acre in tidal waters; >5000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >1000 SF in vegetated shallows; (d) New stream channelization or stream relocation projects (e.g., those in response to storm or flood events).

### **Self-Verification Eligible**

Maintenance activities that meet all of the following terms:

1. In non-tidal waters, the combined permanent and temporary impacts extending beyond the original footprint are ≤5,000 SF<sup>2</sup> and not located in vegetated shallows or riffle and pool complexes.
2. In tidal waters, the combined permanent and temporary impacts extending beyond the original footprint are ≤5,000 SF, ≤1,000 SF in mudflats and/or natural rocky habitat, and not located in saltmarsh and tidal vegetated shallows.
3. Minor deviations in the repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills.
4. Bulkhead replacement in tidal and non-tidal waters via installation of new bulkhead within 18 inches of the existing bulkhead and associated backfill.
5. Drawdown of an impoundment for dam/levee repair provided it does not exceed 18 months and one growing season (April through September).

### **Pre-Construction Notification Required**

1. Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals.
2. The removal of sediment outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) that is ≥200 linear feet. This activity is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions existing when the structure was built.
3. Dam and flood control or levee repair, rehabilitation, or replacement involves:
  - a. A change in the flood elevation or permanent water surface elevation of the impoundment; or
  - b. Drawdown of impoundment for construction exceeding one growing season (see SV eligible #5);
  - c. Any modification that changes the character, scope, or size of the original fill design; or
  - d. Does not meet SV eligible 1-7.
4. Installation of steel piles, including steel sheet piles, that cannot be done in the dry and where NOAA-ESA listed species are mapped as present.

<sup>1</sup> Some maintenance activities may not be subject to regulation under Section 404 of the CWA in accordance with 33 CFR 323.4(a)(2). Per 33 CFR 330.3, Vested dates are: a) Work performed and structures installed before December 18, 1968 (Section 10); and b) Fill placed before July 25, 1975 (Section 404).

<sup>2</sup> This excludes dam projects that may require a temporary drawdown with impacts >5,000 SF in non-tidal waters. Instead, the drawdown shall comply with SV #5 to be eligible under Self-Verification.

<p>6. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill.</p> <p>7. Work to previously approved tide gates not affecting upstream tidal resource areas.</p>	<p>5. Activities located in the Connecticut River or Merrimack River, unless they are completed in the dry or when the tide is waterward of the work area.</p> <p>6. Activities on USACE properties &amp; USACE-controlled easements.</p> <p>7. Activities that do not require an IP. Activities that do not require a PCN or an IP may be SV eligible.</p>
<p>Notes:</p> <p>1. This authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the CWA §404(f) exemption for maintenance. See 33 CFR 323.4(a)(2). Prior USACE permits may have included authorization to maintain the activity, in which case authorization under this GP is not necessary.</p> <p>2. See GC 22 for information on temporary construction mats.</p>	

**GP 10. AQUATIC HABITAT RESTORATION, ENHANCEMENT, AND ESTABLISHMENT ACTIVITIES**  
**(Authorities: §10 and §404)**

Activities for the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal streams & associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services. See GP 9 for bank and shoreline stabilization. See GP 20 for living shorelines.

**Not authorized under GP 10 (IP required):** Stream channelization activities and artificial reefs.

**Self-Verification Eligible**

1. In tidal and non-tidal waters excluding tidal vegetated shallows, the combined permanent and temporary impacts are ≤5,000 SF.
2. Eelgrass (vegetated shallows) planting and transplanting ≤100 SF in tidal waters.

**Pre-Construction Notification Required**

1. In tidal and non-tidal waters excluding tidal vegetated shallows, the combined permanent and temporary impacts are >5,000 SF.
2. Eelgrass (vegetated shallows) planting and transplanting >100 SF in tidal waters.
3. Permanent water impoundments, dam removal, fish ladders, or tide gates.
4. Stream relocation, impoundment, or loss of streambed occurs.
5. Runneling projects with the purpose of restoring saltmarsh by removing excess water that ponds on the saltmarsh surface.
6. The conversion of: (a) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, (b) one wetland type to another (e.g., forested wetland to an emergent wetland).
7. Activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, or Merrimack River from the Essex Dam to the mouth, involving permanent or temporary impacts unless they are performed <5 feet waterward from OHW or HTL and in the dry. This is to protect endangered species.
8. Activities on USACE properties & USACE-controlled easements.
9. Activities that are not eligible for SV and do not require an IP.

**Notes:**

1. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type.
2. See RGL 18-01 for guidance on removal of obsolete dams and other structures from rivers and streams. <https://www.usace.army.mil/missions/civil-works/regulatory-program-and-permits/guidance-letters/>
3. An ecological reference site may be used for a design basis of the restoration activity. The reference site should possess characteristics of an intact aquatic habitat or riparian area that exists in the region. The reference site shall represent the target habitat type of the proposed activity. A reference site may be required at the discretion of USACE.

**GP 17. RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS AND RECREATIONAL FACILITIES (AUTHORITIES: §404)**

Discharges of dredged or fill material into non-tidal waters for the construction or expansion of: (a) Residences and residential subdivisions; (b) Residential, commercial and institutional building foundations and building pads; and (c) Recreational facilities such as playgrounds, playing fields, bikeways, trails, etc. This GP also authorizes attendant features that include, but are not limited to, roads, parking lots, garages, yards, and utility lines, and stormwater management facilities. This GP authorizes attendant features if they are necessary for the use of the project purpose.

**Not authorized under GP 17 (IP required):** (a) Permanent impacts that result in loss of non-tidal waters >1/2 acre; >1000 SF in riffle and pool complexes or vegetated shallows; or (b) Subsurface sewerage disposal systems in non-tidal waters.

**Self-Verification Eligible**

1. In non-tidal waters, the combined permanent and temporary impacts are (a) <5,000 SF, and (b) not located in riffle and pool complexes and non-tidal vegetated shallows.

2. Stream channelization or relocation resulting in loss of streambed that is <200 LF.

**Pre-Construction Notification Required**

1. In non-tidal waters, the combined permanent and temporary impacts are (a) ≥5,000 SF, or (b) located in riffle and pool complexes or non-tidal vegetated shallows.

2. Stream and wetland crossings that require a PCN per GCs 20 TOY Restrictions and GC 31 Stream Work and Crossings & Wetland Crossings.

3. Stream channelization or relocation resulting in loss of streambed that is ≥200 LF. Stream impoundment activities of any kind.

4. Activities on USACE properties & USACE-controlled easements.

5. Activities that are not SV eligible and do not require an IP.

**Notes:**

1. Stream and wetland crossings (permanent and temporary), including those built with construction mats; and modifications (including sliplining), replacements or extensions to existing crossings.
2. See GC 22 for information on temporary construction mats.
3. Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this GP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

## **SECTION IV. GENERAL CONDITIONS:**

To qualify for GP authorization, the applicant must comply with the following general conditions, as applicable, in addition to authorization-specific conditions imposed by the division or district engineer.

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Single and Complete Projects
4. Use of Multiple General Permits
5. Suitable Material
6. Tribal Rights & Burial Sites
7. Avoidance, Minimization, and Compensatory Mitigation
8. Water Quality & Stormwater Management
9. Coastal Zone Management
10. Federal Threatened and Endangered Species
11. Essential Fish Habitat
12. National Lands
13. Wild and Scenic Rivers
14. Historic Properties
15. USACE Property and Federal Projects (§408)
16. Navigation
17. Permit/Authorization Letter On-Site
18. Storage of Seasonal Structures
19. Pile Driving and Pile Removal in Navigable Waters
20. Time of Year Restrictions
21. Heavy Equipment in Wetlands
22. Temporary Fill & Construction Mats
23. Restoration of Wetland Areas
24. Bank Stabilization
25. Soil Erosion and Sediment Controls
26. Aquatic Life Movements and Management of Water Flows
27. Spawning, Breeding, and Migratory Areas
28. Vernal Pools
29. Invasive Species
30. Fills Within 100-Year Floodplains
31. Stream Work and Crossings & Wetland Crossings
32. Utility Line Installation and Removal
33. Water Supply Intakes
34. Coral Reefs
35. Blasting
36. Inspections
37. Maintenance
38. Property Rights
39. Transfer of GP Verifications
40. Modification, Suspension, and Revocation
41. Special Conditions
42. False or Incomplete Information
43. Abandonment
44. Enforcement Cases
45. Previously Authorized Activities
46. Duration of Authorization

**1. Other Permits.** Authorization under these GPs does not obviate the need for the permittee to obtain other Federal, State, or local permits, approvals, or authorizations required by law. Permittees are responsible for obtaining all required permits, approvals, or authorizations. Activities that are not regulated by the State, but subject to USACE jurisdiction, may still be eligible for these GPs.

**2. Federal Jurisdictional Boundaries.**

a. Applicability of these GPs shall be evaluated with reference to Federal jurisdictional boundaries. Activities shall be evaluated with reference to “waters of the U.S.” under the CWA (33 CFR 328) and “navigable waters of the U.S.” under §10 of the Rivers and Harbors Act of 1899 (33 CFR 329).

Permittees are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at 33 CFR 328-329. These sections prescribe the policy, practice, and procedures to be used in determining the extent of the USACE jurisdiction. Note: Waters of the U.S. includes all waters pursuant to 33 CFR 328.3(a), and adjacent wetlands as the term is defined in 33 CFR 328.3(c).

b. Wetlands shall be delineated in accordance with the USACE Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information is located at: [www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands](http://www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands) and maps are located at [www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit](http://www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit).

c. Vegetated shallows shall be delineated when present on the project site. Vegetated shallow survey guidance and maps are located at: [www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit](http://www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit).

d. Natural rocky habitats shall be delineated when present on the project site. The definition of natural rocky habitats is in Section VII of the MA GP. Natural rocky habitat survey guidance and maps are located at: [www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit](http://www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit).

**3. Single and Complete Projects.** The MA GP shall not be used for piecemeal work and shall be applied to single and complete projects. The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.

a. For non-linear projects, a single and complete project must have independent utility. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed, even if the other phases were not built, can be considered as separate single and complete projects with independent utility.

b. Unless USACE determines the activity has independent utility, all components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be evaluated as one single and complete project.

c. For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e., single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. If any crossing requires a PCN review or an individual permit review, then the entire linear project shall be reviewed as one project under PCN or the individual permit procedures.

**4. Use of Multiple General Permits.** The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 23, with an associated utility line

crossing authorized by GP 6, if the maximum acreage loss of waters of the U.S. for the total project is  $\geq 1$  acre it shall be evaluated as an IP.

**5. Suitable Material & Discharge of Pollutants.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All activities involving any discharge into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this GP, the authorized work shall be modified to conform with these standards within six months from the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Unless monitoring data indicates otherwise, applicants may presume that their activity complies with state water quality standards provided they are in compliance with the Section 401 WQC (Applicable only to the Section 404 activity).

