



CITY OF SALEM CONSERVATION COMMISSION

January 24, 2013

Andrew Brennan
Massachusetts Bay Transportation Authority
10 Park Plaza, Suite 3910
Boston, MA 02116

**Re: Administrative Correction to Order of Conditions—DEP #64-546—Salem
Intermodal Station**

Dear Mr. Brennan:

Please find the attached corrected pages of the above-referenced order of conditions. These corrections clarify that the order is issued under the Wetlands Projection Act only, and not Salem's local wetlands protection ordinance.

Please swap these pages with the corresponding pages from the original order prior to recording the document at the Southern Essex County Registry of Deeds.

Please let me know if I can be of further assistance.

Sincerely,

Tom Devine
Conservation Agent/ Staff Planner

Enclosure

CC: DEP Northeast Regional Office



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:

64-546

MassDEP File #

eDEP Transaction #

Salem

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

Conservation Commission

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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



ATTACHMENT TO ORDER OF CONDITIONS

SALEM CONSERVATION COMMISSION

DEP FILE #64-546
Salem Commuter Rail Station
252 Bridge Street
City of Salem, Massachusetts

ADDITIONAL FINDINGS & SPECIAL CONDITIONS

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. This project is not subject to the City of Salem Wetlands Protection and Conservation Ordinance, Salem Code Chapter 50.

This order permits the construction of a parking garage and station improvements per plans referenced below.

GENERAL CONDITIONS

1. This Order of Conditions must be recorded in its entirety **(including all 6 pages of this attachment)** 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.
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 #64-546** 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.