September 17, 2012

Kenneth G. Steadman 67 Village Street Marblehead, MA 01945

Dear Mr. Steadman:

Enclosed, please find the Orders of Conditions for the following projects.

- 1 Nurse Way—DEP #64-536
- 2 Nurse Way—DEP #64-535
- 3 Nurse Way—DEP #64-534
- 4 Nurse Way—DEP #64-533
- 5 Nurse Way—DEP #64-532
- 7 Nurse Way—DEP #64-537
- 8 Nurse Way—DEP #64-531
- 1 Good Circle—DEP #64-530
- 2 Good Circle—DEP #64-529
- 3 Good Circle—DEP #64-528

Following the 10-business-day appeal period, these documents must be recorded at the Southern Essex County Registry of Deeds (Shetland Park, 45 Congress Street, Suite 4100 Salem, MA). Once recorded, please return a copy of Page 12 from each Order, which will indicate to the Commission that the documents have been recorded.

As indicated in the Orders, prior to any work commencing:

- 1. these Orders must be recorded,
- 2. a sign shall be displayed on each lot showing its DEP file number within public view, and
- 3. contact me at least 48 hours prior to any activity to schedule a pre-construction meeting to review the Orders with your hired contractor.

If you have any further questions, please feel free to contact me at 978-619-5685.

Sincerely,

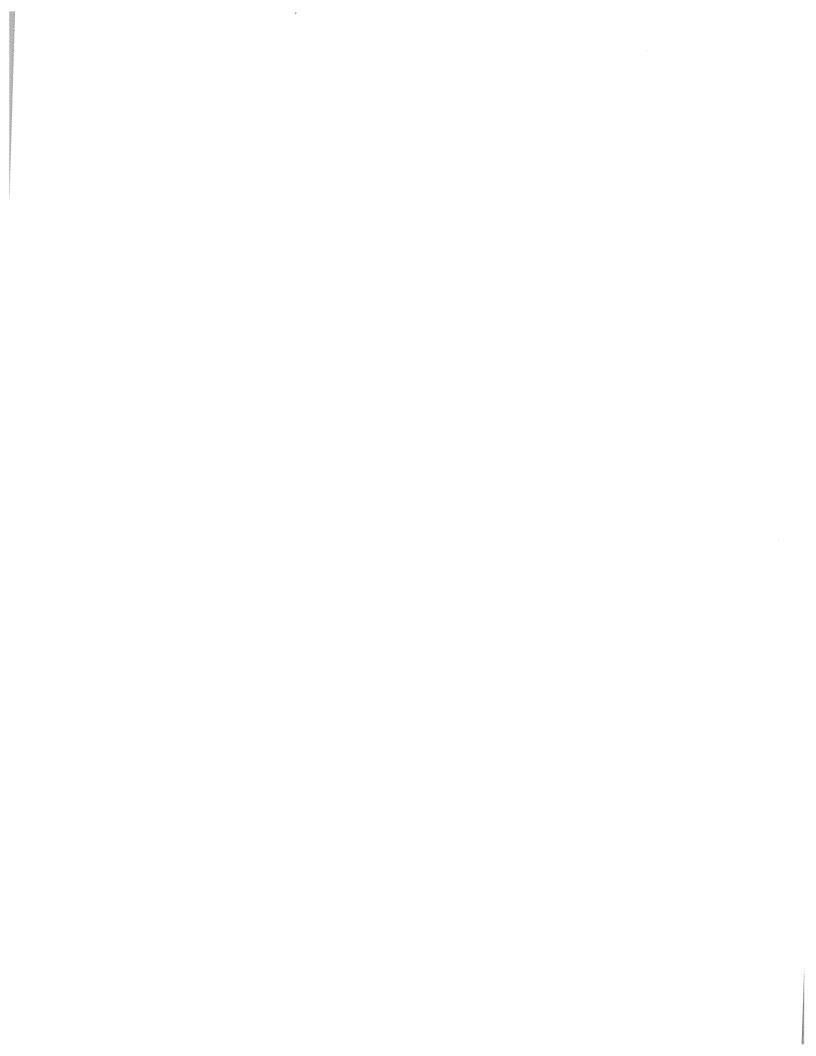
Tom Devine

Conservation Agent/ Staff Planner

Enclosures

CC:

DEP Northeast Regional Office





#### SALEM CONSERVATION COMMISSION DEP FILE #64-536 1 Nurse Way City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20. 2012.

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-536** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

#### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):

  (1) A Completed Request for a Contification of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 stormwaters are
- (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, 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) A line delineating the limit of works "works" in the limit of works.
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions

64-536

MassDEP File #

eDEP Transaction #

Salem

City/Town

Provided by MassDEP:

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

# A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





t	i. From:	Conservation Commissio	n			
)	2. This issue (check or	ance is for		onditions b. Am	ended Order (	of Conditions
	3. To: App	olicant:				
	Kennetl a. First N			Steadman b. Last Name		
	c. Organiz	zation				
		ge Street				
	Marbleh					
	e. City/Tov			MA f. State		01945
	4. Property C	Owner (if different fron	n applicant):	Claid	ç	J. Zip Code
	a. First Na					
	a. Fiist Na	me		b. Last Name		
	c. Organiza	ation				
	d. Mailing A	Address				
	e. City/Tow	n		f. State		Zip Code
5.	. Project Loc	ation:			g.	Zip Code
	1 Nurse V			Salem		
	a. Street Ad	dress		b. City/Town		
	9			215		
	c. Assessors	s Map/Plat Number		d. Parcel/Lot Number		
	Latitude a	Latitude and Longitude, if known:		35s	70d55m09s	
d		d. Latitude		e. Longitude		



# **WPA Form 5 – Order of Conditions**

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

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## A Congral Information (

	Southern	Essex				80814 & 808	315			
	a. County				b. Certificate Number (if registered land)					
	c. Book		***************************************			d. Page				
7.	Dates:	6/20/2012				/2012			9/17/2012	
8.	Final Ann	a. Date Notice of	Intent F	Filed	b. Da	te Public Hearing	Close	d	a Data - (1)	ice
0.	<ol> <li>Final Approved Plans and Other Documents (attach addit as needed):</li> </ol>							ın or	document refe	rences
	Site Development Permit Plan Located in Salem, Mass.									
	Eastern L	and Survey Ass	ociate	s		Clayton A. M	orin			
	b. Prepared	Ву				c. Signed and St	ampe	d by		
	9/7/2012 d. Final Rev	:-! 5				1"=20'				
	u. i iliai nev	ISION Date				e. Scale				
	f. Additional	Plan or Document	Title							
R	Finding								g. Date	
	Following provided in the areas i	tursuant to the Mather review of the his application in which work is Act (the Act). C	e abov and pago	e-res	eferenced N sented at the	otice of Intent	and I	oase s Co itere	d on the inform mmission finds sts of the Wetla	ation that ands
a.		Water Supply	b.		Land Conta	ining Shellfish	C.	⊠ Pol	Prevention of lution	
		Water Supply	e.	$\boxtimes$	Fisheries		f.	⊠ Wil	Protection of dlife Habitat	
		dwater Supply				age Prevention			Flood Control	
2.	This Comm	ission hereby fin	ds the	pro	ject, as prop	osed, is: (check	one	of th	e following boxe	es)
۱pp	<b>roved</b> subj	ect to:								
	e performe	owing conditions et forth in the weed in accordance	e with	o ic the	Notice of In-	nis Commissio	n or	ders		

proposals submitted with the Notice of Intent, these conditions shall control.



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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.
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

			, p	, or ripprovais O	111 <i>y)</i>
R	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank				replacement
5.	☐ Bordering	a. linear feet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
	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		
8.	☐ Isolated Land	0. 00010 1000	r. cubic feet	g. cubic feet	h. cubic feet
	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.	☐ Riverfront Area			0. 000.0	i. cubic feet
		a total en feet	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100- 200 ft	o emiara faat	d. square feet	a emiara faat	f. square feet
	233.	n source feet	h. square feet	i emiara faat	j. square feet



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# B. Findings (cont.)

Coastal Resource Area Im	pacts: Check all	that apply below.	(For Approvals	Only)		
	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement		
Areas  11.	Indicate size under Land Under the Ocean, below					
Ocean	a. square feet	b. square feet				
	c. c/y dredged	d. c/y dredged				
12. Barrier Beaches	Indicate size below	under Coastal Be	eaches and/or Co	astal Dunes		
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment		
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment		
<ul><li>15.  Coastal Banks</li><li>16.  Rocky Intertidal</li></ul>	a. linear feet	b. linear feet				
Shores	a. square feet	b. square feet				
<ul><li>17.  Salt Marshes</li><li>18.  Land Under Salt</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet		
Ponds	a. square feet	b. square feet				
19.   Land Containing	c. c/y dredged	d. c/y dredged				
Shellfish	a. square feet	b. square feet	c. square feet	d. square feet		
20. 🔲 Fish Runs	Indicate size u the Ocean, and Waterways, ab	nder Coastal Ban d/or inland Land U oove	ks Inland Bank	Lond Under		
21. Land Subject to	a. c/y dredged	b. c/y dredged				
Coastal Storm Flowage	a. square feet	b. square feet				



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# B. Findings (cont.)

* #22. 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

•	General Conditions II I To	Tambor of replacement stream crossings
	a. number of new stream crossings	b. number of replacement stream crossings
23.	☐ Stream Crossing(s):	, and a salk marsh
	a. square feet of BVW	b. square feet of salt marsh
22.	☐ Restoration/Enhancement *:	

# 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.
- amount here. 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.
  - 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
  - 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 9/17/2012 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



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# 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmental	Protection" [or, "MassDEP"]
"File Number	64-536	"

- 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.
- 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: *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.