## **6. Tribal Rights & Burial Sites**

- a. For all SV and PCN applications, prospective permittees shall follow the guidance set forth in Appendix A, Guidance for NHPA Section 106 Compliance in Massachusetts.
- b. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- c. Many tribal resources are not listed on the National Register of Historic Places (NRHP) and may require identification and evaluation in collaboration with the identifying tribe and by qualified professionals. The Tribal Historic Preservation Officer (THPO) and State Historic Preservation Officer (SHPO) may be able to assist with locating information on:
  - i. Previously identified tribal resources; and
  - ii. Areas with potential for the presence of tribal resources.
- d. Discovery of Previously Unknown Remains and Artifacts: If any previously unidentified human remains, cultural deposits, or artifacts are discovered while accomplishing the activity authorized by this permit, you must immediately notify the USACE of what you have found, and to the maximum extent practicable, cease work and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The USACE will initiate the appropriate the Federal, Tribal, and state coordination required to determine if the items or remains are eligible for listing in the NRHP and warrant a recovery effort or can be avoided.
- e. Burial Sites: Burial sites, marked or unmarked, are subject to state law (Massachusetts Unmarked Burial Law). Native American burial sites on federal or tribal land are subject to the provisions of Native American Graves Protection and Repatriation Act (NAGPRA). Regulated activities may not result in disturbance or removal of human remains until disposition of the remains has been determined by the appropriate authority under these laws, and the work is authorized by the USACE. Regulated activities which result in an inadvertent discovery of human remains must stop immediately, and the USACE, as well as the appropriate state and tribal authority, must be notified. Regulated work at inadvertent discovery sites requires compliance with state law or NAGPRA, as appropriate, prior to re-starting work.

**7. Avoidance, Minimization, and Compensatory Mitigation.** To qualify under the MA GP, activities must comply with Section V Mitigation Standards and the following as applicable:

- a. Avoid and Minimize: Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site. Avoidance and minimization are required to the extent necessary to ensure that the adverse effects to the aquatic environment (both area and function) are no more than minimal.

- b. Compensatory mitigation for unavoidable impacts to waters of the U.S., including direct, indirect, secondary, and temporal loss, will generally be required for permanent impacts that exceed the thresholds identified in Section V, and may be required for temporary impacts, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.
- c. Mitigation proposals shall follow the guidelines found in the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule April 10, 2008; 33 CFR 332. Prospective permittees may purchase mitigation credits in-lieu of permittee-responsible mitigation as compensation for unavoidable impacts to waters of the U.S. in the Commonwealth of Massachusetts.

**8. Water Quality & Stormwater Management.** The 401 WQC requirement applies to all activities listed under GPs 1-25, unless determined otherwise by MassDEP. Permittees shall also satisfy stormwater management requirements in Massachusetts.

- a. General 401 WQC: MassDEP issued a WQC on April 21, 2023 which conditionally certifies all activities in GPs 1 – 24 eligible for SV and PCN so long as the activity is described in 314 CMR 9.03, and is not an activity described in 314 CMR 9.04, and so long as the activity meets all other requirements, terms and conditions of the WQC. The MassDEP WQC also conditionally certifies activities described in GP 25 so long as the activity meets all other conditions of the WQC. Emergency projects described in GP 25 must obtain an emergency certification or otherwise be authorized pursuant to 310 CMR 10.06, qualify under a Severe Weather Emergency Declaration pursuant to 310 CMR 10.06(8) issued by the MassDEP, or meet the requirements of 9.12(2) or (3) in order to be certified under the WQC. Prospective permittees may refer to the following link to determine if their activity is eligible: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. The General 401 WQC is located here, and it provides detailed information regarding what activities are certified and the conditions for certification. Activities listed in 314 CMR 9.03 that are not exempt from the Wetland Protection Act must have a valid Final Order of Conditions (OOC) or Final Restoration Order of Conditions pursuant to 310 CMR 10.00 to be eligible under the General 401 WQC.
- b. Individual 401 WQC: Prospective permittees shall contact MassDEP and apply for an individual 401 WQC if their activity does not qualify for a General 401 WQC as outlined above. MassDEP may issue, waive, or deny the individual 401 WQC on a case-by-case basis. All activities listed in 314 CMR 9.04 must obtain an individual 401 WQC from MassDEP to be eligible under these GPs. When an Individual 401 WQC is required for *PCN activities*, the prospective permittee shall submit their Individual 401 WQC application concurrently to MassDEP and USACE to comply with 40 CFR 121.
- c. The prospective permittee is responsible for determining the appropriate 401 WQC requirement and submitting this information to the USACE at the time of their PCN application or when completing their SVN. Prospective permittees that are unsure of whether their activity has been certified should contact MassDEP for a determination.
- d. As applicable, all activities shall be compliant with the Massachusetts Stormwater Handbook. The Stormwater Handbook can be accessed on the NAE Regulatory website here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.
- e. No work requiring authorization under Section 404 of the CWA may be performed unless (1) the prospective permittee qualifies for coverage under the April 21, 2023 General 401 WQC, (2) the prospective permittee receives an individual Section 401 WQC from the MassDEP, or (3) the MassDEP waives individual Section 401 WQC.

**9. Coastal Zone Management.** The permittee must obtain CZM consistency concurrence when an activity is located in the coastal zone in order to be eligible under the MA GP. This requirement

shall be satisfied by acquiring one of the following from the Massachusetts Office of Coastal Zone Management (MA CZM):

- a. General CZM Federal Consistency Concurrence (General Concurrence): MA CZM has granted General Concurrence for all SV and PCN activities for GPs 1-25. The prospective permittee must obtain all applicable permits and approvals before construction of the authorized activity begins (e.g., before work begins on site). For SVs, General Concurrence is automatically granted and no further action is required from the prospective permittee. For PCNs, the USACE will coordinate with MA CZM to acquire General Concurrence as part of the PCN application review.
- b. Individual CZM Federal Consistency Concurrence (Individual Concurrence): In certain cases, MA CZM may elevate any GP activity 1-25 and require Individual Concurrence. The prospective permittee must contact MA CZM and follow the procedures to obtain Individual Concurrence as determined appropriate by MA CZM.
- c. Permittees must obtain CZM consistency concurrence as outlined above before commencing work authorized under these GPs.

## **10. Federal Threatened and Endangered Species**

- a. No activity is authorized under any GP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any GP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”
- b. Other Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If a PCN is required for the proposed activity, the Federal permittee must provide USACE with the appropriate documentation to demonstrate compliance with those requirements. The USACE will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
- c. USFWS ESA-Listed Species: Non-federal applicants shall use the USFWS website, Information for Planning and Consultation (IPAC), to determine if their activity is located within the ESA-listed species range. The IPAC website can be accessed on the NAE Regulatory website: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. Applicants shall ensure they have an updated, valid species list before construction begins. This may require applicants to update their species list in IPAC before the start of construction. Note: Applicants should refer to the NAE Regulatory Website at the link above to determine if they have been designated as a non-federal representative. Applicants shall complete Section 7 consultation according to the guidance document located on the NAE Regulatory Website. After completing the Rangewide Determination Key and reaching the outcome “may affect, not likely to adversely affect”, you may be required to wait up to 15 days before that outcome is final and compliance under Section 7 of the ESA is fulfilled.
  - i. *Self-Verification Criteria*: The activity is SV-eligible if:
    - 1) The activity is not located within the ESA-listed species range;
    - 2) Another (lead) Federal agency has completed Section 7 consultation; or
    - 3) The activity is located within the ESA-listed species range and USACE has designated the applicant as a non-federal representative under 50 CFR 402.08 of the ESA for all

species within the project's action area. As the non-federal representative, the applicant shall complete consultation through IPAC and reach the outcome of "no effect" or "not likely to adversely affect".

ii. *Pre-Construction Notification Criteria*: The activity requires a PCN if:

- 1) The activity is located within the ESA-listed species range and USACE has NOT designated the applicant as a non-federal representative under 50 CFR 402.08 of the ESA for all species within the project's action area;
- 2) The activity is located in designated or proposed critical habitat; or
- 3) The activity is located within the ESA-listed species range and completion of the IPAC determination key has resulted in the outcome of "may affect" or "may affect, likely to adversely affect"; or
- 4) A PCN is required elsewhere in this document.

d. NOAA-Listed Species: Non-federal applicants shall refer to the Section 7 Mapper for federally listed species to determine if any species are mapped as present. When NOAA-listed species are present, the applicant shall generate a species report through the mapper and submit this document as part of their PCN or SVN submission. The NOAA Fisheries' Section 7 Mapper can be accessed here on the NAE Regulatory website here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.

e. Authorization of an activity by an GP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

## **11. Essential Fish Habitat (EFH).**

a. SV eligible activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the MA GP as applicable to the activity. NMFS has granted General Concurrence [50 CFR 600.920(g)] for all SV eligible activities. These activities do not require project specific EFH consultation.

b. For PCN required activities, the applicant is required to describe and identify potential adverse effects to EFH and should refer to NOAA Fisheries' EFH Mapper (<http://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>) and Omnibus Essential Fish Habitat Amendment 2 Volume 2: EFH and HAPC Designation Alternatives and Environmental Impacts ([https://www.habitat.noaa.gov/application/efhmapper/oa2\\_efh\\_hapc.pdf](https://www.habitat.noaa.gov/application/efhmapper/oa2_efh_hapc.pdf)). If an activity is located within EFH, the PCN application must contain:

1. A description of the action located in EFH.
2. An analysis of the potential adverse effects of the action on EFH and the managed Species.
3. Conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable (refer to the mitigation thresholds located in Section V).

c. Federal agencies shall follow their own procedures for complying with the EFH requirements of the Magnuson-Stevens Fishery Conservation and Management Act. For activities requiring a PCN, the applicant is responsible for furnishing documentation that demonstrates consultation for EFH has been completed.

d. For PCN activities, no work may commence until EFH consultation as required by the Magnuson-Stevens Act has been completed.

**12. National Lands.** Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, National Historic Landmarks or any other area administered by the National Park Service, U. S. Fish and Wildlife Service (USFWS) or U.S. Forest Service (USFS) require a PCN or Individual Permit. Federal land managers seeking authorization for activities located in the above listed National Lands may proceed under SV, unless a PCN is required elsewhere in this document.

**13. Wild and Scenic Rivers.** The following activities in designated river or study river segments in the National Wild and Scenic River (WSR) System require a PCN unless the Federal agency with direct management responsibility for such river, in Massachusetts this is generally the National Park Service, has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

- a. Activities that occur in WSR segments, in and 0.25 miles up or downstream of WSR segments, or in tributaries within 0.25 miles of WSR segments;
- b. Activities that occur in wetlands within 0.25 miles of WSR segments;
- c. Activities that have the potential to alter free-flowing characteristics in WSR segments.

No GP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

As of May 10, 2023, affected rivers in Massachusetts include: the Taunton River (40 miles), Sudbury River (16.6 miles), Assabet River (4.4 miles), Concord River (8 miles), Nashua River (27 miles), Squannacook River (16.3 miles), Nissitissit River (4.7 miles), and the Westfield River, including West Branch, Middle Branch, Gendale Brook, East Branch, Drowned Land Brook, Center Brook, Windsor Jambs Brook, Shaker Mill Brook, Depot Brook, Savery Brook, Watson Brook, Center Pond Brook (78.1 miles). The most up to date list of designated and study rivers and their descriptions may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

#### **14. Historic Properties**

- a. For all SV and PCN applications, permittees shall follow the guidance set forth in Appendix A, Guidance for NHPA Section 106 Compliance in Massachusetts.
- b. No undertaking authorized by these GPs shall cause effects<sup>1</sup> (defined in 36 CFR Part 800 and 33 CFR Part 325, Appendix C, and its Interim Guidance) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NRHP)<sup>2</sup>, including previously unknown historic properties within the permit area, unless the USACE or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (Section 106). If another Federal agency is determined the lead federal agency for compliance with Section 106, applicant must obtain the appropriate documentation and provide this information to the USACE to demonstrate compliance with Section 106. The applicant shall not begin the activity until the USACE notifies them in writing that the documentation provided satisfies Section 106 requirements.

