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

Provided by MassDEP:
002-1087
MassDEP File #
eDEP Transaction #
Amesbury
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: Amesbury
Conservation Commission

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

3. To: Applicant:
Richard Saba
a. First Name b. Last Name

Amanda Lane Realty Trust
c. Organization

1 Riverview Boulevard
d. Mailing Address

Methuen MA 01844
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
See Appendix 1
a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:
19 Evans Place Amesbury
a. Street Address b. City/Town

91 18 and 17A
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Essex South
 a. County Essex South b. Certificate Number (if registered land) 559; 229
 c. Book 31032; 19747 d. Page 559; 229
7. Dates: December 12, 2013 September 15, 2014 October 8, 2014
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
See Appendix 2
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped by _____
 d. Final Revision Date _____ e. Scale _____
 f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. **Buffer Zone Impacts:** Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 95+/-
 a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> 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 stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 002-1087 "
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.



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

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

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

See Attachment to Order of Conditions



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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 Amesbury 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:

Amesbury Wetlands Ordinance _____ AWO _____
 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):

See Attachment to Order of Conditions



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E. Signatures

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

Oct. 8, 2014
 1. Date of Issuance

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

three
 2. Number of Signers

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

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

Signatures:

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

by hand delivery on
Oct. 8, 2014
 Date

by certified mail, return receipt requested, 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.

ATTACHMENT TO ORDER OF CONDITIONS

Applicant: Richard Saba
Site Address: 19 Evans Place
DEP File: 002-1087

Pursuant to Massachusetts Wetlands Protection Act (M.G.L. chapter 131, §40) and its implementing regulations (310 CMR, § 10.00) and the Town of Amesbury Wetlands Protection Ordinance and its implementing regulations:

This Order permits: The construction of a detention basin within Buffer Zone to Bordering Vegetated Wetlands. Detention basin will serve as part of the stormwater management system in support of a cluster subdivision located beyond the 100 foot jurisdictional Buffer Zone to Bordering Vegetated Wetland.

All work shall conform to the following: See Appendix 2 and Exhibit

I. GENERAL CONDITIONS:

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 of Conditions ("Order").
2. Approval of this application does not constitute compliance with any law or regulation other than MGL Chapter 131, Section 40, Wetlands Regulations CMR 10.00 and Amesbury Wetlands Protection Ordinance ("Ordinance") and its implementing regulations ("Regulations") as promulgated by the Town of Amesbury Conservation Commission (ACC).
3. This Order shall apply to any successor in interest or successor in control of the property.
4. The work authorized hereunder shall be completed within **three (3) years** from the date of this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to one year each upon application to the issuing authority at least **thirty (30) days** prior to the expiration date of the Order.
6. A sign shall be displayed at the site not less than two (2) feet or more than three (3) square feet in size bearing the words,

"MA DEP File Number 002-1087"

7. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including but not limited to additional or modified erosion control / siltation controls during construction, if it deems that site conditions warrant such measures to mitigate potential impacts.
8. A copy of this Order and the plan approved in this Order shall be available on site at all times when work is in progress.
9. If the subject parcel is sold or the development rights are transferred to any other person, the applicant shall be required to submit to the ACC a signed and notarized letter of acknowledgement from the buyer or their assignees stating that they have been provided

copies of all permits associated with the proposed project, including this Order, and that they understand their responsibility associated with the construction of this project under those permits, including this Order.

