

Request for Certificate of Compliance

Stiles Pond Dam Rehabilitation

September 2014

Prepared for:
Town of Boxford DPW

Submitted to:
Boxford Conservation Commission

Weston&Sampson

Five Centennial Drive
Peabody, MA 01960-7985
www.westonandsampson.com
Tel: 978-532-1900
Fax: 978-977-0100

**Town of Boxford DPW
WSE Project No. 2120644.A**

September 18, 2014

Boxford Conservation Commission
7A Spofford Road
Boxford, MA 01921

Re: Request for Certification of Compliance
Stiles Pond Dam Rehabilitation
DEP File #114-1163

To whom it may concern:

On behalf of the Town of Boxford DPW, Weston & Sampson Engineers, Inc., is hereby enclosing one (1) copy and one (1) electronic version on CD of the Request for Certification of Compliance for the Stiles Pond Dam Rehabilitation project (DEP File #114-1163). Also included are four (4) additional full sized copies of the As-Build Conditions plan. The Order of Conditions for the NOI for this project was issued by the Boxford Conservation Commission on May 20, 2013. The project was substantially complete in August 28, 2014. Erosion control equipment has been maintained by the Contractor throughout the duration of the project.

To close-out the wetlands protection for the project and to fulfill the requirements of the Massachusetts Wetlands Protection Act and the Boxford Conservation Commission Order of Conditions, the following attached documents are being submitted:

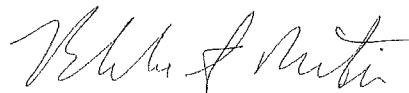
- Attachment A: Completed WPA Form 8A
- Attachment B: As Built Plans
- Attachment C: Order of Conditions

The project was completed per the design information and specifications that were submitted in the Notice of Intent and no design modifications occurred.

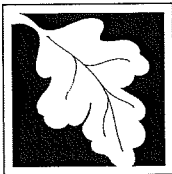
If you have any questions regarding this submittal, please contact me, at (978) 532-1900.

Very truly yours,

WESTON & SAMPSON ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Blake A. Martin".

Blake A. Martin
Vice President



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

DEP File Number:

Provided by DEP

A. Project Information

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



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

1. This request is being made by:

Mark Mitsch - Weston & Sampson

Name

5 Centennial Drive

Mailing Address

Peabody

MA
State

01960
Zip Code

City/Town

978-977-0110

Phone Number

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

Town of Boxford DPW

Applicant

May 20, 2013

Dated

114-1163
DEP File Number

3. The project site is located at:

off Stiles Pond Road

Street Address

17

Assessors Map/Plat Number

Boxford
City/Town

2-27.1
Parcel/Lot Number

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

Town of Boxford DPW

Property Owner (if different)

Essex South

County

6084
Book

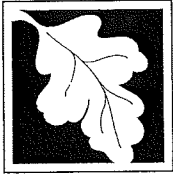
385
Page

Certificate (if registered land)

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

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

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



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

DEP File Number:

Provided by DEP

A. Project Information (cont.)

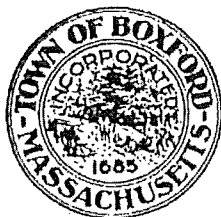
6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

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

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).



TOWN OF BOXFORD
MASSACHUSETTS
01921

OFFICE OF THE CONSERVATION COMMISSION

March 20, 2013

John Dold
7A Spofford Road
Boxford, MA 01921

RE: Order of Conditions #114-1163, Off Stiles Pond Road

Dear John Dold:

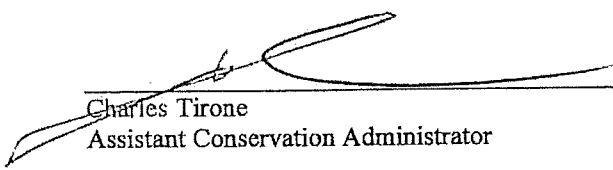
Enclosed are the Orders of Conditions wetlands permits for the above referenced project under the State Wetland Protection Act, M.G.L. Ch. 131, s. 40, and under the Town of Boxford's Wetlands Protection Bylaw, Town Code Ch. 192.