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<sup>1</sup> Effect means the alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Properties.

<sup>2</sup> See the NAE Regulatory website, National Register of Historic Places link here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.

- c. Many historic properties are not listed on the NRHP and may require identification and evaluation by qualified historic preservation and/or archaeological consultants. The State Historic Preservation Officer (SHPO), Massachusetts Board of Underwater Archaeological Resources (BUAR), local historical societies, certified local governments, general public, and NRHP may also be able to assist with locating information on:
- i. Previously identified historic properties; and
  - ii. Areas with potential for the presence of historic properties.
- d. **Discovery of Previously Unknown Remains and Artifacts:** If any previously unidentified human remains, cultural deposits, or artifacts are discovered while accomplishing the activity authorized by this permit, you must immediately notify the USACE of what you have found, and to the maximum extent practicable, cease work and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The USACE will initiate the Federal, State and tribal coordination required to determine if the items or remains warrant a recovery effort and/or if the site is eligible for listing in the National Register of Historic Places.
- e. **Section 110k:** Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. § 306113) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106, has intentionally significantly adversely effected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the USACE is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties effected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or effects historic properties on tribal lands or effects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- f. **Underwater Archaeological Resources:** Under Massachusetts General Law Ch. 6, s.'s 179-180, and Ch. 91, s. 63, the BUAR has statutory jurisdiction within state waters and is the sole trustee of the Commonwealth's underwater heritage, charged with the responsibility of encouraging the discovery and reporting, as well as the preservation and protection, of underwater archaeological resources. Underwater archaeological resources located within the waters of the Commonwealth of Massachusetts are property of the Commonwealth, which holds title to these resources and retains regulatory authority over their use. Under Massachusetts General Law, no person, organization or corporation may "remove, displace, damage, or destroy" any underwater archaeological resources located within the Commonwealth's submerged lands except through consultation with the BUAR and in conformity with the permits it issues. <https://www.mass.gov/orgs/board-of-underwater-archaeological-resources>.

## **15. USACE Property and Federal Projects. (33 USC §408)**

- a. USACE projects and property can be found at: <https://www.nae.usace.army.mil/Missions/Civil-Works/>.
- b. In addition to any authorization under these GPs, prospective permittee shall contact the USACE Real Estate Division (<https://www.nae.usace.army.mil/Missions/Real-Estate-Division/>) at (978) 318-8585 for work occurring on or potentially affecting USACE properties and/or USACE-controlled easements. Work may not commence on USACE properties and/or USACE-controlled easements until they have received any required USACE real estate documents evidencing site-specific permission to work.
- c. Any proposed temporary or permanent occupation or alteration of a Federal project (including, but not limited to, a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States),

is not eligible for SV and requires a PCN. This includes all proposed structures and work in, over, or under a USACE federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance of three times the FNP's authorized depth. The activity also requires review and approval by the USACE pursuant to 33 USC 408 (Section 408 Permission). The prospective permittee may reach out to the POCs located here: <https://www.nae.usace.army.mil/Missions/Section-408/>.

d. Any structure or work constructed in a FNP or its buffer zone shall be subject to removal at the owner's expense prior to any future USACE dredging or the performance of periodic hydrographic surveys.

e. Where a Section 408 permission is required, written verification for the PCN will not be issued prior to the decision on the Section 408 permission request.

## **16. Navigation**

a. No activity may cause more than a minimal adverse effect on navigation.

b. Any safety lights and signals prescribed by the U.S. Coast Guard, must be installed, and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

c. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

d. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

**17. Permit/Authorization Letter On-Site.** For PCNs, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of USACE jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means these GPs, including GCs and the authorization letter (including its drawings, plans, appendices, special conditions, and other attachments), and any permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction. For SVs, the permittee shall ensure that a complete and signed copy of the SVN is present on site during construction and is made available for review at any time by USACE and other Federal, State, & Local regulatory agencies. A complete and signed copy of the SVN must be submitted to USACE Regulatory within 30 days of initiating construction of the authorized activity, unless stated otherwise in the applicable GP.

**18. Storage of Seasonal Structures.** Coastal structures such as pier sections, floats, etc., that

are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above MHW and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

#### **19. Pile Driving and Pile Removal in Navigable Waters.**

- a. Derelict, degraded or abandoned piles and sheet piles in navigable waters of the U.S., except for those inside existing work footprints for piers, must be completely removed, cut and/or driven to 3 feet below the substrate to prevent interference with navigation, and existing creosote piles that are affected by project activities shall be completely removed if practicable. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method<sup>1</sup> to minimize sedimentation and turbidity impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands or mudflats.
- b. A PCN is required for the installation or removal of structures with jetting techniques.
- c. A PCN is required for the installation of >12 inch-diameter piles of any material type or steel piles of any size in tidal waters, unless they are installed in the dry. If piles are not installed in the dry:
  - i. Impact pile driving shall commence with an initial set of three strikes by the hammer at 40% energy, followed by a one-minute wait period, then two subsequent 3-strike sets at 40% energy, with one minute waiting periods, before initiating continuous impact driving.
  - ii. Vibratory pile driving shall be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period shall be repeated two more times, followed immediately by pile-driving at full rate and energy.
  - iii. In addition to using a soft start at the beginning of the workday for pile driving as described in 19c(i-ii), a soft start must also be used at any time following a cessation of pile driving for a period of 30 minutes or longer.
- d. Bubble curtains may be used to reduce sound pressure levels during vibratory or impact hammer pile driving.

**20. Time-of-Year (TOY) Restrictions.** Activities that include in-water work must comply with the TOY Restrictions below to be SV eligible, otherwise a PCN is required. PCN submittals shall contain written justification for deviation from the TOY Restrictions. The term “in-water work” does not include conditions where the work site is “in-the-dry” (e.g., intertidal areas exposed at low tide). The term “in-the-dry” includes work contained within a cofferdam so long as the cofferdam is installed and subsequently removed outside the TOY Restriction. The TOY restrictions stated in Appendix B of the MA DMF Technical Report TR-47<sup>2</sup> can apply instead for activities in tidal waters if (1) TOYs are provided for a specific waterbody where the activity is proposed and (2) the TOYs are less restrictive than below. The activity must also not require a PCN elsewhere in this document to be SV eligible.

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<sup>1</sup> Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment. Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up. Clamshell Pull: This can remove intact, broken or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

<sup>2</sup> The MA DMF Technical Report TR-47: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>

## TOY Restriction (No work)

### Non-tidal Waters

Defer to TR-47

### Tidal Waters

January 15 – November 15

Alternate work windows proposed under a PCN will generally be coordinated with the USFWS and NMFS. Resulting written verifications may include species-specific work allowed windows.

**21. Heavy Equipment in Wetlands.** Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained, or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall:

- i. Have low ground pressure (typically  $\leq 3$  psi);
- ii. Be placed on swamp/construction/timber mats (herein referred to as “construction mats” or “mats”) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. See GC 22 for information on the placement of construction mats; or
- iii. Be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath the equipment and upheaval of adjacent wetlands. Construction mats are to be placed in the wetland from the upland or from equipment positioned on mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written USACE authorization.

## 22. Temporary Fill, Work & Construction Mats.

- a. Construction mats in non-tidal waters: Temporary construction mats shall be in place  $\leq 1$  year and for one growing season or less to be SV eligible. A PCN is required if construction mats are in place  $> 1$  year or for more than one growing season. Construction mats can be placed in an area of any size in non-tidal waters. The activity may occur in segments to ensure the requirements for SV above are met, otherwise a PCN is required.
- b. Construction mats in tidal waters: Temporary construction mats placed in an area  $< 5,000$  SF in tidal waters are SV eligible, provided those mats are in place  $\leq 6$  months. Temporary construction mats placed in an area  $\geq 5,000$  SF or in place  $> 6$  months in tidal waters require a PCN.
- c. Management of construction mats: At a minimum, construction mats shall be managed in accordance with the following construction mat best management practices (BMPs):
  1. Mats shall be in good condition to ensure proper installation, use, and removal.
  2. As feasible, mats shall be placed in a location that will minimize the amount of mats needed for the wetland crossing(s).
  3. Inspect mats prior to their re-use and remove any plant debris. Mats are to be thoroughly cleaned before re-use to prevent the spread of invasive plant species.
  4. Impacts to wetland areas shall be minimized during installation, use, and removal of the mats.
  5. Adequate erosion & sediment controls shall be installed at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, the mats.
  6. In most cases, mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.
- d. A PCN is required for temporary fills in place  $> 2$  years. All temporary fills and disturbed soils shall be stabilized to prevent the material from eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.

- e. Activities that require unconfined temporary fill and are authorized for discharge into waters of the U.S. shall consist of material that minimizes effects to water quality.
- f. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
- g. Construction debris and deteriorated materials shall not be located in waters of the U.S.
- h. Temporary fills, construction mats, and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized activity and the disturbed areas be restored to pre-construction contours and conditions.
- i. Construction equipment, such as temporary barges in tidal waters, shall provide clearance above the substrate to avoid grounding onto the substrate during all tides.

### **23. Restoration of Wetland Areas.**

- a. Upon completion of construction, all disturbed wetland areas shall be stabilized with a wetland seed mix or plant plugs containing only plant species native to New England, and be appropriate for site conditions, including salinity and frequency of inundation, and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix K of the New England District "Compensatory Mitigation Standard Operating Procedures" found at <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.
- b. The introduction or spread of invasive plant species in disturbed areas shall be prevented and controlled. Equipment shall be thoroughly cleaned before and after project construction to prevent the spread of invasive species. This includes, but is not limited to, tire treads and construction mats.
- c. In areas of authorized temporary disturbance, if trees are cut in USACE jurisdiction, they shall be cut at or above ground level and not uprooted in order to prevent disruption of any kind to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- d. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.

### **24. Bank Stabilization.**

- a. Projects involving construction or reconstruction/maintenance of bank stabilization within USACE jurisdiction shall be designed to minimize environmental effects, effects to neighboring properties, scour, conversion of natural shoreline to hard armoring, etc. to the maximum extent practicable.
- b. Projects involving the construction of new bank stabilization within USACE jurisdiction shall use bioengineering techniques and natural materials in the project design to the maximum extent practicable. Use of hard structures shall be eliminated or minimized unless the prospective permittee can demonstrate that use of bioengineering techniques is not practicable due to site conditions.
- c. Where possible, bank stabilization projects shall optimize the natural function of the shoreline, including self-sustaining stability to attenuate flood flows, fishery, wildlife habitat and water quality protection, while protecting upland infrastructure from storm events that can cause erosion as well as impacts to public and private property.
- d. No material shall be placed in excess of the minimum needed for erosion protection.
- e. No material shall be placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas).

- f. Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization.
- g. The activity must be properly maintained, which may require repairing it after severe storms or erosion events.