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-536
MassDEP File #
DED
eDEP Transaction #

Salem

# 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.
- Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- 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.
- 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

-	



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-536
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Salem
City/Taxa

# D. Findings Under Municipal Wetlands Bylaw or Ordinance

١.	is a	municipal wetlands bylaw or ordinance applicable? 🏻 Yes	□ No
2.	The	Colom	(check one that applies):
		that the proposed work cannot be conditioned to meet the municipal ordinance or bylaw, specifically:	standards set forth in a
	,	I. Municipal Ordinance or Bylaw	2. Citation
	•	Therefore, work on this project may not go forward unless and ntent is submitted which provides measures which are adequated standards, and a final Order of Conditions is issued.	d until a revised Notice of late to meet these
	-	$oxed{\boxtimes}$ that the following additional conditions are necessary to coordinance or bylaw:	mply with a municipal
	<u>V</u>	Vetlands Protection and Conservation	c.50
3.	Tha	Municipal Ordinance or Bylaw	0 04-4
J.	condi the N	Commission orders that all work shall be performed in accordations and with the Notice of Intent referenced above. To the extions modify or differ from the plans, specifications, or other potice of Intent, the conditions shall control.	extent that the following proposals submitted with
		pecial conditions relating to municipal ordinance or bylaw are space for additional conditions, attach a text document):	
	Allaci	ned special conditions are issued under the Wetlands Protect mpliance with the local ordinance (c.50)	ion Act and are sufficient
-			



#### **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
MassDEP File #
eDEP Transaction #
Sole City/Town

#### E. Signatures

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

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

1. Date of Issuance

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

by hand delivery on

Date

| Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | Date | D

#### 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,  $\S$  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.



# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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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.

Conservation Commission		
Detach on dotted line, have stamped by the Regi Commission.	istry of Deeds and	submit to the Conservation
To:	**************	
Conservation Commission		
Please be advised that the Order of Conditions f	or the Project at:	
Project Location	MassDEP File Nu	mber
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 affe	ected property in:	
Book	Page	
In accordance with the Order of Conditions issued	d on:	
Date		
If recorded land, the instrument number identifying	g this transaction i	s:
Instrument Number		
If registered land, the document number identifying	g this transaction	is:
Document Number		
Signature of Applicant		





#### SALEM CONSERVATION COMMISSION DEP FILE #64-535 2 Nurse Way City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20 2012

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-535** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

#### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)

9/7/2012
(Dated)

Clayton Morin
(Signed and Stamped by)

City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### EROSION CONTROL

- 21. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered hadministrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance (COC).

    required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
- Obstances 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



#### 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:	
64-535	
MassDEP File #	****
oDED Transition	
eDEP Transaction #	
Salem	

#### A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





i	1. From:	Salem Conservation Commission				
	2. This iss (check	suance is for	☑Order of C	Conditions b. Am	ended Order	of Conditions
	з. <b>То:</b> А <sub>І</sub>	pplicant:				
	Kenne a. First			Steadman b. Last Name		
	c. Orgai					
	67 Vill	age Street				
		ng Address				
	Marble			MA		01945 g. Zip Code
	e. City/T			f. State		
4	a. First N	Owner (if different from ap	oplicant):	b. Last Name		
	c. Organi	ization				
	d. Mailing	Address				
	e. City/To	own		f. State	a	. Zip Code
5.	Project Lo	ocation:			9.	p
	2 Nurse	Way		Salem		
	a. Street A	Address		b. City/Town		
	9			234		
	c. Assesso	ors Map/Plat Number		d. Parcel/Lot Number		
	Latitude	and Longitude, if known:	42d30m	135s	70d55m09s	

d. Latitude

e. Longitude



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-535
MassDEP File #
eDEP Transaction #
Salem
City/Town

# A. General Information (cont.)

		one parcel): Southern Essex					(attach additional information if more than			
	a. County						b. Certificate Number (if registered land)			
	c. Book							-	,	
		6/00/0040				d. Page				
7	Dates:	6/20/2012 a. Date Notice of			9/13/				9/17/2012	
8	Final An	a. Date Notice of	Intent	Filed	b. Date	Public Hearing C	Closed			
O							l plar	ord	c. Date of Issuance document reference	<b>?</b> S
	Site Dev	elopment Permit	Plan	Loc	ated in Salem	, Mass.				
	a. i lali fili	<del>C</del>								
	Eastern I	_and Survey Ass	ociate	es		Clayton A. Mo	rin			
	b. Prepared	ву				c. Signed and Sta	mped	by		
	9/7/2012					1"=20'	•	,		
	d. Final Re	vision Date				e. Scale				
	f Addition	IDI- D								
_	. Findin	Plan or Document 1	Title					(	g. Date	_
1.	Following provided i the areas	the review of the nothing this application in which work is Act (the Act).	e abo	ve-r pre:	eferenced No sented at the	tice of Intent a	nd ba	ased Con eres	on the information nmission finds that ts of the Wetlands	
a.	□ Public	Water Supply	b.		Land Contai	ning Shellfish	C.	⊠ I Pollu	Prevention of	
d.		Water Supply	e.	$\boxtimes$	Fisheries		f.	$\boxtimes$ 1	Protection of life Habitat	
g.		dwater Supply	h.	$\boxtimes$		ge Prevention			Flood Control	
2.	This Comm	nission hereby find	ds the	pro	ject, as propos	sed, is: (check	one c	of the	following boxes)	
Ap	proved sub								,	
a.	be perform General Co		e with	the er sr	Notice of Inte	nt referenced	abov	ers ti		

that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



# WPA Form 5 - Order of Conditions

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

#### B. Findings (cont.)

#### Denied because:

- 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
- 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).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

	•		at apply below.	(For Approvals O	nly)
R	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank			, and a series of the	ricpiacement
5.	Bordering	a. linear feet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland  Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet		-	
8.	Isolated Land	e, cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
	Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage				
9.	☐ Riverfront Area	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
	I THIS HOLL AIRE	a total so feet	b. total sq. feet		
	Sq ft within 100 ft	· · · · · · · · · · · · · · · · · · ·	total 54, 166t		
	Sq ft between 100- 200 ft	c saliare feet	d. square feet	e soliare feet	f. square feet
	200 1	n entiare feet	h. square feet	i equare 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:
64-535
MassDEP File #
eDEP Transaction #
Salem
City/Town

# B. Findings (cont.)

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

Proposed Permitted Proposed Permitted Proposed Proposed Permitted Proposed Proposed Permitted Proposed Proposed

10. Designated Port	Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
Areas  11.  Land Under the	Indicate size	under Land Und	er the Ocean, be	low
Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal Be	eaches and/or Co	oastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14.  Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. Coastal Banks  16. Rocky Intertidal	a. linear feet	b. linear feet		
Shores	a. square feet	b. square feet		
<ul><li>17. ☐ Salt Marshes</li><li>18. ☐ Land Under Salt</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
Ponds	a. square feet	b. square feet		
19. Land Containing	c. c/y dredged	d. c/y dredged		
Shellfish 	a. square feet	b. square feet	c. square feet	d. square feet
20.  Fish Runs	Indicate size u the Ocean, and Waterways, ab	nder Coastal Ban d/or inland Land ( pove	iks, Inland Bank, Jnder Waterbodi	l and lindor
21. Land Subject to	a. c/y dredged	b. c/y dredged		
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:
64-535
MassDEP File #
eDEP Transaction #
Salem
City/Town

### B. Findings (cont.)

* #22. 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

	a. number of new stream crossings	b. number of replacement stream crossings
23.	a. square feet of BVW  Stream Crossing(s):	b. square feet of salt marsh
22.	☐ Restoration/Enhancement *:	

# 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.
- amount here. 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 9/17/2012 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.



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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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 then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department o	f Environmer	ntal Protection" [or, "MassDEP"]
"File Number	64-535	"

- 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.
- 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



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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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: 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.



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-535 MassDEP File #

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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



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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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);
  - 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.
- Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- 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.
- 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.

0	Fuodago.
document):	ce for additional conditions, please attach a text



# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-535
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City/Town

# D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ls a	i municipal wetlands bylaw or ordinance applicable? 🛛 Yes 🔲 No	1	
2.	The	Salem hereby finds (check one Conservation Commission	that applies):	
	a.	that the proposed work cannot be conditioned to meet the standards municipal ordinance or bylaw, specifically:	set forth in a	
		Municipal Ordinance or Bylaw	2. Citation	
		Therefore, work on this project may not go forward unless and until a rev Intent is submitted which provides measures which are adequate to mee standards, and a final Order of Conditions is issued.	rised Notice of t these	
		★ that the following additional conditions are necessary to comply with a ordinance or bylaw:     ★ Wetlands Protection and Conservation	ı municipal	
	-	1. Municipal Ordinance or Bylaw	c.50	
3.	z. Citation			
	-			



# **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
64-835
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#### E. Signatures

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

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

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

by hand delivery on

by certified mail, return receipt requested, on

9-17-

#### F. Appeals

Date

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 filling 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.



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
64-535
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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.

Conservation Commission		
Lanmieeian	mped by the Registry of Deeds and s	
То:		
Conservation Commission		
Please be advised that the Orde	er of Conditions for the Project at:	
Project Location	MassDEP File Num	nber
Has been recorded at the Regis	stry of Deeds of:	
County	Book	Page
for: Property Owner		
and has been noted in the chain	of title of the affected property in:  Page	
In accordance with the Order of		
Date		
If recorded land, the instrument i	number identifying this transaction is	<b>:</b> :
Instrument Number		
f registered land, the document	number identifying this transaction is	s:
Document Number		
Signature of Applicant		





# SALEM CONSERVATION COMMISSION DEP FILE #64-534 3 Nurse Way City of Salem, Massachusetts

### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-534** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### EROSION CONTROL

- 21. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



# 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:
64-534
MassDEP File #
eDEP Transaction #
Salem
City/Town

### A. General Information

Salem

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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: Saloni		
Conservation Commission		
2. This issuance is for (check one):	Order of Conditions b.	Amended Order of Conditions
3. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67 Village Street		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
a. First Name     c. Organization	b. Last Name	
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
3 Nurse Way	Salem	
a. Street Address	b. City/Town	
9	216	
c. Assessors Map/Plat Number	d. Parcel/Lot Nur	nber
Latitude and Longitude, if known:	42d30m35s	70d55m09s

d. Latitude

e. Longitude



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-534
MassDEP File #
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Salem
City/Town