10. The applicant shall be required to pay in full any outstanding invoices from the Commission's peer review consultant for this project.
11. At the applicant's expense, the Amesbury Conservation Commission shall designate Horsley Witten Group to serve as the **Environmental Monitor**'. **This company shall provide environmental monitoring expertise** by a Registered Professional Engineer or a Professional Wetland Scientist, who have relevant experience in wetland impact / assessment and erosion / sedimentation control measures to oversee any emergency placement of controls and regular inspection or replacement of sedimentation control device. In addition, the Environmental Monitor(s) shall conduct weekly monitoring the of work locus as it relates to wetland resources. The Environmental Monitor(s) shall submit weekly monitoring reports to the Amesbury Conservation Commission during the pre-construction and construction phase of the approved work and quarterly monitoring reports during the post construction period. The name and phone number of the Environmental Monitor shall be provided to the applicant in the event that this person has to be contacted, due to an emergency at this site, during any 24-hour period, including weekends. **The monitor(s) shall be given the authority to stop construction should there be unlawful entry into the wetland resources areas and / or for erosion controls purposes.** The Environmental Monitor(s) will be required to inspect all such devices and oversee cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt. **The Environmental Monitor(s) shall conduct site inspections on site for compliance with this Order at a minimum of once per week during pre-construction and construction phases of work and/or during or immediately after rainstorms of 0.5 inches or more.** No site preparation or construction shall be allowed until the applicant has submitted a letter identifying the name and address of the Environmental Monitor and a site visit schedule.
12. No site preparation or construction shall be allowed until the applicant has submitted an initial amount of \$1000/- towards the consultant services.
13. Any modification to the approved site plan shall require review and approval by the ACC. Prior to consideration of any such request, the wetland resource area shall be re-flagged or the originally approved flagging shall be established in the field. The applicant shall be required to submit the modification in request in writing along with all the necessary forms and supporting documents in a timely manner for the Commission's consideration. The ACC may require all modification requests to be reviewed by its peer review consultant and the applicant shall submit the necessary funds to the ACC for the consultant services. The Commission shall review the request and decide if an Amended Order is required.
14. Any change that requires modification of approved plans within the jurisdictional area or changes to the erosion control plan or to the stormwater management system shall require an Amended Order unless the Commission decides otherwise at its regularly posted public meeting. If the ACC decides that a change is of sufficient magnitude that it shall require the imposition of additional conditions to ensure adequate protection of the resource area and / or the interests covered under the Ordinance and Regulations, an Amended Order shall be required and a new public hearing shall be required.
15. Any requests for modification or amendment of the Order shall not be considered or reviewed if the Order has expired or there is an outstanding Enforcement Order on the subject parcel.

II. PRE-CONSTRUCTION CONDITIONS:

16. No later than 30 days prior to the pre-construction site visit the applicant shall be required to submit for the Commission's review and approval all legal documents, including but not limited to:
 - A. Site Plans should clarify the location of erosion control/limit-of-work lines. The use of a solid line for EC makes it difficult to discern from other solid lines on the plans.
 - B. The Applicant should obtain ACC approval for the planting plans and plant lists that they propose for the pocket wetland in the stormwater basin, and for BZ plantings. Species planted should include only species native to the northeast. Ornamentals should be excluded.
 - C. A planting sequence, monitoring plan, and watering plan should be provided for pocket wetland/stormwater basin and BZ plantings. A cross-section of the proposed pocket wetland should be provided. The cross-sections should show depth of soil excavation, depths of installed soil horizons, and proposed finished grade surface elevations.
 - D. Specifications for soil used in pocket wetland/stormwater basin and BZ work should be provided, such as guaranteeing that soil will be clean and free of contaminants and invasive species. The source and composition of any soil brought onto the site should be provided to ACC. Soil used for the pocket wetland should not be allowed to dry out, should not be stored for an extended period of time, should have an appropriate percentage of organic matter, appropriate depths of A and B horizons, and appropriate texture. BSC recommends that the Applicant reference the MA Department of Environmental Protection Inland Wetland Replication Guidelines when developing specifications for the pocket wetland.
 - E. The Applicant should clarify how the 100' BZ will be identified on the lots where backyards include the 100' BZ, and how homeowners will be prevented from encroaching into BZ over time and from owner to owner.
 - D. Revised site plans showing locations of granite-bounds identifying limit of no disturb line. Granite bounds shall be four feet in length and installed two feet sub gradient. On approach side to granite bounds shall be affixed a metal medallion stating no-cut area beyond bound by order of Amesbury Conservation Commission. Medallions shall be supplied to the applicant by the Amesbury Conservation Commission. Granite bounds shall be located 25 feet distance from each other.
17. The applicant shall be required to post an erosion control bond with the ACC and the amount shall be calculated @ \$0.25 per square feet of buffer zone area within the approved limit of work. Such funds shall be sufficient to repair any damages to the wetlands due to soil erosion, stabilization of all soils and the disturbed areas on the site. The applicant shall be exempt from establishing a separate erosion control bond if such a bond is established with the Planning Board approval. Prior to any release of bond amount, the ACC shall require the inspection of work completed. Final release of the bond amount shall be allowed upon completion of all site work, including but not limited to, the stormwater management system, access driveway and landscaping work. If the erosion control bond is held by the Planning Board, the ACC shall send a letter to the Planning Board prior to final release of the bond.