## **25. Soil Erosion and Sediment Controls.**

- a. Appropriate soil erosion and sediment controls<sup>1</sup> (hereinafter referred to as “controls”) must be installed prior to earth disturbance and maintained in effective operating condition during construction. Biodegradable wildlife friendly erosion controls should be used whenever practicable to minimize effects to water quality.
- b. Activities in streams (rivers, streams, brooks, etc.) and tidal waters that are capable of producing sedimentation or turbidity should be done during periods of low-flow or no-flow, when the stream or tide is waterward of the work area. Controls may also be used to obtain dry work conditions (e.g., coffer dam, turbidity curtain). The prospective permittee must demonstrate in the project plans where the controls are proposed and how these controls would avoid and/or minimize turbidity or sedimentation.
- c. A PCN is required for controls that encroach: i) >25% of the stream width measured from OHW in non-tidal diadromous streams from March 15 to June 30; or ii) >25% of the waterway width measured from MHW in tidal waters from Feb. 1 to June 30, or >50% of the waterway width measured from MHW in tidal waters from July 1 to Jan. 14. This is to protect upstream fish passage. Proponents must also maintain downstream fish passage throughout the project.
- d. No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands. Suspended solids shall be removed prior to discharge back into waters or wetlands from these dewatering structures. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.
- e. Temporary controls shall be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized at the earliest practicable date. Sediment and debris collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable and flows and aquatic life movements are not disrupted.

## **26. Aquatic Life Movements and Management of Water Flows.**

- a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water. All permanent and temporary crossings of waterbodies and wetlands shall be:
  - i. Suitably spanned, bridged, culverted, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and
  - ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the crossing.

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<sup>1</sup> Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.

- b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when necessary to perform the authorized work.
- c. For work in tidal waters, in-stream controls (e.g., cofferdams) should be installed in such a way as to not obstruct fish passage.
- d. Riprap and other stream bed materials shall be installed in a manner that avoids organism entrapment in rock voids or water displaced to subterranean flow with crushed stone and riprap.
- e. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity shall not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

## **27. Spawning, Breeding, and Migratory Areas.**

- a. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized under these GPs.
- b. Activities in waters of the U.S. that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
- c. The applicant is responsible for obtaining any “take” permits required under the USFWS’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The applicant should contact the appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity.
- d. Information on spawning habitat for species managed under the Magnuson-Stevens Fishery Conservation and Management Act (i.e., EFH for spawning adults) can be obtained from NAE Regulatory website, Essential Fish Habitat section, at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.
- e. Information regarding diadromous fish habitat can be obtained from the following DMF website at: <https://www.mass.gov/info-details/massgis-data-diadromous-fish>.

## **28. Vernal Pools.**

- a. A PCN is required if a discharge of dredged or fill material is proposed within a vernal pool depression that is also a water of the U.S.
- b. Vernal pools must be identified on the plans that show aquatic resource delineations.
- c. Adverse impacts to vernal pools shall be avoided & minimized to the maximum extent practicable.

## **29. Invasive Species.**

- a. The introduction, spread or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the site work shall be avoided. Construction mats shall be thoroughly cleaned before reuse to avoid spread of invasive species.
- b. Unless otherwise directed by USACE, all applications for PCN non-tidal projects proposing fill in USACE jurisdiction shall include an Invasive Species Control Plan. Additional information can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species/>, <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>.

**30. Fills Within 100-Year Floodplains.** The activity shall comply with applicable Federal Emergency Management Agency (FEMA) approved, Massachusetts Emergency Management

Agency (MEMA) approved and/or local floodplain management requirements. Applicants should contact FEMA and/or MEMA regarding floodplain management requirements.

### **31. Stream Work and Crossings & Wetland Crossings.**

- a. When feasible, all temporary and permanent crossings of waterbodies and wetlands (hereinafter referred to as “crossings”) shall conform to the “Massachusetts River and Stream Crossing Standards” located at: <https://www.mass.gov/doc/massachusetts-river-and-stream-crossing-standards/download> or <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. Projects that do not conform to these guidelines shall be reviewed under PCN or IP procedures.
- b. Crossings shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, maintain water quality, and not obstruct the movement of aquatic life indigenous to the waterbody beyond the duration of construction.
- c. Crossings shall be installed in such a manner as to preserve hydraulic capacity and flow, sediment transport, and organism passage at its present level, between the wetlands on either side of the road. The applicant shall take necessary measures to correct any wetland damage resulting from deficiencies in hydraulic capacity, sediment transport and organism passage.
- d. Stream crossings shall utilize a natural mixed grain-size streambed material composition that matches upstream and downstream substrates to create a stable streambed. Substrate should function appropriately during normal and high flows without washing out. If natural streambed material is not utilized, a PCN is required.
- e. Activities involving open trench excavation in flowing waters require a PCN. Work should not occur in flowing waters (requires using management techniques such as temporary flume pipes, culverts, cofferdams, etc.). Normal flows should be maintained within the stream boundary’s confines when practicable. Projects utilizing these management techniques must meet all applicable terms and conditions of the GP, including the GCs in Section IV.

### **32. Utility Line Installation and Removal**

- a. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment.
- b. When utility lines are installed via horizontal directional drilling, a frac-out contingency plan shall be present on site for the duration of construction. As necessary, the applicant shall immediately contain, control, recover, and remove drilling fluids released into the environment.
- c. Abandoned or inactive utility lines must be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) must be removed or repaired. A written verification from the USACE is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.
- d. Utility lines shall not adversely alter existing hydrology, and trenches cannot be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). In wetland areas, structures such as ditch plugs, cut-off walls, clay blocks, bentonite, or other suitable material shall be used within utility trenches to ensure that the trench through which the utility line is installed does not drain waters of the U.S. including wetlands.
- e. Stockpiling of tree debris, to the extent where it has the effect of fill material, shall not occur in waters of the U.S. Tree debris shall be removed from waters of the U.S. and placed in uplands without causing additional disturbance to aquatic resources. Failure to meet this condition could change the bottom elevation of the wetland and be considered a discharge of fill material, and depending on the area of alteration, may require a PCN or IP.

**33. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

**34. Coral Reefs.** Impacts to coral reefs are not authorized under these GPs. Coral reefs consist of the skeletal deposit, usually of calcareous or siliceous materials, produced by the vital activities of anthozoan polyps or other invertebrate organisms present in growing portions of the reef.

**35. Blasting.** Blasting in waters of the U.S. associated with work such as dredging, trenching, pile installation, etc. is not authorized under these GPs.

**36. Inspections.** The permittee shall allow USACE to make periodic inspections at any time deemed necessary to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. To facilitate these inspections, for activities requiring a PCN, the permittee shall complete and return the Certificate of Compliance when it is provided with a PCN verification letter. For SV-eligible activities, the permittee shall complete and submit the SVN to USACE within 30 days of initiating project construction, at which point, USACE may opt to inspect the activity to verify compliance with the terms and conditions of the GP. Post-construction engineering drawings may be required by USACE for completed work. This includes post-dredging survey drawings for any dredging work.

**37. Maintenance.** The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. Some maintenance activities may not be subject to federal regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). This condition is not applicable to maintenance of dredging projects. Prospective permittees should contact USACE to inquire about maintenance of dredging projects, and its eligibility under these GPs. Maintenance dredging is subject to the review thresholds in GP #7 as well as any conditions included in a written USACE authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged.

**38. Property Rights.** Per 33 CFR 320.4(g)(6), these GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor do they authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

**39. Transfer of GP Verifications.** When the work authorized by these GPs is still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property associated with a GP authorization, the applicant may transfer the GP authorization to the new owner by submitting a letter to USACE to validate the transfer. A copy of the GP authorization letter must be attached to the letter, and the letter must include the following statement: "The terms and conditions of these general permits, including any special conditions, will continue to be binding on the new owner(s) of the property." This letter shall be signed by both the seller and new property owner(s).

**40. Modification, Suspension, and Revocation.** These GPs and any individual authorization issued thereof may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; and any such action shall not be the basis for any claim for damages against the U.S.

**41. Special Conditions.** The USACE may impose other special conditions on a project authorized pursuant to these GPs that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the applicant to criminal, civil, or administrative penalties or restoration.

**42. False or Incomplete Information.** If USACE makes a determination regarding the eligibility of a project under these GPs, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the applicant, the authorization will not be valid, and the U.S. Government may institute appropriate legal proceedings.

**43. Abandonment.** If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she/they may be required to restore the area to the satisfaction of USACE.

**44. Enforcement cases.** These GPs do not apply to any existing or proposed activity in USACE jurisdiction associated with an on-going USACE or EPA enforcement action, until such time as the enforcement action is resolved or USACE or EPA determines that the activity may proceed independently without compromising the enforcement action.

**45. Previously Authorized Activities.**

- a. Completed projects that received prior authorization from USACE (SV or PCN), shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, GCs, and any special conditions provided in a written verification.
- b. Activities authorized pursuant to 33 CFR 330.3 (activities occurring before certain dates) are not affected by these GPs.

**46. Duration of Authorization.**

These GPs expire on June 1, 2028. Activities authorized under these GPs will remain authorized until the GPs expire, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities authorized under GPs 1-25 that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have until June 1, 2029 to complete the work. If requested by USACE, the permittee shall furnish documentation that demonstrates the project was under construction or under contract to commence by June 1, 2028. If work is not completed before June 1, 2029, the permittee must contact USACE. The USACE may issue a new authorization provided the project meets the terms and conditions of the MA GPs in effect at the time. Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after their expiration date.



US Army Corps  
of Engineers®  
New England District

## WORK-START NOTIFICATION FORM

(Minimum Notice: Two weeks before work begins)

EMAIL TO: [roberta.k.budnik@usace.army.mil](mailto:roberta.k.budnik@usace.army.mil) and [cenae-r-ma@usace.army.mil](mailto:cenae-r-ma@usace.army.mil); or

MAIL TO: Roberta Budnik  
Regulatory Division  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, Massachusetts 01742-2751

Also, if the work is in the Massachusetts Coastal Zone (<https://www.mass.gov/service-details/czm-regions-coastal-communities-and-coastal-zone-boundary>), email this form to [sean.duffey@mass.gov](mailto:sean.duffey@mass.gov) or mail it to: Massachusetts Office of Coastal Zone Management, Project Review Coordinator, Suite 900, 100 Cambridge Street, Boston, MA 02114.