It is the property owner's responsibility to make him/herself completely aware of all the conditions and requirements contained in the permits. The approved work has been conditioned to prevent adverse impacts to the values of wetland resource areas. Non-compliance with the Orders of Conditions can result in significant environmental damage and serious legal and financial consequences for the landowner. The Conservation Commission will work together with those involved in the project to help ensure that the work is completed successfully in compliance with the permits.

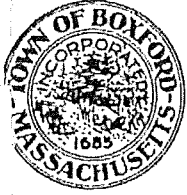
Once all other pre-construction conditions have been complied with, please contact the Conservation Commission to schedule a time for the on-site pre-construction meeting. Once work has begun, the landowner and individuals responsible for work on the site should expect periodic site visits by the Boxford Conservation Commission and/or its Administrator to inspect work for compliance with the Orders of Conditions.

If you have any questions regarding the enclosed wetlands permits, please call the Conservation Office for clarification or further information. Please distribute this cover letter with all copies of the Orders of Conditions.

Sincerely,


Charles Tirone
Assistant Conservation Administrator

COPY



Town of Boxford Massachusetts
Conservation Commission

Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

Boxford File Number

114-1163

for official use only

A Applicant Information

From: Boxford Conservation Commission
Conservation Commission

For: 114-1163
Project File Number

To: Boxford DPW c/o John Dold
Applicant Name

7A Spofford Road
Mailing Address

Boxford
City/Town

MA 01921
State Zip Code

The Notice of Intent for this project was filed on:
4-2-2013
Date

The public hearing was closed on:
5-2-2013
Date

Issuance date of this Order:
5-20-2013
Date

Title and date of final plans and other documents:
Stiles Pond Dam Rehabilitation Project (6 sheets),
dated April 1, 2013, prepared by Weston and
Sampson and stamped by Mark P. Mitsch, P.E.
Plan Title

The project site is located at:
Off Stiles Pond Road Boxford
Street/Street address (if available) City/Town

Map: 17 Block: 2 Lot: 27.1
Assessors Map/Block/Lot Number

and the property is recorded at the Registry of Deeds for:
Essex South 6084 385
County Book Page

Certificate (if registered land)

COPY

B Findings

Findings of the Boxford Conservation Commission pursuant to the Boxford Wetlands Protection Bylaw:

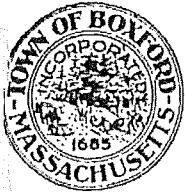
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Bylaw (check all that apply)

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat
- Protection of Rare Species Habitat
- Agriculture
- Recreation values

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

Approved subject to:

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



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

Additional Findings

This Order is issued under the Boxford Wetlands Protection Bylaw, Town Code c. 192. The Boxford Bylaw is more protective of wetland resources than the Wetland Protection Act and associated regulations because, among other things, it identifies a 100-foot wide wetland buffer zone around wetlands as a separate resource area, and establishes specific wetland setbacks for identified activities within the buffer zone. The Boxford Conservation Commission reviewed the proposed project with consideration for the more protective requirements of the Boxford Bylaw, and determined that the additional conditions contained in this Bylaw Order are necessary to ensure adequate protection of resource areas.

This Order permits the rehabilitation of Stiles Pond Dam, as shown on the approved plan.

General Conditions

1. This Bylaw Order of Conditions hereby incorporates by reference and affirms all conditions set forth in the Massachusetts Wetlands Protection Act Order of Conditions issued simultaneously by the Boxford Conservation Commission for this project (if so issued).
2. **No work shall be undertaken until this Order has become final and then has been recorded in its entirety in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property.** In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Boxford Conservation Commission on the form at the end of this Order, which must be stamped by the Registry of Deeds, prior to the commencement of the work.
3. All activities on this property shall comply with the provisions of the Boxford Wetlands Protection Bylaw and Regulations.

Prior to Construction

4. At the Pre-Activity Meeting, the Conservation Commission's representative shall install conservation markers along the approved limit of work. Conservation markers consist of a four-inch diameter white metal disk with green lettering which reads: "Boxford Conservation Commission Protected Area."
5. The applicant shall provide pre-construction photographs of the work area.

