

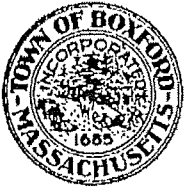
2013

PD-8

Boxford File Number

114-1169

for official use only



Town of Boxford Massachusetts
Conservation Commission

Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

A Applicant Information

From:

Boxford Conservation Commission
Conservation Commission

For:

114-1169
Project File Number

To:

Frank & Lillith Guererra
Applicant Name
46 Baldpate Road
Mailing Address
Boxford
City/Town
MA 01921
State Zip Code

The Notice of Intent for this project was filed on:

7/30/2013
Date

The public hearing was closed on:

August 28, 2013
Date

Issuance date of this Order:

September 10, 2013
Date

Title and date of final plans and other documents:

Site Plan of Land located in Boxford, Massachusetts, prepared by Sullivan Engineering Group, LLC and stamped by John D. Sullivan, dated July 26, 2013

46 Baldpate Road Pool Patio Detail on file with the Commission.

Plan Title

The project site is located at:

46 Baldpate Road Boxford
Street/Street address (if available) City/Town
Map: 15 Block: 2 Lot: 4 and 4A
Assessors Map/Block/Lot Number

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

Essex South 17177 220
County Book Page

Certificate (if registered land)



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 development of a swimming pool and associated site improvements as shown on the approved plan.

The Commission finds that areas of the 25-foot No-Disturb zone associated with the wetland resource area in the rear of the property have been cleared of understory vegetation. All such areas shall be left to revegetated naturally without further mowing or clearing, except as may be authorized in the future by the Conservation Commission.

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. The BCC or its Administrator, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Boxford Wetlands Protection Bylaw and Regulations, Town Code Ch. 192 and Ch. 375, and shall have the right to require any data or documentation that it deems necessary for that evaluation.
3. 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.
4. All activities on this property shall comply with the provisions of the Boxford Wetlands Protection Bylaw and Regulations.

Prior to Construction

5. At the Pre-Activity Meeting, the Conservation Commission's representative shall install conservation markers as shown on the approved plan and 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."

6. The applicant shall provide pre-construction photographs of the work area.

During Construction

7. The patio shall be constructed to allow groundwater recharge, not of a solid surface.
8. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.
9. 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.
10. Mulch sock may be used as erosion control in lieu of silt fence and haybales where approved by the Conservation Agent. Conservation Agent may require different or additional erosion control as site conditions warrant.

After Construction

11. 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.
12. 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.
 - (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



Order of Conditions

Boxford Wetlands Protection Bylaw, Town Code c. 192

B Findings (cont.)

- 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,

- 13. Conservation markers shall remain in place during and after construction, in perpetuity.
- 14. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones.
- 15. 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.

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

September 10, 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:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

On this 5th

day of September
Month
2013
Year

before me, the undersigned notary public, personally appeared

[Signature]

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:

by hand delivery on

_____ Date

by certified mail, return receipt requested, on

9/10/2013
Date



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

46 Baldpate Road 114-1169
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

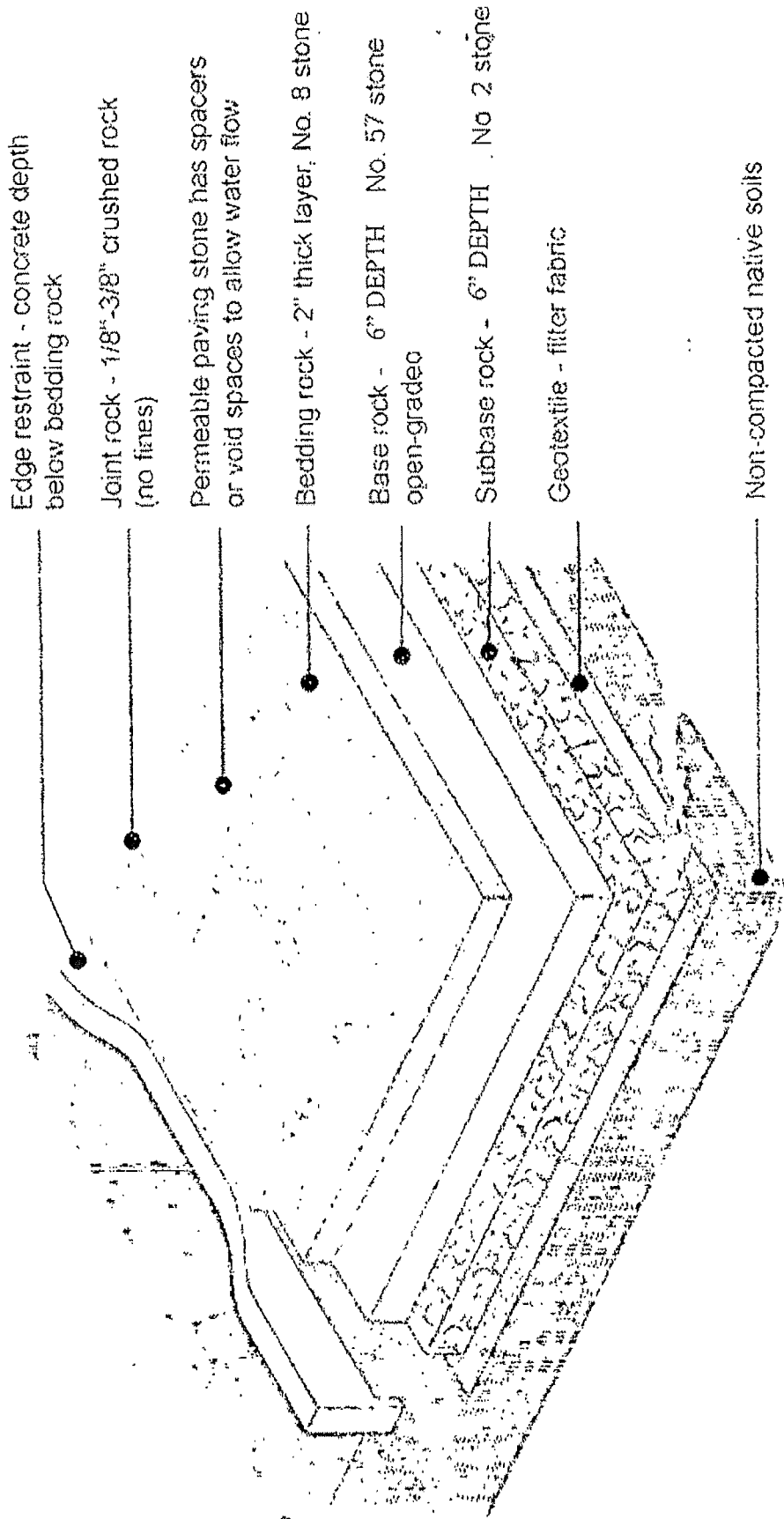
If recorded land, the instrument number which identifies this transaction is

Date

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

Document Number

46 BALDPATE ROAD POOL PATIO DETAIL

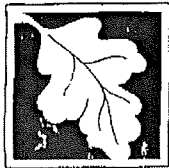


CROSS-SECTION OF PATIO

2013

2013

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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:
114-1169
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:
a. First Name Frank & Lillith b. Last Name Guererra

c. Organization
46 Baldpate Road

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

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:

a. Street Address 46 Baldpate Road b. City/Town Boxford

c. Assessors Map/Plat Number 15 d. Parcel/Lot Number Block 2, Lots 4 and 4A

Latitude and Longitude, if known: _____ 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:

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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex

a. County

17177

c. Book

b. Certificate Number (if registered land)

220

d. Page

7. Dates: 7/30/2013 a. Date Notice of Intent Filed August 28, 2013 b. Date Public Hearing Closed September 16, 2013 c. Date of Issuance

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

Site Plan of Land located in Boxford Massachusetts

a. Plan Title

Sullivan Engineering Group, LLC

b. Prepared By

7/26, 2013

d. Final Revision Date

John D. Sullivan

c. Signed and Stamped by

1"=20'

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

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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).**

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

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and Bank or Bordering Vegetated Wetland boundary (if available) 25
a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	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		
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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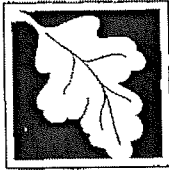
City/Town

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
9. <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

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



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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

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

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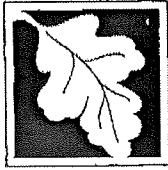
eDEP Transaction #

Boxford

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 114-1169 "
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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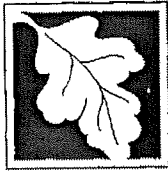
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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:
- 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;
 - as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - 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;
 - any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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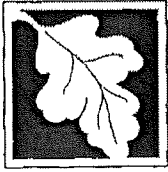
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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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MassDEP File #

eDEP Transaction #

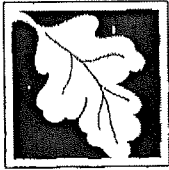
Boxford

City/Town

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 Conservation Commission hereby finds (check one that applies):
- 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:

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.

September 10, 2013
 1. Date of Issuance

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

Five
 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.

Signatures:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

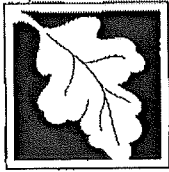
September 10, 2013
 Date

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.



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G. 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 on this page shall be submitted to the Conservation Commission listed below.

Boxford
 Conservation Commission

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

To:

Boxford
 Conservation Commission

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

46 Baldpate Road
 Project Location

114-1169
 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