A verification from the U.S. Army Corps of Engineers, file NAE-2023-02403, was issued to the Town of Plymouth, Dept. of Marine and Environmental Affairs. This work is located in Jenney Pond and Town Brook. The permanent discharge up to 205 cubic yards (CY) of fill material into no more than 2,270 square feet (0.0521-acre) of waters of the U.S., including wetlands, and temporarily discharge up to 280 CY of fill material into no more than 3,700 square feet (0.0849-acre) of waters of the U.S., including wetlands for the riprap replacement and concrete sill/weir repairs at Jenney Dam, the construction of a fish bypass channel, habitat improvements within Town Brook, and walkway construction was verified to be authorized by Massachusetts RGPs 2, 10, and 17.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

### PLEASE PRINT OR TYPE

Name of Person/Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone & email: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

Proposed Work Dates: Start: \_\_\_\_\_ Finish: \_\_\_\_\_

Permittee/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Date Permit Issued: \_\_\_\_\_ Date Permit Expires: \_\_\_\_\_

### FOR USE BY THE CORPS OF ENGINEERS

PM: \_\_\_\_\_ Submittals Required: \_\_\_\_\_

Inspection Recommendation: \_\_\_\_\_

***Attachment B-4: Chapter 253 Dam Safety Permit from the  
Massachusetts Office of Dam Safety***



Certified Mail No. 9589 0710 5270 0474 6302 12  
Return Receipt Requested

**M.G.L. Chapter 253**  
**Dam Safety Permit**  
**Permit No. 101-2025-455**

Applicant

W. Andrew Greene, PE  
SLR International Corporation  
99 Realty Drive  
Cheshire, CT 06410

On behalf of:  
Town of Plymouth  
c/o David Gould, Director of Energy & Environment  
26 Court Street  
Plymouth, MA 02360

Re: Jenney (a/k/a Arms House) Pond Dam Repair Project  
National Dam ID: MA00907  
Registry Location: Plymouth, Deed Book 37834, Page 280  
Owner: Town of Plymouth  
Dam Location: Plymouth

Date: April 14, 2025

Dear Mr. Greene:

Reference is made to the application dated February 5, 2025 and supplemental information provided by SLR International Corporation (SLR). These were submitted for Department of Conservation and Recreation (DCR) Office of Dam Safety (ODS) regulatory review of the above-referenced dam rehabilitation project.

Permission is hereby granted under M.G.L. Chapter 253, as amended, to perform work indicated on the drawings titled **“Jenney (Arms House) Pond Dam: Bypass Channel, Dam Repairs & Site Improvements, 6 Spring Lane, Plymouth, Massachusetts”** dated April 7, 2025 and as described in supporting documentation provided by SLR.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
180 Beaman Street  
West Boylston, MA 01583  
508-792-7423 508-792-7805 Fax  
[www.mass.gov/dcr](http://www.mass.gov/dcr)



Maura T. Healey  
Governor

Kimberley Driscoll  
Lt. Governor

Rebecca L. Tepper, Secretary  
Executive Office of Energy & Environmental Affairs

Brian Arrigo, Commissioner  
Department of Conservation & Recreation

Permission is granted subject to the following conditions:

- (a) This Ch. 253 Dam Safety Permit is not valid until the dam owner has been issued a Restoration Order of Conditions for the project by the Plymouth Conservation Commission. If the Restoration Order of Conditions is denied, or if the project is permitted as an Ecological Restoration Limited Project under 310 CMR 10.24(8) and 10.53(4), then the project must undergo MEPA review, and the Ch. 253 Dam Safety Permit shall not become effective until MEPA review is completed.
- (b) At least 21 days before the start of construction, the dam owner shall provide the DCR/ODS - Permits Section a completed **DAM SAFETY IMPROVEMENTS – NOTICE OF CONSTRUCTION** (form attached) with a construction schedule and proof of recording of the Ch. 253 Permit at the Registry of Deeds in the county where the dam lies. If the Notice of Construction provided to ODS lacks a construction schedule, proof of recording of the permit, or an explanation of why permit recording is not possible, ODS will return the Notice of Construction to the dam owner indicating the Notice of Construction is incomplete and informing the owner that construction shall not commence until ODS has received a complete Notice of Construction with the required attachments.
- (c) For all features of the project, the Dam Engineer (SLR) shall notify ODS of any design change from the original design submitted with the permit application due to regulatory requirements, changes in field conditions or any other unanticipated occurrence. This notification shall be a formal submittal to ODS which includes all relevant revised plans, computations and data (survey, geotechnical, etc.) supporting the design change(s). This submittal shall be forwarded to ODS by registered mail, return receipt requested, and will require an amendment to the permit. Review time may vary based upon the complexity of the design change(s), however, ODS will generally issue the permit amendment within five (5) business days of receipt of a complete design revision submittal.
- (d) The Dam Engineer must report to ODS any unforeseen incidents that occur at the work site during project work. Unforeseen incidents include, but are not limited to, significant uncontrolled seepage into the work area, significant earth support failures or slope failures. The report must explain in detail what occurred, corrective measures taken to mitigate the occurrence and any impacts the occurrence may have had on the project. If the incident results in a design change, ODS must be provided revised design documents (refer to Condition (c), above).
- (e) During construction, a copy of the dam's Emergency Action Plan (EAP) shall be maintained on-site by the resident engineer.
- (f) The following shall be prepared by the contractor, approved by the Dam Engineer, and submitted to ODS prior to construction:

- Cofferdam designs. The cofferdams shall be carefully designed to resist anticipated forces without failing and to ensure that seepage around, under, or through the cofferdams is manageable;
  - A water control and diversion plan describing methods to be employed to allow work to be performed “in the dry” and to manage both the water level in Jenney Pond and outflow from Jenney Pond while construction is in progress; and
  - A flood response plan. While construction is underway, weather forecasts, stream flows and water levels shall be monitored to allow adequate time to respond to rising water levels at the construction site. If high water levels are expected, equipment and materials shall be removed from the work area and personnel evacuated. Sufficient materials and equipment required for flood response shall be maintained in a safe location at, or near, the construction site.
- (g) A sufficient level of construction oversight shall be provided by the Dam Engineer to ensure the work conforms to: the project plans and specifications; the Ch. 253 Permit conditions; and generally-accepted dam construction practices as determined by the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation and/or the U.S. Natural Resources Conservation Service.

Guidance, procedures, checklists, worksheets and references to aid in construction quality assurance are available in the United States Department of Agriculture Natural Resources Conservation Service National Engineering Handbook Part 645-Construction Inspection.

For access to a .pdf copy of NEH Part 645, please email ODS at [dam.safety@mass.gov](mailto:dam.safety@mass.gov) .

- (h) The Dam Engineer shall invite ODS to the preconstruction meeting, another project meeting at 50% completion and the final inspection meeting. ODS reserves the right to make site visits and inspections at any time during the permit period. ODS requests the following items be addressed at the pre-construction meeting:
- Identification of the
    - resident engineer (Owner’s representative overseeing the project);
    - contractor’s qualified site superintendent; and
    - Dam Engineer’s representative overseeing the project.
  - Provide emergency contact information for the contractor and resident engineer;
  - Presentation of the resident engineer’s weekly work schedule and discussion of the level of construction oversight to be provided by the resident engineer;
  - Water control features anticipated and the process for the Dam Engineer to either develop or approve the overall control and diversion of water plan. Flood emergency warning and response procedures must be identified;
  - Level of Dam Engineer construction oversight including: identification of any critical construction items to be overseen by the Dam Engineer; procedures for the Dam Engineer’s review and approval of shop drawings and other submittals; documentation of Dam Engineer’s approval of any design modifications; procedures

for coordinating and scheduling the Dam Engineer's inspection of critical construction elements;

- Anticipated schedule of construction meetings and required attendees. It is expected that while construction is ongoing, weekly construction meetings will be held and attended by the Dam Engineer, the resident engineer, the contractor's superintendent and other appropriate participants; and
- Presentation of the initial construction schedule with identification and discussion of major items.

ODS shall be provided a copy of the preconstruction meeting minutes.

- (i) No trees or woody vegetation shall be planted on the dam embankment, or within 20' of the downstream toe of the dam embankment or within 20' of the dam's appurtenant works. Prior to installation of site landscaping, the Dam Engineer shall review and approve the landscaping plan to ensure that proposed plantings will not impede future inspection of dam embankment surfaces and dam appurtenances.
- (j) The Dam Engineer shall monitor the completed work once the cofferdams are removed and the pond is impounded against the embankment structure. If any instabilities or uncontrolled seepage is noted, ODS must be notified and the dam engineer must determine any additional actions or repairs that may be needed.
- (k) The Dam Engineer shall provide ODS written documentation that he/she has reviewed and approved all pertinent submittals or samples concerning critical project dam features. This documentation may be in the form of a submittal log which may be submitted as part of the "as-built" report, described below.
- (l) Upon completion of work the Applicant shall submit to ODS a **DAM SAFETY CERTIFICATE OF COMPLETION** (form attached). With this certificate of completion submit one bound (utilizing plastic comb bindings) as-built report with 11"x17" record drawings signed and stamped by a registered professional civil engineer with contractor's signature attesting that all work was performed according to the plans and specifications. The as-built report shall include documentation of submittals reviewed and approved by the Dam Engineer, copies of any materials or construction testing reports and color photos of construction phases and appurtenant installations. Photograph numbers, location and direction in which each photo was taken must be identified. An electronic copy (as a .pdf) of the as-built report and record drawings shall be provided to ODS via email, .ftp site or on a USB flash drive.
- (m) Once the project has been completed and the reservoir has returned to its normal elevation, the Dam Engineer shall perform a Phase I Inspection to document the condition of the dam.

- (n) Prior to issuance of a Certificate of Compliance the Dam Engineer shall prepare and provide ODS an Operation and Maintenance Manual (O&MM) for the dam. The O&MM shall describe routine maintenance tasks and operational procedures for both routine and storm conditions.
- (o) The Certificate of Completion, as-built report, O&MM and Phase I Inspection report shall be provided to ODS within 90 days of substantial completion of work unless ODS agrees to later submission of these documents. Submission of these documents is required prior to ODS issuing a Certificate of Compliance.

**Any permit issued by DCR shall be subject to revocation by order of the Commissioner if the permittee fails to conform to 302 CMR 10.00, Dam Safety Rules and Regulations, provisions of this permit, or any other applicable laws and regulations.**


This permit does not release the applicant from the requirements of any other regulatory authority. Such authorizations and/or notifications include, but are not limited to:

Local Conservation Commission;  
Massachusetts Department of Environmental Protection (DEP);  
Massachusetts Department of Fish and Game (DFG);  
Massachusetts Executive Office of Environmental Affairs (EOEA), MEPA Unit; and  
U.S. Army Corps of Engineers.

**This permit must be recorded by the applicant at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Office of Dam Safety.**

This permit remains valid for two (2) years from the date of issue: **April 14, 2025.**

Permit expiration date: **April 14, 2027.**



William Salomaa, Director  
DCR, Office of Dam Safety



David Ouellette, Permit Engineer  
DCR, Office of Dam Safety

cc: Taylor DelVecchio, MS, PE (via email to [tdelvecchio@slrconsulting.com](mailto:tdelvecchio@slrconsulting.com))

Attachments: Dam Safety Improvements – Notice of Construction form  
Dam Safety Certificate of Completion form

**Informational (NOT TO BE RECORDED AT REGISTRY OF DEEDS)**

Excerpts from Dam Safety Rules Regulations:

**302 CMR 10.09(5): Recording a Chapter 253 Permit.**

A permit to construct, drawdown, repair, alter, breach or remove a dam shall be recorded at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Commissioner.