## A. General Information (cont.)

6	Property one parc	recorded at the	Reg	istry	of Deed:	s for (attach add	ditional i	nfor	mation if more tha	เท
	Southern					900140	20045			
	a. County					80814 & 8		(if roo	istered land)	
						5. Cortinoate	ridilibei	(ii reg	iistered iand)	
	c. Book					d. Page				
7.	Dates:	6/20/2012			9	9/13/2012			9/17/2012	
		a. Date Notice of				. Date Public Heari	ing Close	 j	C Date of leavener	
8.		<i>∽ j</i> .			ocumen	s (attach additi	onal pla	n or	document referer	ıce
	Site Deve	lopment Permit	Plan	Loc	ated in S	alem, Mass.				
	a. Pian Title									
	Eastern L	and Survey Ass	ocia	tes		Clayton A.	Morin			
	<ul><li>b. Prepared</li><li>9/7/2012</li></ul>	БУ				c. Signed and	d Stampe	d by		
	d. Final Revi	ision Data				1"=20'				
	u. Filiai nevi	ision Date				e. Scale				
	f. Additional	Plan or Document T	itle	·——-						
R	. Finding						····		g. Date	
_	· · mani	႕၁								
1.	Findings p	ursuant to the M	/lass	achu	setts We	tlands Protectic	on Act			
	Following provided in the areas i	the review of the this application	abo and prop	ove-re pres	eference sented a	d Notice of Inte	nt and b	- ^ -	d on the informati mmission finds th sts of the Wetland	
<b>a</b> .	□ Public	Water Supply	b.		Land C	ontaining Shellf	ish <sup>c.</sup>		Prevention of ution	
i.	□ Private	Water Supply	e.	$\boxtimes$	Fisherie	es	f.	$\boxtimes$	Protection of dlife Habitat	
ļ.	⊠ Ground	dwater Supply	h.	$\boxtimes$	Storm E	amage Preven	tion i.	$\boxtimes$	Flood Control	
	This Comm	ission hereby find	ds th	e pro	ject, as p	roposed, is: (che	eck one	of th	e following boxes)	
þ	<b>proved</b> subj	ect to:								
	be performe	ou in accordance	euari e witi	h the	Squiation Notice o	s. This Commis	ssion or	ders	بينا التلسطلا	

that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



## **WPA Form 5 – Order of Conditions**

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

### B. Findings (cont.)

- b. 
  I 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.
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

			, , , , , , , , , , , , , , , , , , , ,	(· · · · · · ppi orais o	'''y <i>)</i>
R	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank				· · · · · · · · · · · · · · · · · · ·
5.	☐ Bordering	a. linear feet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland  Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
	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		
8.	Isolated Land	1111		g. cubic feet h. cut	h. cubic feet
	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.	☐ Riverfront Area				
		a total on feet	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100- 200 ft	n entiare feet	d. square feet	A chuara fact	f. square feet
	200 II	n entiare feet	h. square feet	i entiare feet	j. square feet



## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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## B. Findings (cont.)

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

10. Designated De I	Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
<ul><li>10.  Designated Port Areas</li><li>11.  Land Under the</li></ul>	Indicate size	under Land Und	er the Ocean, be	low
Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal Be	eaches and/or Co	pastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. Coastal Banks 16. Rocky Intertidal	a. linear feet	b. linear feet		
<ol> <li>16.</li></ol>	a. square feet	b. square feet		
17. Salt Marshes 18. Land Under Salt	a. square feet	b. square feet	c. square feet	d. square feet
Ponds	a. square feet	b. square feet		
19. Land Containing	c. c/y dredged	d. c/y dredged		
Shellfish —	a. square feet	b. square feet	c. square feet	d. square feet
20. 🗌 Fish Runs	Indicate size u the Ocean, and Waterways, ab	d/or inland Land	nks, Inland Bank, Under Waterbodi	Land Under ies and
Land Subject to	a. c/y dredged	b. c/y dredged		
Coastal Storm Flowage	a. square feet	b. square feet		



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### B. Findings (cont.)

* #22. 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.

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 street ergosisses

## C. General Conditions Under Massachusetts Wetlands Protection Act

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

- 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.
- 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 9/17/2012 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.



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## 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 then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department o	f Environmental	Protection" [or, "MassDEP"]
"File Number	64-534	n

- 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.
- 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: *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.
- 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.
- 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:
  - 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.
- I) 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.	ls a	umunicipal wetlands bylaw or ordinance applicable? 🛛 Yes 🔲 No	
2.	The	Salem hereby finds (check one Conservation Commission	that applies):
	a.	that the proposed work cannot be conditioned to meet the standards municipal ordinance or bylaw, specifically:	set forth in a
		1. Municipal Ordinance or Bylaw	2. Citation
		Therefore, work on this project may not go forward unless and until a revintent is submitted which provides measures which are adequate to mee standards, and a final Order of Conditions is issued.	rised Notice of t these
		$oxed{\boxtimes}$ that the following additional conditions are necessary to comply with a ordinance or bylaw:	a municipal
		Wetlands Protection and Conservation	c.50
_		1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accorda conditions and with the Notice of Intent referenced above. To the exconditions modify or differ from the plans, specifications, or other pr the Notice of Intent, the conditions shall control.		ditions and with the Notice of Intent referenced above. To the extent that ditions modify or differ from the plans, specifications, or other proposals s Notice of Intent, the conditions shall control.	the following ubmitted with
	more	special conditions relating to municipal ordinance or bylaw are as follows a space for additional conditions, attach a text document):	
	Atta for c	ched special conditions are issued under the Wetlands Protection Act and ompliance with the local ordinance (c.50)	d are sufficient
	·		



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### E. Signatures

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

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

Date of Issuance
 Number of Signers

9-17-12

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

by hand delivery on

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

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.

Conservation Commission		
Detach on dotted line, have star Commission.	mped by the Registry of Deeds and s	submit to the Conservation
То:		
Conservation Commission		
Please be advised that the Ord	er of Conditions for the Project at:	
Project Location	MassDEP File Num	nber
Has been recorded at the Regis	stry of Deeds of:	
County	Book	Page
for: Property Owner		
and has been noted in the chain	of title of the affected property in:	
In accordance with the Order of	· ·	
Date		
f recorded land, the instrument r	number identifying this transaction is	::
Instrument Number		
f registered land, the document	number identifying this transaction is	<b>:</b> :
Document Number		
Signature of Applicant		



# SALEM CONSERVATION COMMISSION DEP FILE #64-533 4 Nurse Way City of Salem, Massachusetts

### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-533** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission

(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



### **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

64-533 MassDEP File # eDEP Transaction # Salem City/Town

Provided by MassDEP:

### A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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: Salem		
2. This issuance is for (check one):  Conservation Commission  a.   □	Order of Conditions b. 🗌 Ame	ended Order of Conditions
3. To: Applicant:		
Kenneth G. a. First Name	Steadman b. Last Name	
c. Organization 67 Village Street		
d. Mailing Address Marblehead	8.4.A	2.2.5
e. City/Town	MA f. State	01945 g. Zip Code
Property Owner (if different from apparation and an apparation are considered as a first Name and a first Name are considered as a first Name are cons	b. Last Name	
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
4 Nurse Way	Salem	
9	b. City/Town	
c. Assessors Map/Plat Number	233	
	d. Parcel/Lot Number	

e. Longitude



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-533
MassDEP File #
eDEP Transaction #
Salem
City/Town

### A. General Information (cont.)

	. Gene	ai iiiioiiiiai	uon	(CC	ont.)			
6.	one pare	Ci).	Regis	stry	of Deeds for			nformation if more than
	Southern	Essex				80814 & 808		
	a. County					b. Certificate Nu	mber	(if registered land)
	c. Book					d. Page		
	<b>5</b> .	6/20/2012			0/12	/2012		0/47/0040
7.	Dates:	a. Date Notice of	Intent F	iled		te Public Hearing (	Closes	9/17/2012 c. Date of Issuance
8.	Final App as neede	proved Plans and			ocuments (a	ttach additiona	al pla	n or document reference
	Site Deve	elopment Permit	Plan	Loc	ated in Sale	m, Mass.		
	a. Plan Title	)						
		and Survey Ass	ociate	es	·	Clayton A. Mo	orin	
	b. Prepared	Ву				c. Signed and Sta	ampe	d by
	9/7/2012					1"=20'		
	d. Final Rev	ision Date				e. Scale		
	f. Additional	Plan or Document T	itle					
R	Findin				····			g. Date
<u> </u>	· · · · · · · · · · · · · · · · · · ·	ys						
1.	Findings p	oursuant to the M	1assa	chu	setts Wetlan	ds Protection /	Act:	
	the areas	n uno application	propo	pres	sented at the I is significar	nublic bearing	a thi	pased on the information s Commission finds that terests of the Wetlands
а.	□ Public	Water Supply	b.		Land Conta	aining Shellfish	c.	□ Prevention of Pollution
i.	□ Private	Water Supply	e.	$\boxtimes$	Fisheries		f.	□ Protection of Wildlife Habitat
].	⊠ Groun	dwater Supply	h.	$\boxtimes$	Storm Dam	age Preventior	٦ i.	
2.	This Comm	nission hereby find	ds the	pro	ject, as prop	osed, is: (check	one	of the following boxes)
/pp	proved sub	ject to:						
	be perform General Co	ed in accordance	eliand e with iv othe	us re the er si	egulations. I Notice of In pecial condi	his Commission tent referenced tions attached	on ord d abo	n the performance ders that all work shall ove, the following s Order. To the extent ations, or other

proposals submitted with the Notice of Intent, these conditions shall control.



### WPA Form 5 – Order of Conditions

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

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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. In 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)

10' +/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. 🔲 B	ank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
	ordering				d. imodi roct
	egetated Wetland and Under	a. square feet	b. square feet	c. square feet	d. square feet
	/aterbodies and /aterways	a. square feet	b. square feet	c. square feet	d. square feet
	·	e. c/y dredged	f. c/y dredged		
	ordering Land ot 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
	olated Land ot to Flooding	a. square feet		g. cubic leet	h. cubic feet
	_	a. square reet	b. square feet		
Cubic I	Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	verfront Area	a total so feet	b. total sq. feet		
Sq	ft within 100 ft				
	ft between 100-	c soliara faat	d. square feet	a enviare feet	f. square feet
20	O ft	n envara faat	h. square feet	i smiare feet	j. square feet



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WDA Form F. Ordon of Open Military

## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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## B. Findings (cont.)

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

40 Decimals (D.)	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
<ol> <li>Designated Port Areas</li> </ol>	Indicate size	under Land Und	er the Ocean, be	low
11. Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal Bo	eaches and/or Co	oastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. Coastal Banks	a. linear feet	b. linear feet		
<ol> <li>I Rocky Intertidal Shores</li> </ol>	a. square feet	b. square feet		
<ul><li>17.  Salt Marshes</li><li>18.  Land Under Salt Ponds</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
19.   Land Containing	a. square feet	b. square feet d. c/y dredged		
Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. 🔲 Fish Runs	Indicate size u the Ocean, an Waterways, at	d/or inland Land	nks, Inland Bank Under Waterbod	, Land Under lies and
21.  Land Subject to	a. c/y dredged	b. c/y dredged		
Coastal Storm Flowage	a. square feet	b. square feet		



(BVW) or

B.17.c (Salt

the additional

### **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
	B	. Findings (cont.)	
* #22. If the project is for the purpose of	22.	Restoration/Enhancement *:	
restoring or enhancing a		a. square feet of BVW	b. square feet of salt marsh
wetland resource area in addition to the square	23.	Stream Crossing(s):	
footage that		a. number of new stream crossings	b. number of replacement stream crossings
has been entered in Section B.5.c	C.	General Conditions Under Massa	achusetts Wetlands Protection Act

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

- Marsh) above, 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.
- amount here. 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 9/17/2012 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.