During Construction

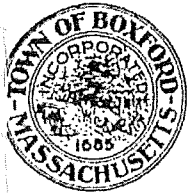
6. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.
7. In case of emergencies, problems, or the need to discuss site conditions with the Boxford Conservation Commission, please contact the Commission or its Administrator during business hours at (978) 887-6000 x506.

After Construction

8. An application for a Certificate of Compliance must be submitted to the Boxford Conservation Office within 30 days of completion of the work, but in no event later than 30 days after the expiration of this Order whether work is completed or not. This requirement shall continue in force after the expiration of this Order.
9. In addition to the items required for a Certificate of Compliance by the Wetlands Protection Act Order of Conditions, the following items must also be submitted under this Bylaw Order of Conditions:
 - (1) A check for the applicable Bylaw fee made out to the "Town of Boxford" must be submitted with the written request for a Certificate of Compliance, or a waiver from the fee requirement.
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) Post-construction photographs of the work area.
 - (4) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Boxford Wetlands Protection Bylaw. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management measures, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) The location of Conservation markers;
 - (e) A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;

Continuing Conditions: These condition shall survive the expiration of this Order, and shall be included as continuing conditions in perpetuity on the Certificate of Compliance,

10. Conservation markers shall remain in place during and after construction, in perpetuity.
11. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones.
12. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. Use of fertilizers on all areas of the site shall be minimized as much as practicable.



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

13. Maintenance shall be consistent with the requirements of the Massachusetts Dam Safety regulations (302 CMR 10.00 as amended.)

by hand delivery on

This Order is valid for three years from the following date unless extended:

Date

by certified mail, return receipt requested, on

5-20-2013
Date

5-20-2013
Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

Signatures:

Banks C. Peter
[Signature]
[Signature]
Lana A. Sequin Spillman
[Signature]
[Signature]

On this 16th

day of May

Month

2013
Year

before me, the undersigned notary public, personally appeared

Banks C. Peter

who proved to me through satisfactory evidence of identification, which is my identification of the principal based upon my personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

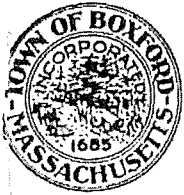
[Signature]
Notary Public

2-24-2017
My commission expires

This Order is issued to the applicant as follows:



ROSS M. POVENMIRE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 24, 2017



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

C Appeals

Any person wishing to appeal this Bylaw Order of Conditions must file an appeal with the Massachusetts Supreme Judicial Court or the Superior Court within 60 days of the date of issuance of this Order. The Bylaw Order appeal process is completely distinct from any appeal to the Massachusetts Department of Environmental Protection of an Order of Conditions issued by the Conservation Commission under the Massachusetts Wetlands Protection Act.

D Recording Information

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

Detach on dotted line (or photocopy this page) and submit to the Conservation Commission

To:
Boxford Conservation Commission

Signature of Applicant

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

Please sign where indicated and mail or hand deliver to the Boxford Conservation Office, 7A Spofford Road, Boxford, MA 01921

Off Stiles Pond Road 114-1163
Project Location *DEP File Number*

has been recorded at the Registry of Deeds of

Essex South
County

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

Book

Page

in accordance with the Order of Conditions issued on

Date

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

Date

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

Document Number

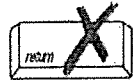
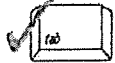


Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 114-1163
 MassDEP File #
 eDEP Transaction #
 Boxford
 City/Town

A. General Information

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



1. From: Boxford
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

John Dold
 a. First Name b. Last Name

Boxford Department of Public Works
 c. Organization

7A Spofford Road
 d. Mailing Address

Boxford MA 01921
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

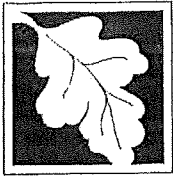
e. City/Town f. State g. Zip Code

5. Project Location:

Off Stiles Pond Road Boxford
 a. Street Address b. City/Town

17 Block 2, Lot 27.1
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d41m7.50s 71d2m32.55s
 d. Latitude e. Longitude



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:
 114-1163
 MassDEP File #
 eDEP Transaction #
 Boxford
 City/Town