To: DCR, Office of Dam Safety – Permits Section  
180 Beaman Street  
West Boylston, MA 01583

## **DAM SAFETY IMPROVEMENTS - NOTICE OF CONSTRUCTION**

### **Dam Owner/Applicant**

Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address:

### **Project**

Project location Town/City:  
Dam name:  
National Dam ID Number:  
State Dam ID Number:  
Nature of Dam Safety Improvements:  
Chapter 253 Permit date of issue:  
Chapter 253 Permit expiration date:  
Permit Recorded at \_\_\_\_\_ Registry of Deeds  
Dam Parcel Registry of Deeds Book Number:  
Dam Parcel Registry of Deeds Page Number:  
Recorded Permit Registry of Deeds Book Number:  
Recorded Permit Registry of Deeds Page Number:  
Copy of the recorded permit attached Yes ( )  
Construction start date:  
Construction schedule attached Yes ( )

### **Engineer**

Company Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address:

### **Contractor**

Company Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address :

**Brief description of project, note location and dates of construction:**

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**By Contractor**

Print name and title:\_\_\_\_\_

Signature and date:\_\_\_\_\_

**By Engineer**

Print name, title:\_\_\_\_\_

Signature and date:\_\_\_\_\_

**By Dam Owner/Applicant**

Print name and title:\_\_\_\_\_

Signature and date:\_\_\_\_\_

To: DCR, Office of Dam Safety – Permits Section  
180 Beaman Street  
West Boylston, MA 01583

## **DAM SAFETY CERTIFICATE OF COMPLETION**

### **Dam Owner/Applicant**

Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address:

### **Project**

Project location Town/City:  
Dam name:  
National Dam ID Number:  
State Dam ID Number:  
Nature of Dam Safety Improvements:  
Chapter 253 Permit date of issue:  
Chapter 253 Permit expiration date:  
Permit Recorded at \_\_\_\_\_ Registry of Deeds  
Dam Parcel Registry of Deeds Book Number:  
Dam Parcel Registry of Deeds Page Number:  
Recorded Permit Registry of Deeds Book Number:  
Recorded Permit Registry of Deeds Page Number:  
Project completion date:

### **Engineer**

Company Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address:

### **Contractor**

Company Name:  
Representative:  
Address:  
Phone:  
Fax:  
Email Address :

**Brief description of project and dates of construction:**

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**Statement of project completion in accordance with plans, specifications, dam safety permit conditions and standard construction practices:**

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**By Contractor**

Print name and title:\_\_\_\_\_

Signature and date:\_\_\_\_\_

**By Engineer**

Print name, title and PE stamp here:\_\_\_\_\_

Signature and date:\_\_\_\_\_

**By Dam Owner/Applicant**

Print name and title:\_\_\_\_\_

Signature and date:\_\_\_\_\_

***Attachment B-5: Massachusetts Department of Transportation  
(MassDOT) State Highway Access Permit***

***[Pending]***

***Attachment B-6: Fishway Alteration Permit from the  
Massachusetts Division of Marine Fisheries***

***[To be submitted by Owner once the Contract is awarded]***

## **Attachment C – Granite Block Reuse Photos**

# Granite Photo Log

## First site

Posts: #B – 147x8.5x8.5 & #C – 148x8.5x8.5



#1 - 89x13x18



#2 - 108x19x18



#3 - 68x16x22



#4 - 106x21x18



#5 - 95x17x18



#8 & #9 - 60x10x12



#12 - 36x10x10



#13 - 43x18.5x18.5



#16 – 83x17x7



#17 - 83x17x7



#18 & #19 - 32x18x9.5



#20 & #21 - 24x18x9.5



## Second site

#1B - 49x48x8.5



#2B - 47x22.5x10.5



### Third site

#A - 80x17x7.5



#22 - 57x19x7.5



#23 - 55x20x6



#24 - 66x20x9



#25 - 72x18x7



#27 - 54x16x6



#29 - 44x20x8.5



## **Attachment D – Borings**

# BORING LOG



99 Realty Drive  
Cheshire, CT 06410  
(203) 271-1773

<b>PROJECT:</b> JENNEY GRIST MILL DAM	<b>BORING NO.:</b> MM-3	<b>SHEET:</b> 1 of 2
<b>LOCATION:</b> PLYMOUTH, MASSACHUSETTS	<b>CONTRACTOR:</b> SEABOARD DRILLING, INC.	
<b>PROJ. NO:</b> 1982-08	<b>FOREMAN:</b> J. NITSCH	
<b>CLIENT:</b> TOWN OF PLYMOUTH	<b>INSPECTOR:</b> J. MONTAGNO	
<b>DATE:</b> MARCH 17, 2020	<b>GROUND SURFACE ELEVATION:</b> ±25.0'	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER DEPTH (FT.)			TYPE OF RIG:
TYPE	HSA	-	SS	-	DATE	TIME	WATER DEPTH	TRUCK W/ AUTOHAMMER
SIZE ID (IN.)	4 1/4	-	1 3/8	-	2020-03-17		±9.0'	RIG MODEL:
HMR. WT (LB.)	-	-	140	-				MOBILE B53
HMR. FALL (IN.)	-	-	30	-				

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	DEPTH (FT.)	STRATUM DESCRIPTION	ELEV. ELEV. (FT.)	Remark	
1	S-1	18	11	Top 6": ASPHALT.	0.5'	ASPHALT	24.5'		
			12	S-1: Medium dense, Top 12": Gray-brown, fine to coarse SAND, some fine to coarse Gravel, little Silt.					
			12	Bottom 6": Gray, fine to coarse SAND, some Silt, little fine to coarse Gravel.					
2	S-2	14	13	S-2: Medium dense, Top 10": Gray, fine to coarse SAND, some fine to coarse Gravel, some Silt. Bottom 4": Brown, fine to medium SAND, little Silt, little fine to coarse Gravel.	FILL				
			10						
11									
7									
11									
5	S-3	6	WOH	S-3: Very loose, Top 2": Brown, fine to medium SAND, little Silt, little fine to coarse Gravel.					
1			Bottom 4": Gray, fine to coarse SAND, little Silt, little fine Gravel.						
2									
7	S-4	4	1	S-4: Loose, gray-brown, fine to coarse SAND, some fine to coarse Gravel, little Silt.					
2									
3									
8	S-5	16	4	S-5: Loose, gray, fine to coarse SAND, some fine to coarse Gravel, little Silt.					
3									
3									
9	S-6	18	2	S-6: Medium dense, gray, fine to coarse SAND, some fine to coarse Gravel, trace Silt.					
3									
1									
10	S-7	14	10	S-7: Medium dense, Top 4": Gray, fine to coarse SAND, some fine to coarse Gravel, little Silt. Bottom 10": Gray, fine to coarse SAND and fine to coarse GRAVEL, trace Silt.		9.0'	G.W.T. ▼		16.0'
9									
3									
11	S-8	22	2	S-8: Dense, Top 12": Gray-brown, fine to coarse SAND, little fine Gravel, trace Silt. Bottom 10": Gray, fine to coarse SAND, trace Silt.		11.0'		14.0'	
1									
10									
12			9						
13			3						
14									
15									
16									
16	S-7	14	11	S-7: Medium dense, Top 4": Gray, fine to coarse SAND, some fine to coarse Gravel, little Silt. Bottom 10": Gray, fine to coarse SAND and fine to coarse GRAVEL, trace Silt.					
17			14						
14									
18			21						
19									
18									
20									
21									
19									
22	S-8	22	6	S-8: Dense, Top 12": Gray-brown, fine to coarse SAND, little fine Gravel, trace Silt. Bottom 10": Gray, fine to coarse SAND, trace Silt.	18.5'		6.5'		
21			13						
17									
22			20						

# BORING LOG



99 Realty Drive  
Cheshire, CT 06410  
(203) 271-1773

<b>PROJECT:</b>	JENNEY GRIST MILL DAM	<b>BORING NO.:</b>	MM-3	<b>SHEET:</b>	2 of 2
<b>LOCATION:</b>	PLYMOUTH, MASSACHUSETTS	<b>CONTRACTOR:</b>	SEABOARD DRILLING, INC.		
<b>PROJ. NO:</b>	1982-08	<b>FOREMAN:</b>	J. NITSCH		
<b>CLIENT:</b>	TOWN OF PLYMOUTH	<b>INSPECTOR:</b>	J. MONTAGNO		
<b>DATE:</b>	MARCH 17, 2020	<b>GROUND SURFACE ELEVATION:</b>	±25.0'		

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER DEPTH (FT.)			TYPE OF RIG:
TYPE	HSA	-	SS	-	DATE	TIME	WATER DEPTH	TRUCK W/ AUTOHAMMER
SIZE ID (IN.)	4 1/4	-	1 3/8	-	2020-03-17		±9.0'	RIG MODEL:
HMR. WT (LB.)	-	-	140	-				MOBILE B53
HMR. FALL (IN.)	-	-	30	-				

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	DEPTH (FT.)	STRATUM DESCRIPTION	ELEV. (FT.)	Remark
24				S-9: Medium dense, gray-brown, fine to coarse SAND, trace Silt.		SAND		2
25			7					
26	S-9	22	12					
			14					
			16					
27				S-10: Medium dense, Top 12": Gray-brown, fine to coarse SAND, little fine Gravel, trace Silt. Bottom 11": Brown, fine to coarse SAND, little fine to coarse Gravel, trace Silt.				
28								
29								
30			6					
31	S-10	23	11					
			18					
			20					
32				Bottom of Exploration ±32.0'	32.0'		-7.0'	
33								
34								
35								
36								
37								
38								
39								
40								
41								
42								
43								
44								
45								

<b>Remarks:</b> 2. Boring terminated due to infiltration of sand inside of auger.	<b>NON-PLASTIC</b>	<b>PLASTIC</b>	<b>SAMPLE TYPE</b>	<b>PROPORTIONS</b>
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM DENSE 30-50 = DENSE 50+ = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 15-30 = VERY STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = <10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

# BORING LOG



99 Realty Drive  
Cheshire, CT 06410  
(203) 271-1773

<b>PROJECT:</b> JENNEY GRIST MILL DAM	<b>BORING NO.:</b> MM-4	<b>SHEET:</b> 1 of 1
<b>LOCATION:</b> PLYMOUTH, MASSACHUSETTS	<b>CONTRACTOR:</b> SEABOARD DRILLING, INC.	
<b>PROJ. NO:</b> 1982-08	<b>FOREMAN:</b> J. NITSCH	
<b>CLIENT:</b> TOWN OF PLYMOUTH	<b>INSPECTOR:</b> J. MONTAGNO	
<b>DATE:</b> MARCH 17, 2020	<b>GROUND SURFACE ELEVATION:</b> ±25.5'	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER DEPTH (FT.)			TYPE OF RIG:
TYPE	HSA	-	SS	-	DATE	TIME	WATER DEPTH	TRUCK W/ AUTOHAMMER
SIZE ID (IN.)	4 1/4	-	1 3/8	-	2020-03-17		±5.0'	RIG MODEL:
HMR. WT (LB.)	-	-	140	-				MOBILE B53
HMR. FALL (IN.)	-	-	30	-				