### WPA Form 5 - Order of Conditions

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

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### 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department o	of Environmenta	d Protection" [o	r, "MassDEP"
"File Number	64-533	55	

- 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.
- 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.



### WPA Form 5 - Order of Conditions

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

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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)  $\square$  is not (2)  $\boxtimes$  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.



### WPA Form 5 – Order of Conditions

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

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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.



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WDA Form 5 Order of Conditions

## WPA Form 5 - Order of Conditions

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

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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
  - 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.
- 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):



3.

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

1.	ls a	municipal wetlands bylaw or ordinance applicable? 🛛 Yes 🔲 No	0		
2.	The				
	a. [ r	<ul> <li>a.</li></ul>			
	1	. Municipal Ordinance or Bylaw	2. Citation		
	Therefore, work on this project may not go forward unless and until a revised N Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.				
ordinance or bylaw:			a municipal		
	<u>V</u>	Vetlands Protection and Conservation	c.50		
		Municipal Ordinance or Bylaw	2. Citation		
3.	condi the N	tions and with the Notice of Intent referenced above. To the extent that tions modify or differ from the plans, specifications, or other proposals solice of Intent, the conditions shall control.	dission orders that all work shall be performed in accordance with the following and with the Notice of Intent referenced above. To the extent that the following modify or differ from the plans, specifications, or other proposals submitted with of Intent, the conditions shall control.		
The special conditions relating to municipal ordinance or bylaw are as follows (if you more space for additional conditions, attach a text document):					
	for co	ned special conditions are issued under the Wetlands Protection Act armpliance with the local ordinance (c.50)	d are sufficient		
	****				



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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### E. Signatures

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

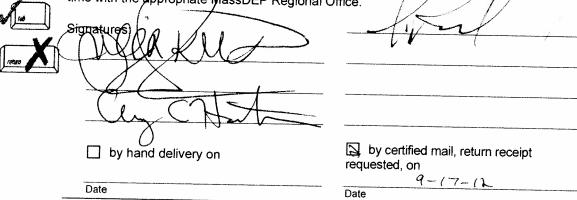
This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

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

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

1. Date of Issuance
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.



### 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.



## WPA Form 5 - Order of Conditions

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

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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.

Conservation Commission		
	amped by the Registry of Deeds and	
То:		
Conservation Commission		
Please be advised that the Ord	der of Conditions for the Project at:	
Project Location	MassDEP File Nur	mber
Has been recorded at the Regi	stry of Deeds of:	
County	Book	Page
for: Property Owner		
	n 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	s:
Instrument Number		
If registered land, the document	number identifying this transaction i	s:
Document Number		
Signature of Applicant		



# SALEM CONSERVATION COMMISSION DEP FILE #64-532 5 Nurse Way City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-532** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### **EROSION CONTROL**

- 21. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 was a condition.
- (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



# 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

64-532
MassDEP File #

eDEP Transaction #
Salem
City/Town

Provided by MassDEP:

## A. General Information

Latitude and Longitude, if known:

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





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Steadman	
b. Last Name	
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42d30m35s

d. Latitude

70d55m09s

e. Longitude



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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City/Town

#### A. General Information (cont.)

6.	one parcel):	ded at the Re	gistry (	of Deeds for	(attach addition	nal info	rmation if more than
	Southern Esse	×			80814 & 8081	5	
	a. County				b. Certificate Num		egistered land)
	c. Book				d. Page		
7.		0/2012 Ite Notice of Inter	at Filad	9/13/			9/17/2012
8.	Final Approved as needed): Site Developme		osed plan o	c. Date of Issuance r document references			
	a. Plan Title Eastern Land S b. Prepared By 9/7/2012 d. Final Revision Da	urvey Associa			Clayton A. Mol c. Signed and Star 1"=20' e. Scale		
	f. Additional Plan or	Document Title					g. Date
В.	Findings						
1.	Findings pursua	nt to the Mas	sachus	setts Wetlan	ds Protection A	ct:	
	provided in this	application ar Ch work is pro	ia pres posed	sented at the Lis significan	nublic bearing	thic C	ed on the information ommission finds that ests of the Wetlands
a.	□ Public Wate	r Supply b	. 🗆	Land Conta	ining Shellfish	c. 🗵	Prevention of ollution
d.		er Supply e	. 🛛	Fisheries			Protection of ildlife Habitat
g.		r Supply h		Storm Dam	age Prevention	i. 🛚	Flood Control
2. Anr	This Commission proved subject to		he pro	ject, as propo	osed, is: (check	one of	the following boxes)
~P}	noved subject to	•					

 $oxed{\boxtimes}$  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.



## **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:

- 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).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

					• /
Re	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. 5.	☐ Bank ☐ Bordering	a. linear feet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland  Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	Bordering Land	e. c/y dredged	f. c/y dredged		
	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.	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.	☐ Riverfront Area		b. total sq. feet		
	Sq ft within 100 ft	a total en foot	b. total sq. leet		
	Sq ft between 100- 200 ft	n enliare feet	d. square feet	a saliara foot	f. square feet
	200 II	n entiare feet	h. square feet	i square foot	i. square feet



## Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WDA Form 5 Order of Constitutions

## WPA Form 5 - Order of Conditions

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

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## B. Findings (cont.)

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

		Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	Areas	Indicate size	under Land Und	er the Ocean, be	low
• • •	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size below	under Coastal B	eaches and/or Co	oastal Dunes
13.	☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
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		
19.	☐ Land Containing	c. c/y dredged	d. c/y dredged		
	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs	Indicate size u the Ocean, an Waterways, at	d/or inland Land	nks, Inland Bank Under Waterbod	, Land Under lies and
21.	☐ Land Subject to	a. c/y dredged	b. c/y dredged		
	Coastal Storm Flowage	a. square feet	b. square feet		



Section B.5.c (BVW) or

B.17.c (Salt

please enter

the additional

### **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.) \* #22. If the project is for the purpose of restoring or enhancing a wetland resource area 2 in addition to the square footage that has been entered in

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.

- Marsh) above, 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.
- The Order does not grant any property rights or any exclusive privileges; it does not amount here. 2. 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
    - 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 9/17/2012 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.



## **WPA Form 5 – Order of Conditions**

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

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## 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmenta	ll Protection" [or, "MassDEP"]
"File Number	64-532	<b>19</b>

- 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.
- 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: *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



## WPA Form 5 - Order of Conditions

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#### 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.
- Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- 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.
- 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):



## WPA Form 5 – Order of Conditions

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

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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	Salem hereby fin	nds (cł	neck one t	that applies):
	a. [	that the proposed work cannot be conditioned to meet nunicipal ordinance or bylaw, specifically:	the st	andards s	et forth in a
	1	. Municipal Ordinance or Bylaw			2. Citation
	intil a revis e to meet	sed Notice of these			
	U	$\overline{oldsymbol{arphi}}$ that the following additional conditions are necessary to rdinance or bylaw:	o com	oly with a	municipal
	V	Vetlands Protection and Conservation			c.50
		Municipal Ordinance or Bylaw  Commission orders that all work shall be performed in acceptable and with the Next constant and work shall be performed in acceptable.			2. Citation
3.	condi the N	ent that the posals su	ne following bmitted with		
	The s more	pecial conditions relating to municipal ordinance or bylaw space for additional conditions, attach a text documents			
	for co	ned special conditions are issued under the Wetlands Prompliance with the local ordinance (c.50)	otectio	n Act and	are sufficient
	·				



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP: らイッシン MassDEP File #

eDEP Transaction #
Sale ...
City/Town

#### E. Signatures

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

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

9-17-12 1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

| Date | D

#### 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.



## 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:
64-532
MassDEP File #
eDEP Transaction #
Salem
City/Town

#### 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.

Conservation Commission		
Detach on dotted line, have stamped by Commission.	the Registry of Deeds and s	submit to the Conservation
To:		
Conservation Commission		
Please be advised that the Order of Cor	nditions for the Project at:	
Project Location	MassDEP File Nur	mber
Has been recorded at the Registry of De	eeds of:	
County	Book	Page
•	Book	rayo
for: Property Owner		
and has been noted in the chain of title of	of the affected property in:	
Book	Page	
In accordance with the Order of Condition	ns issued on:	
Date		
If recorded land, the instrument number	identifying this transaction i	s:
Instrument Number		
If registered land, the document number	identifying this transaction	is:
Document Number		
Signature of Applicant		111111111111111111111111111111111111111

•



#### SALEM CONSERVATION COMMISSION DEP FILE #64-537 7 Nurse Way City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-537** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

#### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### **EROSION CONTROL**

- 21. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



#### **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

MassDEP File #

eDEP Transaction # Salem

Provided by MassDEP:

City/Town

64-537

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





		Oity/ TOWN
A. General Inform	ation	
1. From: Salem		
Conservation Con	nmission	
<ol><li>This issuance is for (check one):</li></ol>	a. Order of Conditions b. Amen	ded Order of Conditions
3. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67 Village Street		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
4. Property Owner (if differe	ent from applicant):	
a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
7 Nurse Way	Salem	

b. City/Town

d. Parcel/Lot Number

218

42d30m35s

d. Latitude

a. Street Address

c. Assessors Map/Plat Number

Latitude and Longitude, if known:

9

70d55m09s

e. Longitude



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
64-537
MassDEP File #
eDEP Transaction #
Salem
City/Town