A. General Information (cont.)

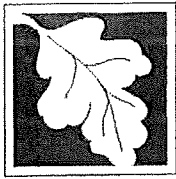
6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Essex
 a. County
 6084
 c. Book
 b. Certificate Number (if registered land)
 385
 d. Page
 5-2-2013
 b. Date Public Hearing Closed
 4-2-2013
 a. Date Notice of Intent Filed
 5-2-2013
 c. Date of Issuance
7. Dates:
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Stiles Pond Dam Rehabilitation Project (6 sheets)
 a. Plan Title
 Weston and Sampson
 b. Prepared By
 4-1-2013
 d. Final Revision Date
 Mark P. Mitsch, P.E.
 c. Signed and Stamped by
 1"=10'
 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
 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:
 114-1163
 MassDEP File #

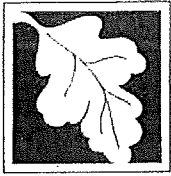
eDEP Transaction #
 Boxford
 City/Town

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
9. <input checked="" type="checkbox"/> Riverfront Area	10,550	10,550		
Sq ft within 100 ft	a. total sq. feet 10,550	b. total sq. feet 10,550	10,550	10,550
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet

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

10. Designated Port Areas
 Indicate size under Land Under the Ocean, below
11. Land Under the Ocean
 a. square feet _____ b. square feet _____
 c. c/y dredged _____ d. c/y dredged _____
12. Barrier Beaches
 Indicate size under Coastal Beaches and/or Coastal Dunes below
13. Coastal Beaches
 a. square feet _____ b. square feet _____ c. nourishment cu yd _____ d. nourishment cu yd _____
14. Coastal Dunes
 a. square feet _____ b. square feet _____ c. nourishment cu yd _____ d. nourishment cu yd _____
15. Coastal Banks
 a. linear feet _____ b. linear feet _____
16. Rocky Intertidal Shores
 a. square feet _____ b. square feet _____
17. Salt Marshes
 a. square feet _____ b. square feet _____ c. square feet _____ d. square feet _____
18. Land Under Salt Ponds
 a. square feet _____ b. square feet _____
 c. c/y dredged _____ d. c/y dredged _____
19. Land Containing Shellfish
 a. square feet _____ b. square feet _____ c. square feet _____ d. square feet _____
20. Fish Runs
 Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
- a. c/y dredged _____ b. c/y dredged _____
21. Land Subject to Coastal Storm Flowage
 a. square feet _____ b. 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:
114-1163
MassDEP File #

eDEP Transaction #
Boxford
City/Town

B. Findings (cont.)

22. Restoration/Enhancement:

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

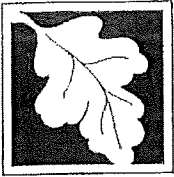
a. number of new stream crossings

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.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. 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 _____ 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.
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.



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

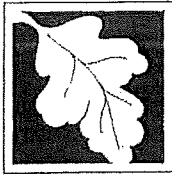
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City/Town

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

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 114-1163 "
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 #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
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.
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.



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Provided by MassDEP:

114-1163

MassDEP File #

eDEP Transaction #

Boxford

City/Town

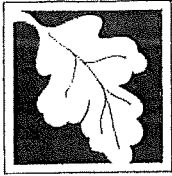
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) 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;
 - 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.



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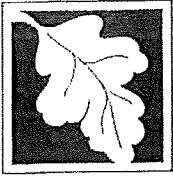
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(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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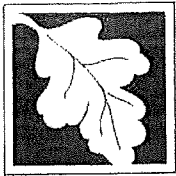
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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):



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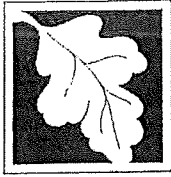
D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Boxford _____ 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
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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:
Boxford Wetlands Protection Bylaw and Bylaw Regulations _____ Ch. 192 & 375
 1. Municipal Ordinance or Bylaw
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):
 See separate Order of Conditions issued pursuant to authority of Boxford Wetlands Protection Bylaw and Bylaw Regulations, Town Code Ch. 192 & 375



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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.

1. Date of Issuance

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

2. Number of Signers

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

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

Signatures:

Katasha Gigg 5/21/13
Abel J... 5/21/2013

Santha Jules
Lena L. Saquin Spillman

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

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 of 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.