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	DEPTH (FT.)	STRATUM DESCRIPTION	ELEV. (FT.)	Remark
1	S-1	15	7	Top 6": ASPHALT.	0.5'	ASPHALT	25.0'	
2			8	S-1: Medium dense, Top 7": Brown, fine to coarse SAND, some fine to coarse Gravel, little Silt.		FILL		
3			8	Bottom 8": Gray-brown, fine to coarse SAND, some fine to coarse Gravel, little Silt.				
4	S-2	11	7	S-2: Medium dense, Top 4": Gray-brown, fine to coarse SAND, some fine to coarse Gravel, little Silt.				
5			5					
6			11		3.5'		22.0'	
7	S-3	2	10	Bottom 7": Gray, fine to coarse SAND, some fine to coarse Gravel, some Silt.				
8			6	S-3: Loose, gray, fine to coarse SAND, some fine to coarse Gravel, little Silt.				
9			3		5.0'		20.5'	
10	S-4	14	4	S-4: Medium dense, Top 7": Gray, fine to coarse SAND, some fine to coarse Gravel, little Silt.				
11			7					
12			9					
13	S-5	13	5	S-5: Loose, brown, fine to coarse SAND, trace Silt.				
14								
15			2					
16	S-6	19	3	S-6: Medium dense, Top 9": Gray-brown, fine to coarse SAND, little fine Gravel, trace Silt.				
17			3					
18			4					
19				Bottom 10": Brown, fine to medium SAND, trace Silt.				
20			4					
21			11					
22			11	Bottom of Exploration ±22.0'				1
			14					
					22.0'		3.5'	

**Remarks:** 1. Boring terminated due to infiltration of sand inside of auger.

NON-PLASTIC	PLASTIC	SAMPLE TYPE	PROPORTIONS
N = 0 - 4 = VERY LOOSE	N = 0 - 2 = VERY SOFT	C = ROCK CORE	trace = <10%
4-10 = LOOSE	2 - 4 = SOFT	S = SPLIT SPOON	little = 10% - 20%
10-30 = MEDIUM DENSE	4 - 8 = MEDIUM	UP = UNDISTURBED PISTON	some = 20% - 35%
30-50 = DENSE	8 - 15 = STIFF	UT = UNDISTURBED THINWALL	and = 35% - 50%
50+ = VERY DENSE	15-30 = VERY STIFF		
	30 + = HARD		

# BORING LOG



99 Realty Drive  
Cheshire, CT 06410  
(203) 271-1773

<b>PROJECT:</b> JENNEY GRIST MILL DAM	<b>BORING NO.:</b> MM-5	<b>SHEET:</b> 1 of 2
<b>LOCATION:</b> PLYMOUTH, MASSACHUSETTS	<b>CONTRACTOR:</b> SEABOARD DRILLING, INC.	
<b>PROJ. NO:</b> 1982-08	<b>FOREMAN:</b> J. NITSCH	
<b>CLIENT:</b> TOWN OF PLYMOUTH	<b>INSPECTOR:</b> J. MONTAGNO	
<b>DATE:</b> MARCH 17, 2020	<b>GROUND SURFACE ELEVATION:</b> ±27.0'	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER DEPTH (FT.)			TYPE OF RIG:
TYPE	-	FJC	SS	-	DATE	TIME	WATER DEPTH	TRUCK W/ AUTOHAMMER
SIZE ID (IN.)	-	3	1 3/8	-	2020-03-17		NOT OBSERVED	RIG MODEL:
HMR. WT (LB.)	-	-	140	-				MOBILE B53
HMR. FALL (IN.)	-	-	30	-				

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	DEPTH (FT.)	STRATUM DESCRIPTION	ELEV. (FT.)	Remark
1	S-1	16	8	Top 8": ASPHALT.	0.7'	ASPHALT	26.3'	
			8	S-1: Medium dense, brown, fine to coarse SAND and fine to coarse GRAVEL, little Silt.		FILL		
2			7					
			8					
3	S-2	15	8	S-2: Medium dense, Top 5": Gray, fine to coarse SAND, some Silt, some fine to coarse Gravel.	2.5'	SILTY, GRAVELLY SAND	24.5'	
			6					
4			5					
			5					
5								
6								
7								
8								
9								
10	S-3	12	3	S-3: Loose, brown, fine to coarse SAND, trace Silt.				
			4					
			4					
			6					
11								
12								
13								
14	S-4	7	4	S-4: Medium dense, brown, fine to coarse SAND, little coarse Gravel, trace Silt.		SAND		
			6					
15			7					
			5					
16								
17								
18								
19	S-5	14	5	S-5: Medium dense, brown, fine to coarse SAND, trace fine Gravel, trace Silt.				
			8					
20			9					
			10					
21								
22								

Remarks:	NON-PLASTIC	PLASTIC	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM DENSE 30-50 = DENSE 50+ = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 15-30 = VERY STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = <10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

# BORING LOG



99 Realty Drive  
Cheshire, CT 06410  
(203) 271-1773

<b>PROJECT:</b> JENNEY GRIST MILL DAM	<b>BORING NO.:</b> MM-5	<b>SHEET:</b> 2 of 2
<b>LOCATION:</b> PLYMOUTH, MASSACHUSETTS	<b>CONTRACTOR:</b> SEABOARD DRILLING, INC.	
<b>PROJ. NO:</b> 1982-08	<b>FOREMAN:</b> J. NITSCH	
<b>CLIENT:</b> TOWN OF PLYMOUTH	<b>INSPECTOR:</b> J. MONTAGNO	
<b>DATE:</b> MARCH 17, 2020	<b>GROUND SURFACE ELEVATION:</b> ±27.0'	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER DEPTH (FT.)			TYPE OF RIG:
TYPE	-	FJC	SS	-	DATE	TIME	WATER DEPTH	TRUCK W/ AUTOHAMMER
SIZE ID (IN.)	-	3	1 3/8	-	2020-03-17		NOT OBSERVED	RIG MODEL:
HMR. WT (LB.)	-	-	140	-				MOBILE B53
HMR. FALL (IN.)	-	-	30	-				

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	DEPTH (FT.)	STRATUM DESCRIPTION	ELEV. (FT.)	Remark				
24	S-6	16		S-6: Medium dense, brown, fine to coarse SAND, trace Silt.		SAND						
			3									
25			5									
			9									
26	10											
27												
28												
29	S-7	23							S-7: Medium dense, brown, fine to coarse Sand, trace fine Gravel, trace Silt.	31.0'		-4.0'
			6									
30			9									
			13									
31			14	Bottom of Exploration ±31.0'								
32												
33												
34												
35												
36												
37												
38												
39												
40												
41												
42												
43												
44												
45												

Remarks:	NON-PLASTIC	PLASTIC	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM DENSE 30-50 = DENSE 50+ = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 15-30 = VERY STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = <10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

**Attachment E – Pre-Bid Meeting Agenda & Site  
Walk Notes**



**JENNEY POND DAM – BYPASS CHANNEL, DAM REPAIRS & SITE IMPROVEMENTS  
PLYMOUTH, MASSACHUSETTS  
(22516/1982-08)**

**AGENDA – PREBID INFORMATIONAL MEETING  
Wednesday April 23, 2025, at 11:00 am**

1. **Sign-in Sheet:** Prospective bidders must attend the pre-bid meeting as confirmed by the sign-in sheet for the Town of Plymouth to open or review bid proposals.
2. **Project Team & Funding Partners:**
  - a. SLR International Corporation (Engineer)
  - b. Town of Plymouth – Department of Energy & Environment (Owner)
3. **Bid Schedule:**
  - a. Every request for interpretation should be in writing, addressed to Sandra Strassel (Procurement Officer), and emailed to [sstrassel@plymouth-ma.gov](mailto:sstrassel@plymouth-ma.gov). To be given consideration, requests must be received at least five (5) business days prior to the date fixed for the opening of bids.
  - b. Questions will be answered by written addenda, emailed to all bidders. Bidders are responsible for checking and confirming the receipt of any addenda.
  - c. Sealed bids are to be submitted by **11:00 a.m. on Wednesday, May 28, 2025**, at the Procurement Office at Town Hall, at which time they will be publicly opened and read. Postmarks will not be considered. All bids must be sealed and made upon forms furnished by the Procurement Division. Envelopes should be clearly marked “**22516 Jenney Pond Dam.**”
4. **Project Summary:** Description of work includes, but is not limited to:
  - a. Fish Bypass Channel Construction
    - i. Open channel construction with associated retaining walls
    - ii. Installation of stream features including pools, grade control features, rock steps, boulder revetment, and import of channel bed and bank materials.
    - iii. Precast culvert installation with stamped bottom and sides
    - iv. Custom fish bypass exit structure, including stairs, fish crowder structure, camera viewing area, and other provisions.
    - v. Fish bypass entrance and pool downstream of Grist Mill
    - vi. Removal and new concrete weir structure downstream of Grist Mill
  - b. Jenney Pond Dam Repairs
    - i. Removal of the existing stone and placement of new boulder slope protection
    - ii. Concrete cutoff wall under sidewalk
    - iii. Concrete spillway repairs and stop log structure installation.
    - iv. Seepage collection blanket downstream of dam
    - v. Toe drains and curtain drains to address seepage.
  - c. Town Brook Channel Improvements
    - i. Mechanical dredging and channel realignment

- ii. Aquatic invasive species removal
- iii. Installation of habitat features (boulders and rootwads)
- d. Utility Replacement and Repair
  - i. Removal of asbestos concrete sewer main
  - ii. Relocation and replacement of the sewer main and laterals
  - iii. Removal and replacement of water main and services
  - iv. Removal and replacement of gas main and services, in coordination with Eversource Gas
  - v. Removal and relocation of telecommunications, in coordination with Comcast, Verizon, and others
  - vi. Relocation of new electrical services, for the fish bypass monitoring equipment, site lighting, and EV charging, in coordination with Eversource.
  - vii. CIPP sewer rehabilitation, including temporary bypass pumping.
  - viii. Drainage catch basin and pipe replacement.
- e. Structural Improvements and Repairs
  - i. H-Pile lagging wall under Spring Lane
  - ii. Bypass walls & retaining walls – CIP concrete with stone veneer & granite cap.
  - iii. Structural repairs: dry stacked stone, stone masonry, concrete
  - iv. Main Street Ext bridge underpass improvements
  - v. Market Street bridge underpass improvements
  - vi. Repairs to Grist Mill deck and new decking and hatches.
  - vii. Pedestrian bridge
  - viii. Boardwalks along trail
- f. Spring Lane & Grist Mill Plaza & Town Brook Trail Site Improvements
  - i. Full depth roadway, curb, and sidewalk restoration
  - ii. Paver crosswalk and other decorative pavers and features
  - iii. New sidewalks, brick plaza, and other hard-scape installations
  - iv. Removal, salvage, and resetting of site furnishings.
  - v. New light posts, bases, light fixtures and associated conduit & wiring
  - vi. New site features including bollards, interpretive signs, site signage, decorative features, benches, seating, monuments, etc.
  - vii. New railings, fencing, ADA handrails, and associated gates
  - viii. Curtain drains and rain gardens.
- g. Site Restoration and Landscaping
  - i. Topsoil, mulch, landscape edging and landscaping of all disturbed areas.
  - ii. Planting and maintenance of trees, shrubs, and perennials, including planting within fish bypass channel boulder revetment.
  - iii. Upland (wildflower meadow) planting
  - iv. Lawn restoration

## 5. Qualifications:

- a. Bidders shall submit the Statement of Bidders Qualifications with their bid, which will be evaluated for the required experience and capacity to complete the work, including project details, references, and information for the following types of work:
  - i. Utility relocation and replacement, roadway reconstruction and traffic management, river channel construction, dam repair work, and park landscape improvements.



- ii. The guide must provide at least ten (10) references as evidence it has a minimum of ten (10) years of experience performing work of a similar scope and scale. (See Prospective Bidder Requirements Section of the Special Provisions)
- b. Award of the contract will be made to the lowest, responsible, and eligible bidder. The Town reserves the right to reject any bids that do not meet the required qualifications.