#### A. General Information (cont.)

	_			`	,							
6.	Property	Property recorded at the Registry of Deeds for (attach additional information if more than										
	one parce	∌I):										
	Southern a. County	Essex			***************************************	80814 & 80						
	a. County					b. Certificate Number (if registered land)						
	c. Book					d. Page						
7.	Dates:	6/20/2012	<u> </u>			/2012		9/	17/2012			
,.		a. Date Notice of I			b. Da	te Public Hearing	g Closed	c. l	Date of Issuance	;		
8.	as needed	Final Approved Plans and Other Documents (attach additional plan or document references as needed):										
	Site Deve	lopment Permit	Plan	Loca	ated in Sale	m, Mass.		W				
		and Curvey Ass	:-+			0						
	b. Prepared	and Survey Asso	ociat	es		Clayton A. N	Morin .					
	9/7/2012	Оу				c. Signed and S	Stamped	by				
	d. Final Revi	sion Date				1"=20' e. Scale				~		
	a. i mai ricvi	Sion Date				e. Scale						
	f. Additional	Plan or Document T	itle					a. E	Pate			
B.	Finding	gs .						J				
	`											
1.	Findings p	ursuant to the M	lassa	achu	setts Wetlar	nds Protection	n 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								tion			
	provided in	this application	and	pres	sented at the	e public heari	ng, this	S Comm	iission finds t	hat		
	Protection	in which work is Act (the Act). Cl	prop neck	osec all th	i is significa nat apply:	nt to the follow	wing in	terests	of the Wetlar	nds		
a.	□ Public	Water Supply	b.		Land Cont	aining Shellfis	sh <sup>c.</sup>	Polluti				
d.	□ Private	Water Supply	e.	$\boxtimes$	Fisheries		f.		otection of Habitat			
g.	⊠ Ground	dwater Supply	h.	$\boxtimes$	Storm Dan	nage Preventi	ion i.	⊠ Flo	od Control			
2.	This Comm	ission hereby fin	ds th	e pro	ject, as prop	oosed, is: (che	ck one	of the fo	ollowing boxe	s)		
Apı	<b>proved</b> subj	ect to:										
1.	standards s	owing conditions set forth in the w ed in accordance	etiar	nds r	equiations.	This Commiss	sion or	ders tha	it all work ch	all		

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.

wpaform5.doc • rev. 05/19/2010



#### WPA Form 5 - Order of Conditions

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

Provided by MassDEP:			
64-537			
MassDEP File #			
eDEP Transaction #			
Salem			
City/Town			

## B. Findings (cont.)

#### Denied because:

- c. In 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).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/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.	☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	<ul><li>Bordering</li><li>Vegetated Wetland</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
6.	<ul><li>Land Under</li><li>Waterbodies and</li><li>Waterways</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
7.	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.	<ul><li>Isolated Land</li><li>Subject to Flooding</li></ul>	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ Riverfront Area	a total so feet	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100-	o smilare feet	d. square feet	e contare feet	f. square feet
	200 ft	n entiare feet	h. square feet	i souare feet	j. square feet



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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## B. Findings (cont.)

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

	Alteration	Alteration	Proposed Replacement	Permitted Replacement
10. Designated Port Areas	Indicate size	under Land Und	ler the Ocean, be	low
11. Land Under the				
Ocean	a. square feet	b. square feet	-	
	c. c/y dredged	d. c/y dredged	-	
12. Barrier Beaches	Indicate size below	under Coastal B	eaches and/or Co	oastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd	cu yd
15. Coastal Banks			c. nounsnment	d. nourishment
16. Rocky Intertidal	a. linear feet	b. linear feet		
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		
40. The state of t	c. c/y dredged	d. c/y dredged		
<ol> <li>Land Containing Shellfish</li> </ol>	a. square feet	b. square feet	c. square feet	d. square feet
20. 🗌 Fish Runs	Indicate size u	ınder Coastal Ba	anks, Inland Bank	, Land Under
	the Ocean, an Waterways, at	d/or inland Land pove	Under Waterboo	lies and
	a. c/y dredged	b. c/y dredged		
21.	a. square feet	b. square feet		
Flowage				



in addition to the square

footage that has been

entered in Section B.5.c (BVW) or

B.17.c (Salt

please enter

the additional

#### **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:
64-537
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City/Town

B. Findings (cont.) \* #22. If the 22. Restoration/Enhancement \*: project is for the purpose of restoring or a. square feet of BVW enhancing a wetland

b. square feet of salt marsh

resource area 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.

- Marsh) above, 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.
- The Order does not grant any property rights or any exclusive privileges; it does not amount here. 2. 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.
  - 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 9/17/2012 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.
  - 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.



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
64-537
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Salem
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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmenta	Protection" [or, "MassDEP"]
"File Number	64-537	"

- 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.
- 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.



### WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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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.



#### 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:

64-537

MassDEP File #

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Salem City/Town

## 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.
- 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.



## **WPA Form 5 – Order of Conditions**

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Provided by MassDEP:			
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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
  - 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.
- I) 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):

document).



3.

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

1.	ısaı	municipal wetlands bylaw or ordinance applicable? 🛛 Yes	☐ No
2.	The	Salem hereby finds (	check one that applies):
	a. [	that the proposed work cannot be conditioned to meet the smunicipal ordinance or bylaw, specifically:	standards set forth in a
	1	I. Municipal Ordinance or Bylaw	2. Citation
	()	Therefore, work on this project may not go forward unless and ntent is submitted which provides measures which are adequa standards, and a final Order of Conditions is issued.	until a revised Notice of ate to meet these
	U	$\!$	nply with a municipal
	M	Vetlands Protection and Conservation	c.50
_		. Municipal Ordinance or Bylaw	2. Citation
3.	condit	Commission orders that all work shall be performed in accorda itions and with the Notice of Intent referenced above. To the exitions modify or differ from the plans, specifications, or other protice of Intent, the conditions shall control.	xtent that the following roposals submitted with
	111016	pecial conditions relating to municipal ordinance or bylaw are space for additional conditions, attach a text document):	
	for co	ned special conditions are issued under the Wetlands Protection in the local ordinance (c.50)	on Act and are sufficient
	****		



## WPA Form 5 – Order of Conditions

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

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Serve 
City/Town

## E. Signatures

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

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

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

by hand delivery on

Date

| Signatures: | Date | D

#### 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.



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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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.

Conservation Commission		
Commission	mped by the Registry of Deeds and su	bmit to the Conservation
То:		
Conservation Commission		
Please be advised that the Ordo	er of Conditions for the Project at:	
Project Location	MassDEP File Numb	per
Has been recorded at the Regis	stry of Deeds of:	
County	Book	Page
for:		
Property Owner		
and has been noted in the chair	of title of the affected property in:	
Book	Page	
n accordance with the Order of	Conditions issued on:	
Date		
recorded land, the instrument	number identifying this transaction is:	
Instrument Number		
registered land, the document	number identifying this transaction is:	:
Document Number		
Signature of Applicant		

		Workstractions con some deather removement



### SALEM CONSERVATION COMMISSION DEP FILE #64-531 8 Nurse Way City of Salem, Massachusetts

### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-531** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



### **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:	
64-531	
MassDEP File #	
eDEP Transaction #	
Salem	
City/Town	

### A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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: Salem		
2. This issuance is for (check one):	Order of Conditions b. Am	ended Order of Conditions
3. To: Applicant:		
Kenneth G. a. First Name	Steadman b. Last Name	
c. Organization		
67 Village Street		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
Property Owner (if different from app     a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
8 Nurse Way	Salem	
a. Street Address	b. City/Town	
9	228	
c. Assessors Map/Plat Number	d. Parcel/Lot Number	r
Latitude and Longitude, if known:	42d30m35s	70d55m09s

d. Latitude

e. Longitude



### 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):								
	Southern	Essex		80814 & 80815					
	a. County			b. Certificate Numb	b. Certificate Number (if registered land)				
	c. Book			d. Page					
7.	Dates:	6/20/2012		9/13/2012	9/17/2012				
٠.		a. Date Notice of In		b. Date Public Hearing Clo					
8.	as neede	d):	ocuments (attach additional p	plan or document reference					
	a. Plan Title	lopment Permit F	lan Loca	ated in Salem, Mass.					
				Q					
	Eastern Land Survey Associates b. Prepared By			Clayton A. Mori					
	9/7/2012	Бу		c. Signed and Stam	ped by				
	d. Final Rev	icion Data		e. Scale	1"=20'				
	G. Final Hev	ISION Date		e. Scale					
	f Additional	Plan or Document Tit							
		I Idii Oi DOCUIIIÇIIL III	ile		n Date				
R			ile		g. Date				
В.	Findin		ile		g. Date				
	Findin	gs		setts Wetlands Protection Ac					
<b>B.</b>	Findings provided in the areas	gs  oursuant to the Mathematical the review of the notice of the notice of the notice.	assachu above-ro and pres	eferenced Notice of Intent an sented at the public hearing, I is significant to the following	et: ad based on the information this Commission finds that				
	Findings provided in the areas Protection	gs  oursuant to the Mathematical the review of the notice that the name of the	assachu above-ro and pres	eferenced Notice of Intent an sented at the public hearing, I is significant to the following nat apply:	et: ad based on the information this Commission finds that				
1.	Findings provided in the areas Protection	gs  oursuant to the Mathematics the review of the nothis application in which work is part of the Act (the Act). Ch	assachu above-re and pres proposec neck all tl	eferenced Notice of Intent an sented at the public hearing, I is significant to the following nat apply: Land Containing Shellfish	et:  Indicate the description of				
1. a.	Findings provided in the areas Protection  Public Private	gs  Dursuant to the Mathemather review of the nothing application in which work is part of the Act). Character Supply	assachu above-re and pres proposec neck all tl	eferenced Notice of Intent an sented at the public hearing, d is significant to the following nat apply:  Land Containing Shellfish	et:  Indicate the description of the description of the western of the wildlife Habitat				
1. a.	Findings provided in the areas Protection  Public Private  Groun	gs  pursuant to the Mathe review of the nothis application in which work is part of the Act (the Act). Che Water Supply the Water Supply adwarder Supply	assachua above-re and pres proposed neck all the b. ————————————————————————————————————	eferenced Notice of Intent ansented at the public hearing, it is significant to the following nat apply:  Land Containing Shellfish  Fisheries	et:  ad based on the information this Commission finds that g interests of the Wetlands  b. Prevention of Pollution  f. Protection of Wildlife Habitat  ii. Selection Control				

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.



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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Citv/Town

## B. Findings (cont.)

### Denied because:

- 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)

10' +/a. linear feet

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

					• /
Re	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank	a. linear feet	b. linear feet		
5.	☐ Bordering	a. mear reet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland  Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	<b></b> -	e. c/y dredged	f. c/y dredged		
7.	☐ 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.	Isolated Land				
	Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage				
	- The state of the sage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ Riverfront Area				
		a total on foot	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	a sauara faat	h. square feet	i sauara faat	j. square feet



## **WPA Form 5 – Order of Conditions**

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## B. Findings (cont.)

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

10. Designate d Book	Alteration	Alteration	Proposed Replacement	Permitted Replacement
<ul><li>10.  Designated Port Areas</li><li>11.  Land Under the</li></ul>	Indicate size	under Land Und	ler the Ocean, be	
Ocean Order the	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal B	eaches and/or Co	pastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. Coastal Banks 16. Rocky Intertidal	a. linear feet	b. linear feet		
16. LJ Rocky Intertidal Shores	a. square feet	b. square feet		
<ul><li>17.  Salt Marshes</li><li>18.  Land Under Salt</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
Ponds	a. square feet	b. square feet		
19. Land Containing	c. c/y dredged	d. c/y dredged		
Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. Fish Runs	Indicate size u the Ocean, an Waterways, at	d/or inland Land	nks, Inland Bank, Under Waterbodi	Land Under es and
21.    Land Subject to	a. c/y dredged	b. c/y dredged		
Coastal Storm Flowage	a. square feet	b. square feet		



entered in Section B.5.c (BVW) or

B.17.c (Salt

please enter

the additional

### 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:
64-531
MassDEP File #
eDEP Transaction #
Salem
City/Town

. Findings (cont.)	
Restoration/Enhancement *:	
a. square feet of BVW	b. square feet of salt marsh
a. number of new stream crossings	b. number of replacement stream crossings
	a. square feet of BVW  Stream Crossing(s):

## C. General Conditions Under Massachusetts Wetlands Protection Act

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

- Marsh) above, 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.
- The Order does not grant any property rights or any exclusive privileges; it does not amount here. 2. 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 9/17/2012 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.



## WPA Form 5 – Order of Conditions

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

Fromded by MassDEP:
64-531
MassDEP File #
eDEP Transaction #
Salem

# 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmenta	Protection" [or, "MassDEP"]
"File Number	64-531	"

- 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.
- 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.
- 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.



## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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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: *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.



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP: 64-531

MassDEP File #

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Salem
City/Town

## 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.



## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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Salem

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

- 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.
- 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):

document):



## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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eDEP Transaction #
Salem
City/Town

# D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ısaı	municipal wetlands bylaw or ordinance applicable? 🛛 Yes	; [	□ No	
2.	The	Salem hereby finds Conservation Commission	(chec	ck one ti	hat applies):
	a. [ n	that the proposed work cannot be conditioned to meet the nunicipal ordinance or bylaw, specifically:	stand	dards se	et forth in a
	1	Municipal Ordinance or Bylaw		***	2. Citation
		herefore, work on this project may not go forward unless an ntent is submitted which provides measures which are adequ tandards, and a final Order of Conditions is issued.	d unti uate to	il a revis o meet t	sed Notice of these
	N	that the following additional conditions are necessary to conditions or the following additional conditions are necessary to conditions are necessary to conditions.	omply		municipal c.50
		Municipal Ordinance or Bylaw			2 Citation
3.	condit the No The sp more:	commission orders that all work shall be performed in accordions and with the Notice of Intent referenced above. To the ions modify or differ from the plans, specifications, or other potice of Intent, the conditions shall control. Decial conditions relating to municipal ordinance or bylaw are space for additional conditions, attach a text document):	extent propose e as fo	it that the sals sub ollows (i	e following omitted with if you need
	Attacr	ned special conditions are issued under the Wetlands Protections with the local ordinance (c.50)	tion A	Act and a	are sufficient



### WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-531 MassDEP File #

eDEP Transaction #

Sale City/Town

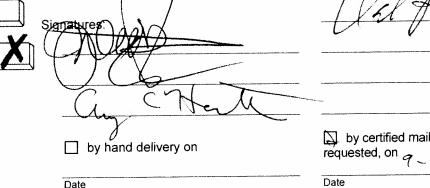
### E. Signatures

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

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

9-17-12 1. Date of Issuance

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.



D by certified mail, return receipt requested, on 9-17-18

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.



## WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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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.

Conservation Commission		
Detach on dotted line, have stamped to	ov the Registry of Deeds and	Submit to the Consonyation
CONTINUSSION.		Submit to the Conservation
То:		
Conservation Commission		
Please be advised that the Order of C	onditions for the Project at:	
Project Location	MassDEP File Nur	nber
Has been recorded at the Registry of	Deeds of:	
County	Book	Poo
for:	Book	Page
Property Owner		
and has been noted in the chain of title	e of the affected property in:	
Book	Page	
In accordance with the Order of Condit	ions issued on:	
Date		
froorded land the factor		
f recorded land, the instrument numbe	r identifying this transaction is	3:
Instrument Number		
f registered land, the document numbe	er identifying this transaction is	s:
Document Number		
Signature of Applicant		



# SALEM CONSERVATION COMMISSION DEP FILE #64-530 1 Good Circle City of Salem, Massachusetts

### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-530** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)

9/7/2012
(Dated)

Clayton Morin
(Signed and Stamped by)

City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
- 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



### **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: 64-530 MassDEP File # eDEP Transaction # Salem City/Town

### A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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:	Salem		
	Conservation Commission	n	
2. This issu (check o	nance is for one):	a. 🖾 Order of Conditions b. 🗌 Ame	nded Order of Conditions
3. To: Ap	plicant:		
Kennet	h G.	Steadman	
a. First N	lame	b. Last Name	
c. Organi	ization		
67 Villa	ge Street		
d. Mailing	Address		
Marblel	nead	MA	01945
e. City/To	own	f. State	g. Zip Code
a. First Na	Owner (if different fror	b. Last Name	
c. Organiz	zation		
d. Mailing	Address		
e. City/Tov	wn	f. State	g. Zip Code
5. Project Lo	cation:		
1 Good	Circle	Salem	
a. Street A	ddress	b. City/Town	
9		230	
c. Assesso	ors Map/Plat Number	d. Parcel/Lot Number	
Latitude	and Longitude, if know	42d30m35s	70d55m09s
	•	d. Latitude	e Longitude

e. Longitude



## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-530
MassDEP File #
eDEP Transaction #
Salem
City/Town

### A. General Information (cont.)

6.	Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):									
	Southern Essex					80814 & 80815				
	a. County					b. Certificate Number (if registered land)				
	c. Book					d. Page				
7.	Dates:	6/20/2012			9/13/	•			9/17/2012	
1.		a. Date Notice of I			b. Date	Public Hearing	Closed	 L	c. Date of Issuance	
<ol> <li>Final Approved Plans and Other Documents (attach additional plan or doc as needed):</li> <li>Site Development Permit Plan Located in Salem, Mass.</li> </ol>					document refer	ences				
	a. Plan Title									
	Eastern La	and Survey Asso	ociates			Clayton A. M	orin			
	b. Prepared	Ву				c. Signed and St	tamped	d by		
	9/7/2012 d. Final Revi	-i D-I				1"=20'				
	u. rinai nevi	sion Date				e. Scale				
	f. Additional I	Plan or Document T	itle					_	g. Date	
В.	Finding	gs	······································		·····				g. Dato	<del></del>
1.	Findings p	ursuant to the M	lassach	nuse	tts Wetland	s Protection	Act:			
	the areas i	the review of the n this application n which work is Act (the Act). Ch	and pr propos	rese ed is	nted at the s significan	nublic bearin	a thi	$\sim$	ma maila mila mila di coli	
<b>1</b> .	□ Public *	Water Supply	b. [	_ L	and Conta	ining Shellfish	n <sup>c.</sup>		Prevention of lution	
i.	□ Private	Water Supply	е. [	☑ F	isheries		f.		Protection of dlife Habitat	
<b> .</b>	⊠ Ground	lwater Supply	h. 🛭	ß s	itorm Dama	age Preventio	n i.	$\boxtimes$	Flood Control	
	This Commi	ission hereby find	ds the p	roje	ct, as propo	sed, is: (chec	k one	of th	ne following boxe	s)
nn	royad cubi	ant to:								

### Approved subject to:

a. Methodological 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.



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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### B. Findings (cont.)

### Denied because:

- 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).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

Re	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	<ul><li>☐ Bordering</li><li>Vegetated Wetland</li></ul>	a. square feet	b. square feet	c. square feet	d. square feet
6.	☐ Land Under Waterbodies and	a. square feet	b. square feet	c. square feet	d. square feet
	Waterways	e. c/y dredged	f. c/y dredged		·
7.	☐ 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.	☐ 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.	☐ Riverfront Area	a total on feet	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100-	n entiare feet	d. square feet	a soliare feet	f. square feet
	200 ft	n saliare feet	h. square feet	i enuara feet	j. square feet



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## B. Findings (cont.)

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

10	Designated Port	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
11.	Areas	Indicate size	under Land Und	er the Ocean, be	low
	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size ( below	under Coastal Be	eaches and/or Co	pastal Dunes
13.	☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
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		
19.	☐ Land Containing	c. c/y dredged	d. c/y dredged		
	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs	Indicate size un the Ocean, and Waterways, ab	d/or inland Land	nks, Inland Bank, Under Waterbod	Land Under ies and
21.	☐ Land Subject to	a. c/y dredged	b. c/y dredged		
	Coastal Storm Flowage	a. square feet	b. square feet		



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B. Findin	gs (cont.)
-----------	------------

* #22. 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

22.	Restoration/Enhancement *:	
	a. square feet of BVW	b. square feet of salt marsh
23.	Stream Crossing(s):	
	a. number of new stream crossings	h number of replacement stream greenings

## C. General Conditions Under Massachusetts Wetlands Protection Act

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

- 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.
- amount here. 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.
  - 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 9/17/2012 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.



## WPA Form 5 - Order of Conditions

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

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## 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmental	Protection" [or, "MassDEP"
"File Number	64-530	"

- 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.
- 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.



## **WPA Form 5 – Order of Conditions**

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

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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: *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.



## WPA Form 5 - Order of Conditions

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

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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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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.
- 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):

document):	• •	



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## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ls a	a municipal wetlands bylaw or ordinance applicable? 🛛 Yes 📗 🗈	Vo	
2.	The	<del></del>		
	a.	that the proposed work cannot be conditioned to meet the standard municipal ordinance or bylaw, specifically:	ds set forth in a	
		1. Municipal Ordinance or Bylaw	2. Citation	
		Therefore, work on this project may not go forward unless and until a r Intent is submitted which provides measures which are adequate to me standards, and a final Order of Conditions is issued.	evised Notice of eet these	
		$\boxtimes$ that the following additional conditions are necessary to comply with ordinance or bylaw:	า a municipal	
		Wetlands Protection and Conservation	c.50	
_		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.			
	111016	The special conditions relating to municipal ordinance or bylaw are as follows (if you nee nore space for additional conditions, attach a text document):		
	for c	ched special conditions are issued under the Wetlands Protection Act a ompliance with the local ordinance (c.50)	and are sufficient	



## WPA Form 5 – Order of Conditions

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

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### E. Signatures

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

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

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

| by hand delivery on | 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.