**6. Payment & Allowances:**

- a. A combination of lump sum, cubic yard, tons, square foot, each, and linear foot items, are included. See Bid Form for a list of items.
- b. The quantities provided are approximate and included for the purpose of comparison of bids, and the Town reserves the right to increase or decrease any items.
- c. Attention should be paid for lump sum items, and the bid prices must include all work shown on the Plans or described in the Special Provisions to complete the work.
- d. Four allowances are included as part of the bid. Pre-approval must be given for payment under each allowance, and at the closeout of the project, unused amounts of the allowances shall be credited back to the Town.

**7. Contract Requirements:**

- a. This bid is subject to the Massachusetts General Laws, including Prevailing Wage Rates. A copy of the rates is provided with the Bid Documents.
- b. Contractor must obtain all the insurance required in the Invitation to Bid and Section D of the Bid Documents
- c. Contractors shall abide by all health and safety requirements (Section E)
- d. A Bid Deposit is required in the amount of five percent (5%) of the approximate total value of the bid. The bid deposit will be returned upon award of the contract.
- e. The selected bidder shall furnish a payment bond and a performance bond in amounts equal to one hundred percent (100%) of the contract price.
- f. Work hours are up to five (5) 8-hour days Monday-Friday. Work can be performed outside these hours with written authorization from the Town.

**8. Time of Year Restrictions (TOY):**

- a. No in-water activities, including installation of silt curtains and/or cofferdams and any other work within Jenney Pond or Town Brook, or any other silt producing activities shall occur from **March 1st to June 30th and September 1st to November 15th of any year**, to maintain diadromous fish migration.

**9. Schedule of Work, Liquidated Damages and Time of Completion:**

- a. Due to time of year restrictions and site use restraints, work associated with each phase of construction must be completed prior to that phase's milestone end date. The Contractor shall pay liquidated damages for any work not completed by the milestone deadlines:



Project Milestone	Construction Phase (see Plans)	Required Phase Completion Date	Liquidated Damages (per Day)
Milestone 1	Phase 1: Mobilization	September 2, 2025	\$500.00
Milestone 2A	Phase 2A: Town Brook & Jenny Pond Work (In-Water Work) & Spring Lane Utility Work	February 27, 2026	\$500.00
Milestone 2B	Phase 2B: Spring Lane Surface Reconstruction Work	March 27, 2026	\$500.00
Milestone 3	Phase 3: Fish Bypass Channel & Grist Mill Site Work	May 22, 2026	\$500.00
Milestone 3A/3B	Phase 3A & 3B: Market Street, Sandwich Street & Downstream Path Work	June 27, 2026	\$500.00
Milestone 4	Phase 4: Remaining Jenny Pond, Spring Lane, Grist Mill Deck Work (In-water Work)	August 28, 2026	\$500.00
Milestone 5	Phase 5: Upland & Remaining Site Work (Substantial Completion)	October 30, 2026	\$500.00
Milestone 6	Phase 6: Final Completion	December 31, 2026	\$500.00

- b. The successful bidder is required to submit a list of submittals and baseline schedule that meets all milestone deadlines.
- c. The selected contractor is not permitted to fully mobilize to the site until after Labor Day (September 2, 2025), but submittal approval and preparation for mobilization must occur before this date, as soon as the Notice to Proceed is issued.
- d. The proposed project includes many project custom elements that require custom design, fabrication, pre-ordering and submission of shop drawings for approval. The schedule must consider long lead time items and early procurement of these materials.
- e. The selected contractor must staff a construction crew that is large enough and has the required experience to meet all project deadlines, with various phases of the work anticipated to occur concurrently.

#### 10. Site Use and Traffic Management:

- a. Under no circumstances shall the Spring Lane roadway be fully closed to traffic during affected business hours without the Town's permission. Under normal working conditions, the Contractor must maintain vehicular access to the parking lot beyond Spring Lane, and pedestrian access to 6 Spring Lane, 8 ½ Spring Lane, 48 Summer Street, and Jenney Pond Park at all times. Full road closure, on weekends, or nights, may only take place as approved by the Town with a minimum of two weeks' notice.
- b. Contractor must submit a Traffic Control Plan that meets MassDOT and MUTCD standards for temporary lane closures to redirect vehicles and pedestrians around active work areas, while maintaining access to all businesses and public spaces for the duration of the project.
- c. Contractor shall be responsible for erection of all signage, fences, barricades, lighting, and other devices necessary for the protection and way finding of the traveling public.



- d. Any required police details shall be paid directly by the Contractor and shall be included in the lump sum bid for Traffic Management. Police detailing should not be the primary method of traffic control.
- e. Contractor's operations must consider the vehicle and pedestrian use and safety within and adjacent to the project work area. Project work limits shall be in accordance with the plans and specifications and there shall be no construction access or staging beyond the limits shown.
- f. The Contractor shall provide a field office for the resident engineer and Town personnel, which shall be included in the cost for Mobilization.

#### **11. Water Control Plan & Flood Contingency Plan:**

- a. The selected Contractor must furnish a method of turbidity monitoring and reporting upstream and downstream of the project site throughout the construction period.
- b. Contractor must submit a Water Control Plan prior to construction which addresses the following requirements:
  - i. Diversion of stream flows from Town Brook around dry work areas. Diversions must be maintained 24 hours per day, 7 days a week during the construction period.
  - ii. Design and installation of temporary cofferdams, to be designed and signed by a PE.
  - iii. Handling, pumping and treatment of groundwater. High groundwater should be anticipated throughout the project site.
- c. The project site is subject to flooding. The selected Contractor must submit a Flood Contingency Plan to address high flow situations.
- d. All equipment shall be stored outside of mean annual high water and wetland areas.
- e. There shall be no extra compensation for the removal and reinstallation of any water control measures due to work stoppages associated with the TOY restrictions.
- f. Jenney Pond must be drawn down prior to work within the Pond or within Spring Lane, which can only occur outside of the TOY restrictions.
- g. Proposed erosions controls and the SWPPP must be coordinated with the Water Control Plan.

#### **12. Site Investigations:**

- a. No soil testing was conducted onsite to determine if soils are contaminated. Although it is anticipated that all material excavated within the project limits will be re-used on-site as fill or exported offsite as unregulated soil, the Contractor, through their LSP, shall be responsible for the proper monitoring, stockpiling and handling of both unregulated and regulated soils, should they be encountered (Item 180.4 Monitoring, Handling, and Stockpiling of Soils).
- b. Borings and groundwater observations were made during the design of the project, which are attached.
- c. Excavations require monitoring by a qualified archaeologist, obtained by the Town, during construction in high sensitivity areas. Contractor is required to notify the Town's archaeologist prior to this work.



### 13. Utilities:

- a. Coordination with all public utilities is the responsibility of the Contractor. The Contractor is responsible for holding pre-construction utility meetings with all required parties, opening work orders, and all other means to coordinate and schedule work to be performed by others, in coordination with the Contractor's crews.
- b. All utility relocation work within Spring Lane must be completed by the required deadlines shown on the Plans. There shall be no claims for extra time due to scheduling work with public utilities.

### 14. Rock Features & Material Approvals:

- a. Rock imported to the site for various features must be weathered rounded boulders and cobbles, and color must be approved by the Town. Angular rip rap is not acceptable for use. (See Subsection 983 – Revetment of the Special Provisions for all submittal requirements for approval)
- b. Channel bed material and void filling material for the fish bypass channel and related features must be a mix of weathered rounded cobbles and sand and gravel. Material can be premixed, or mixed onsite.
- c. Stone for the stone veneer and granite caps on walls must match those installed at adjacent public spaces in Plymouth (Jenney Pond Park & Holmes Park)
- d. Many site features have been approved by the Plymouth Historical Commission and must be selected to match the aesthetic and specifications provided, to be approved by the Engineer.

### 15. Permits:

- a. Stormwater Pollution Prevent Plan (SWPPP) – **to be prepared and implemented by the selected Contractor.**
- b. Town of Plymouth Permits (electrical, plumbing, gas, building, sewer, water, hydrant usage, etc.) – **to be prepared and implemented by the selected Contractor**
- c. Order of Conditions from the Bridgewater Conservation Commission
- d. Chapter 91 Waterways Permit and License from the Massachusetts Department of Environmental Protection (DEP)
- e. Chapter 253 Dam Safety Permit from the Massachusetts Office of Dam Safety (ODS)
- f. 404 Clean Water Act Authorization from the Army Corps of Engineers (ACOE) – **Pending**
- g. Memorandum of Agreement from the Massachusetts Historical Commission (MHC) – **Pending**
- h. Fishway Construction Permit – **Pending**
- i. State Highway Access Permit from the Massachusetts Department of Transportation (MassDOT) - **Pending**



## **Attachment F – Pre-Bid Meeting Sign In Sheet**

IFB 22516 – JENNEY POND DAM: BYPASS CHANNEL, DAM REPAIRS & SITE IMPROVEMENTS  
PRE-BID MEETING ATTENDANCE  
WEDNESDAY, APRIL 23, 2025, AT 11:00 AM

PLEASE PRINT LEGIBLY

Attendees Name: Tom Le  
Company Name: Manafort Transit  
Phone: 617 592 6144  
Email: TLE@manaforttransit.com

Attendees Name: Alice Tan  
Company Name: MAS Building & Bridge  
Phone: 508-520-2277  
Email: jmuckey@masbuildingandbridge.com

Attendees Name: Jason Dorset  
Company Name: Ardent Group Inc  
Phone: 781-424-7113  
Email: jason.dorset@ardentgroupinc.com

Attendees Name: JGC Abescamra  
Company Name: T Ford Comp. Inc  
Phone: 978 971 1272  
Email: jabescamra@tford.com

Attendees Name: Mark Richardson  
Company Name: ETL Corp  
Phone: 508 864-8070  
Email: MZRICHARDSON@ETLCORP.COM

Attendees Name: Scott Brady  
Company Name: SumCo  
Phone: 508-613-6263  
Email: sbrady@sumcoeco.com

Attendees Name: Kaitlyn Jilson  
Company Name: Robert B Our Marine  
Phone: 978-895-5115  
Email: Kjilson@robertbour-marine.com

Attendees Name: EDWARD STEEK  
Company Name: LAWRENCE LYNCH  
Phone: 774-327-8225  
Email: ESTEEL@LAWRENCELYNCH.COM

IFB 22516 – JENNEY POND DAM: BYPASS CHANNEL, DAM REPAIRS & SITE IMPROVEMENTS  
PRE-BID MEETING ATTENDANCE  
WEDNESDAY, APRIL 23, 2025, AT 11:00 AM

PLEASE PRINT LEGIBLY

Attendees Name: Mike Rose  
Company Name: LET  
Phone: 508-431-3071  
Email: MROSE@L-ETNC.COM

Attendees Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Attendees Name: Alex Ribeiro  
Company Name: LUCIANO'S EXCAVATION INC  
Phone: 774-218-1350  
Email: ALEXRIBEIRO@L-ETNC.COM

Attendees Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Attendees Name: CHAD SUMNER  
Company Name: SUMCO ECO  
Phone: (978) 744-1515  
Email: CSUMNER@SUMCOECO.COM

Attendees Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Attendees Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Attendees Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_