Date

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.



# **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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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.

Conservation Commission		
Detach on dotted line, have sta Commission.	mped by the Registry of Deeds and s	submit to the Conservation
То:		
Conservation Commission		
Please be advised that the Ord	er of Conditions for the Project at:	
Project Location	MassDEP File Num	nber
Has been recorded at the Regis	stry of Deeds of:	
County	Book	Page
for: Property Owner		
and has been noted in the chair	of title of the affected property in:  Page	
n accordance with the Order of		
Date		
recorded land, the instrument	number identifying this transaction is	:
Instrument Number		
registered land, the document	number identifying this transaction is	<b>:</b> :
Document Number		
Signature of Applicant		



# SALEM CONSERVATION COMMISSION DEP FILE #64-529 2 Good Circle City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-529** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

#### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

·
(Title)
9/7/2012
(Dated)
Clayton Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



# 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:
64-529
MassDEP File #
eDEP Transaction #
Salem
City/Town

## A. General Information

Latitude and Longitude, if known:

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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:	Salem Conservation Comm	nission	
2. This iss (check	uance is for	a. 🖾 Order of Conditions b. 🗌 Amende	ed Order of Conditions
3. To: Ap	oplicant:		
Kenne a. First l		Steadman b. Last Name	
- 0	- 45		
c. Organ			
d. Mailin	age Street		
Marble	•	•••	
e. City/T		MA f. State	01945
4. Property	Owner (if different		g. Zip Code
	owner (ii diliereni	пот аррисант):	
a. First N	lame	b. Last Name	
c. Organi	zation		
d. Mailing	Address		
e. City/To		f. State	g. Zip Code
<ol> <li>Project Lo</li> </ol>	ocation:		- '
2 Good a. Street A		Salem	
9	144,000	b. City/Town	
	ors Map/Plat Number	232	
	,	d. Parcel/Lot Number	

42d30m35s

d. Latitude

70d55m09s

e. Longitude



## 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.	one parcel):								
	Southern Essex a. County					80814 & 80815			
						b. Certificate Number (if registered land)			
	c. Book					d. Page			
7.	Dates:	6/20/2012 a. Date Notice of I	ntent	Filed		'2012 e Public Hearing (	<u> </u>	<del></del>	9/17/2012
8.	as neede	proved Plans and ed):	Oth	er Do	ttach additiona	l plar	n or	c. Date of Issuance document references	
	a. Plan Title	Site Development Permit Plan Located in Salem, Mass.							
	Eastern L b. Prepared	and Survey Asso	ociate	es		Clayton A. Mo	orin amped	lbv	
	9/7/2012 d. Final Rev	vision Date				1"=20' e. Scale			
	f Additional	DI		····		c. Goale		_	
_		Plan or Document Ti	tle						g. Date
<b>D.</b>	Findin	<b>gs</b> oursuant to the M	assa	ıchus	setts Wetlan	ds Protection A	Act:		
	Following provided in the areas	the review of the	abo and prop	ve-re pres	eferenced No sented at the	otice of Intent	and b	. 00	d on the information mmission finds that sts of the Wetlands
a.	□ Public	Water Supply	b.		Land Conta	ining Shellfish	C.	⊠ Pol	Prevention of
d.	□ Private	e Water Supply	e.	$\boxtimes$	Fisheries		f.	$\boxtimes$	Protection of dlife Habitat
g.	⊠ Groun	dwater Supply	h.	$\boxtimes$	Storm Dam	age Preventior	n i.	$\boxtimes$	Flood Control
2.	This Comn	nission hereby find	ds the	e pro	ject, as prop	osed, is: (check	one	of th	ne following boxes)
Apr	proved sub								,

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.



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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. In 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).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

10' +/a. linear feet

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

Re	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. 5.	☐ Bank ☐ Bordering	a. linear feet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
Subject to Flooding	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
8.	Cubic Feet Flood Storage  Isolated Land	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
	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.	☐ Riverfront Area	a total en faat	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100- 200 ft	c square feet	d. square feet	a enviare feet	f. square feet
200 π		n enuare feet	h. square feet	i saliara foot	j. square feet



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### B. Findings (cont.)

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

10. Designated Port	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
<ul><li>10.  ☐ Designated Port</li><li>Areas</li><li>11. ☐ Land Under the</li></ul>	Indicate size	under Land Und	er the Ocean, be	low
Ocean Order the	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal Be	eaches and/or Co	oastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. Coastal Banks	a. linear feet	b. linear feet		
<ol> <li>16.</li></ol>	a. square feet	b. square feet		
17. Salt Marshes	a. square feet	b. square feet	***************************************	
18. Land Under Salt			c. square feet	d. square feet
Ponds	a. square feet	b. square feet		
19. Land Containing	c. c/y dredged	d. c/y dredged		
Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.  Fish Runs	Indicate size u the Ocean, and Waterways, ab	d/or inland Land	nks, Inland Bank, Under Waterbod	, Land Under ies and
21. Land Subject to	a. c/y dredged	b. c/y dredged		
Coastal Storm Flowage	a. square feet	b. square feet		



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* #22. If the
project is for
the purpose o
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

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.

- 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.
- amount here. 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.
  - 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.
  - 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.
  - 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 9/17/2012 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.



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# 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmental	Protection" [or,	"MassDEP"]
"File Number	64-529	"	

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

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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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# 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.
- Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- 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.
- 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):



3.

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

1.	ls a	municipal wetlands bylaw or ordinance applicable? 🛛 Yes 🔲 N	0
2.	The	Salem Conservation Commission hereby finds (check on	
	a. [ r	that the proposed work cannot be conditioned to meet the standards municipal ordinance or bylaw, specifically:	· ·
	1	. Municipal Ordinance or Bylaw	2. Citation
		herefore, work on this project may not go forward unless and until a re ntent is submitted which provides measures which are adequate to med tandards, and a final Order of Conditions is issued.	
	b. [2 0	that the following additional conditions are necessary to comply with triance or bylaw:	a municipal
	<u>N</u>	Vetlands Protection and Conservation	c.50
	The C	Municipal Ordinance or Bylaw	0.00
•	condit the No The sp	Commission orders that all work shall be performed in accordance with tions and with the Notice of Intent referenced above. To the extent that tions modify or differ from the plans, specifications, or other proposals solice of Intent, the conditions shall control.  Decial conditions relating to municipal ordinance or bylaw are as follows space for additional conditions, attach a text decimal to the proposal space for additional conditions.	the following submitted with
	Allacii	ned special conditions are issued under the Wetlands Protection Act an impliance with the local ordinance (c.50)	d are sufficient
-			
-			



# WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-52 MassDEP File #

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### E. Signatures

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

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance. Please indicate the number of members who will sign this form.

1. Date of Issuance

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 band delivered to the applicant. A copy must be mailed, hand delivered of filed electronically at the same time with the appropriate MassDEP Regional Office.

☐ by hand delivery on

by certified mail, return receipt requested, on

F. Appeals

Date

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.

Date

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

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.



# **WPA Form 5 – Order of Conditions**

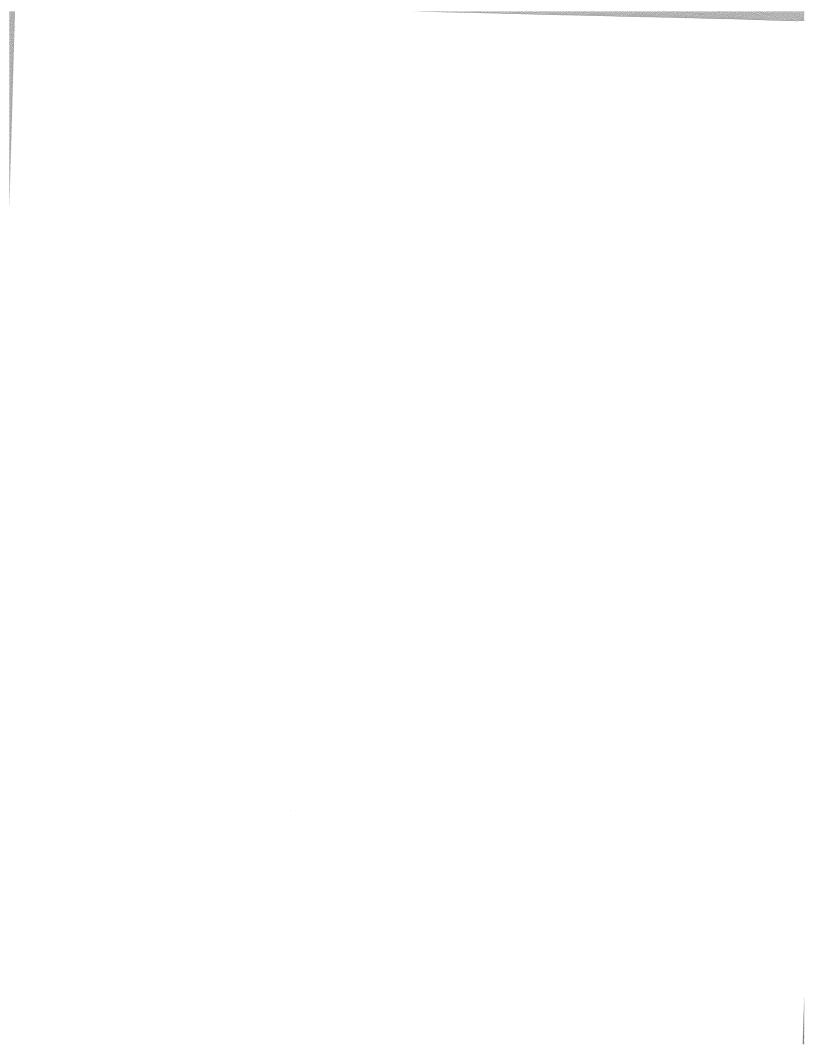
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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.

**** *********************************		
Conservation Commission		
Detach on dotted line, have sta	imped by the Registry of Deeds and su	
Commission.	the stagion y or beeds and st	ibmit to the Conservation
To:	o y a bodo dila 30	
Conservation Commission		
Please he advised that the Out		
and be advised that the Ord	er of Conditions for the Project at:	
Project Location		
	MassDEP File Numb	er
Has been recorded at the Regis	stry of Deeds of:	
County		
County	Book	Page
for:		. age
Property Owner		
and has been noted in the above		
and has been noted in the chain	of title of the affected property in:	
Book		
	Page	
n accordance with the Order of (	Conditions issued on:	
	o swall on looded on.	
Date		
recorded land the inst		
recorded land, the instrument n	number identifying this transaction is:	
Instrument Number		
registered land, the document n	number identifying this transaction is:	
	amber identifying this transaction is:	
Document Number		
Signature of Applicant		





# SALEM CONSERVATION COMMISSION DEP FILE #64-528 3 Good Circle City of Salem, Massachusetts

#### ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (October 1, 2008) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a single-family house and appurtenances per Notice of Intent submitted June 20, 2012.

#### SPECIAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-528** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) business day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, 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 Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.



- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
  - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
  - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
  - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
  - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

#### Final Approved Plans

Site Development Permit Plan Located in Salem, Mass.

(Title)

9/7/2012
(Dated)

Clayton Morin
(Signed and Stamped by)

City of Salem Conservation Commission
(On file with)

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend



- this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

#### PRIOR TO CONSTRUCTION

- 17. Prior to the commencement of any activity on this site other than activities listed above, there must be a Pre-Construction Meeting on site between the project supervisor, the contractor responsible for the work, and the Conservation Agent and/or a member of the Conservation Commission to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Agent at (978) 619-5685 at least forty-eight (48) hours prior to construction to arrange for the Pre-Construction Meeting.
- 18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Agent shall inspect and approve such installation at the pre-construction meeting.
- 19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- 20. There shall be sufficient erosion controls stored under cover on the site to be used for emergency erosion control purposes.

#### **EROSION CONTROL**

- Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 22. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 23. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 24. The area of construction shall remain in a stable condition at the close of each construction day.
- 25. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.



- 26. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 27. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

#### **DURING CONSTRUCTION**

- 28. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
- 29. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- 30. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
- 31. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- 32. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
- 33. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- 34. There shall be no pumping of water from wetland resource areas.
- 35. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 36. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
- 37. The applicant is herby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

#### AFTER CONSTRUCTION

- 38. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
  - (3) 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 Massachusetts Wetlands Protection Act. 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 designs, 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) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 39. When issued, the Certificate of Compliance must be recorded at the Southern Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 40. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 41. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

#### ADDITIONAL CONDITIONS

42. Prior to construction, a plantings plan developed by a wetlands scientist must be submitted to the conservation commission for review and approval.



### **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

64-528 MassDEP File # eDEP Transaction # Salem

City/Town

Provided by MassDEP:

Latitude and Longitude, if known:

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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





<u>A lianaral Informati</u>	A	
A. General Informati	on	
. From: Salem		
Conservation Commiss	sion	
. This issuance is for	- Mordanato III	
(check one):	a. 🛮 Order of Conditions в. 🔲 Amend	ed Order of Condition
. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
	o. East Haile	
c. Organization		
67 Village Street		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
Property Owner (if different fr	om applicant\.	0 ,
1 3 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	om applicanty.	
a. First Name		
a. Prot Name	b. Last Name	
c. Organization		
d. Mailing Address		***************************************
, and the second		
e. City/Town	f. State	
Droinet Landing	i, clate	g. Zip Code
Project Location:		
3 Good Circle	Salem	
a. Street Address		
	b. City/Town	
9 c. Assessors Map/Plat Number	b. City/Town 231	1100

42d30m35s

d. Latitude

70d55m09s

e. Longitude



# **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
64-528
MassDEP File #
eDEP Transaction #
Salem
City/Town

# A. General Information (cont.)

6.	Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):							
	Southern Essex					80814 & 80815		
	a. County					b. Certificate Number (if registered land)		
	c. Book				d. Page			
7.	Dates:	6/20/2012 a. Date Notice of I		F:1 ,		2012		9/17/2012
8.	Final App				b. Dat Ocumente (e	e Public Hearing	Closed	c. Date of Issuance
	as neede	d):	Our	GI DI	ocuments (a	llach additiona	ai piai	n or document reference
	Site Deve	lopment Permit	Plan	Loca	ated in Saler	n, Mass.		
	a. Plan Title							
	b. Prepared	and Survey Asso	ociat	es		Clayton A. Mo	orin	
	9/7/2012	ьу				c. Signed and St	amped	d by
	d. Final Rev	ision Data				1"=20'		
	a. i ii ai i i c	olon Date				e. Scale		
	f. Additional	Plan or Document T	itle					g. Date
B	Finding	as						y. Date
		<b>5</b> -						
1.	Findings p	oursuant to the M	lassa	achu:	setts Wetlan	ds Protection	Act:	
	Following provided in the areas in	the review of the	abo and prop	ve-res	eferenced No sented at the Lis significar	otice of Intent	and b	pased on the information on Commission finds that terests of the Wetlands
۱.	Public	Water Supply	b.		Land Conta	ining Shellfish	C.	□ Prevention of Pollution
•	□ Private	Water Supply	e.	$\boxtimes$	Fisheries		f.	□ Protection of Wildlife Habitat
	⊠ Ground	dwater Supply	h.	$\boxtimes$	Storm Dam	age Preventio	n i.	
	This Comm	ission hereby find	ds the	e pro	ject, as prop	osed, is: (checl	k one	of the following boxes)
pp	<b>roved</b> subj	ect to:						
	the follo	owing conditions	whic	ch ar	e necessary	in accordance	e 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.



# 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:

- 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.
- 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).
- 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)

			• • • • • • • • • • • • • • • • • • • •	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	· · · <b>J</b> /
R	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	h 15		
5.	☐ Bordering	a. miear ieet	b. linear feet	c. linear feet	d. linear feet
6.	Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	f. c/y dredged		
	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	a cubia fast	
8.	☐ Isolated Land		i. cubic reet	g. cubic feet	h. cubic feet
	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.	☐ Riverfront Area				
		a total en foot	b. total sq. feet		
	Sq ft within 100 ft				
	Sq ft between 100- 200 ft	n envara faat	d. square feet	a emiliare feet	f. square feet
	20011	n smiare feet	h. square feet	i saliare feet	j. square feet



# WPA Form 5 - Order of Conditions

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

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### B. Findings (cont.)

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

10. Decimated But	Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
<ul><li>10.  Designated Port</li><li>Areas</li><li>11.  Land Under the</li></ul>	Indicate size	under Land Und	er the Ocean, be	low
Ocean	a. square feet	b. square feet	-	
	c. c/y dredged	d. c/y dredged		
12. Barrier Beaches	Indicate size below	under Coastal B	eaches and/or Co	pastal Dunes
13. Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
<ul><li>15.  Coastal Banks</li><li>16.  Rocky Intertidal</li></ul>	a. linear feet	b. linear feet		
Shores	a. square feet	b. square feet		
17. Salt Marshes  18. Land Under Salt	a. square feet	b. square feet	c. square feet	d. square feet
18.	a. square feet	b. square feet		
19. Land Containing	c. c/y dredged	d. c/y dredged		
Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Indicate size u the Ocean, and Waterways, ab	d/or inland Land	nks, Inland Bank, Under Waterbod	Land Under es and
21.  Land Subject to	a. c/y dredged	b. c/y dredged		
Coastal Storm Flowage	a. square feet	b. square feet		



B. Findings (cont.)

### 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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\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area 2 in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, 1. please enter

the additional

•	Concret O	ordan droamgs
	a. number of new stream crossings	b. number of replacement stream crossings
3.	Stream Crossing(s):	
	a. square feet of BVW	b. square feet of salt marsh
2.	Restoration/Enhancement *:	
	,	

# C. General Conditions Under Massachusetts Wetlands Protection Act

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

- 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.
- The Order does not grant any property rights or any exclusive privileges; it does not amount here. 2. 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 9/17/2012 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.



# **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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# 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	of Environmenta	al Protection" [or, "MassDEP"]
"File Number	64-528	n

- 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.
- 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.



## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:
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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: *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.



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-528

MassDEP File #

eDEP Transaction #
Salem
City/Town

# 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.



# WPA Form 5 - Order of Conditions

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

Provided by MassDEP:			
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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.
- 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):



# **WPA Form 5 – Order of Conditions**

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# D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	13 0	Mullicipal wellands bylaw or ordinance applicable? 🛛 Yes 🔲 No			
2.	The	Salem hereby finds (check one Conservation Commission	that applies):		
<ul> <li>a.</li></ul>					
		Municipal Ordinance or Bylaw	2. Citation		
Therefore, work on this project may not go forward unless and until a revised Intent is submitted which provides measures which are adequate to meet the standards, and a final Order of Conditions is issued.					
		In that the following additional conditions are necessary to comply with a ordinance or bylaw:  Wetlands Protection and Conservation			
	-	Municipal Ordinance or Bylaw	c.50 2. Citation		
3. The Commission orders that all work shall be performed in accordance with the follo conditions and with the Notice of Intent referenced above. To the extent that the follo conditions modify or differ from the plans, specifications, or other proposals submitte the Notice of Intent, the conditions shall control.  The special conditions relating to municipal ordinance or bylaw are as follows (if you more space for additional conditions, attach a text document):					
	Attac	ched special conditions are issued under the Wetlands Protection Act and ompliance with the local ordinance (c.50)	are sufficient		
-					



# WPA Form 5 - Order of Conditions

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

Provide	ed by MassDEP:
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### E. Signatures

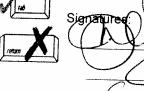
Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

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

1. Date of Issuance 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or pled electronically at the same time with the appropriate MassDEP Regional Office



Signatured Dick	
Chy 9	
by hand deliver	ry on

by certified mail, return receip
requested, on
9-17 11

Date

#### F. Appeals

Date

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.



# **WPA Form 5 – Order of Conditions**

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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.

Conservation Commission		
Detach on dotted line, have stamped by the Rec	ristry of Deeds and	submit to the Course of
To:		************************
Conservation Commission		
Please be advised that the Order of Conditions	f	
Please be advised that the Order of Conditions	for the Project at:	
Project Location	MassDEP File Nu	
	Massuer File Mu	mper
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 aff	facted proporty in	
and the strain of this of the an	ected property in:	
Book	Page	
In accordance with the Order of Conditions issue	<u>-</u>	
was decided with the Order of Conditions issue	ea on:	
Date		
If recorded lead the		
If recorded land, the instrument number identifyir	ng this transaction i	s:
Instrument Number		
lf registered land, the document number identifyir	ng this transaction	is:
Door		
Document Number		
Signature of Applicant		