18. Prior to the pre-construction meeting and commencement of any activity on this site, the boundaries of all wetland resource areas shall be identified by flagging, spaced at intervals not greater than 25-feet apart. Wetland flags shall be checked and replaced as necessary and maintained until a Certificate of Compliance is issued for the project.
19. Prior to the pre-construction meeting and commencement of any activity on this site, all erosion control devices approved under this Order shall be properly installed as shown on approved plan. If required, erosion control barriers shall consist of entrenched silt fence backed by double-staked hay bales. The ACC and/or its Agent shall inspect and approve such installation at a pre-construction meeting. The erosion control devices must remain in place until the Commission or its Agent has authorized their removal. All workers must be instructed not to work beyond this limit.
20. Inform all contractors and subcontractors of the conditions and provisions of this Order. This Order shall be included in all construction contracts and subcontracts dealing with the work, and shall supersede other contract requirements.
21. **Once the above mentioned pre-construction requirements are complete, the applicant shall contact the Conservation Department prior to site preparation or construction and shall arrange an on-site PRE-CONSTRUCTION MEETING with a representative from the ACC and/or its agent, the project supervisor, the contractor responsible for work, the engineer, wetland scientist (if applicable), and the applicant to ensure all of the Conditions of this Order are understood. Please contact the Amesbury Conservation Department office at (978) 388-8110 ext. 317 at least seventy-two (72) hours prior to any activity to arrange the pre-construction meeting.**

III. CONSTRUCTION CONDITIONS:

22. A copy of the recorded Order shall be provided to the Building Inspector at the time of making application for Building Permit along with a set of approved plans.
23. Prior to making application for building permits, copies of all recorded legal documents pertaining to drainage and utility easements, restrictions on individual lots and other conservation restrictions shall be provided to the Commission for their records.
24. Accepted engineering and Best Management Practices for construction standards shall be followed in the conduct of all work. All site improvements shall be installed as per approved plans and engineering details shown on them. Any modifications or deviations from approved plans shall only be made upon approval from the Commission.
25. Erosion control devices shall be inspected regularly; and immediately after 0.5 inches of precipitation. Any entrapped silt shall be removed to an area outside of the buffer zone and wetland resource areas; silt fence and hay bales shall be replaced as necessary.
26. No alteration or activity shall occur beyond the limit or work as defined by the siltation barriers shown on the approved plan.
27. All waste generated by, or associated with, the construction activity shall be contained within the construction area, and away from the resource area. There shall be no stump dumps, burying of stumps or any material onsite. The applicant shall maintain a dumpster (or other suitable means) at the site for the storage and removal of such construction material off-site. However, no trash dumpsters will be allowed within 100-feet of the Bordering Vegetated (BVW).

28. All stockpiles shall be enclosed by erosion control consisting of hay bales and entrenched silt fence. There shall be no stockpiling outside the approved limit of work, and no stockpiling within 100' of wetland resource areas.
29. Equipment storage and refueling operations shall be situated in an upland area at a distance greater than 100-feet from the BVW. All machinery shall be checked daily for leaking fluids.
30. Cleaning of concrete mixing equipment and/or machinery shall be restricted to upland areas at a distance greater than 100 feet to the BVW, and shall be limited to minor cleaning only..
31. During construction, chemicals, pesticides, herbicides, etc. shall not be used or stored within 100' of a jurisdictional resource area with the exception of the use of herbicides as part of the approved Invasive Species Management Plan.
32. Any damage caused as a direct result of the construction of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and / or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission and/or its agents shall be contacted by telephone, with follow-up in writing, and a plan for abatement of the problem and proposed restoration / mitigation measures shall be submitted for approval and implementation. If the applicant fails to address the failure or damage as required by the Commission in a timely manner, it shall be deemed as a violation under the Regulations.
33. The limit of work and area of no alteration on individual lots shall not be changed without the express written approval of the ACC. The limit of work shall be marked by permanent bounds. Granite bounds shall be four feet in length and installed with two feet sub-gradient. The granite bounds shall be smooth on the approach side and have affixed one to each a "no disturb beyond this point" medallion. The medallions shall be supplied by the ACC. The applicant is responsible for securing the medallion to each bound by the application of industrial adhesive. The location of the bounds is to be cited on the as-built plans.
34. If part of approved plan, monitoring, follow-up eradication of invasive species, and any necessary re-plantings shall be continued until a Certificate of Compliance is issued. Monitoring shall be continued as it outlined in the invasive species management plan and well as the stormwater management O and M plan. If a CoC is requested and granted prior to the time period specified for monitoring then such monitoring shall be a perpetual condition of the Certificate of Compliance.

IV. AFTER CONSTRUCTION:

35. The applicant shall make request for Certificate of Compliance as provided for under Section 7.12 of the Amesbury Wetlands Regulations, as amended. **Upon completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to Request for a Certificate of Compliance (COC):**
 - a. WPA Form 8A- Request for a Certificate of Compliance;
 - b. A letter from the applicant requesting the Certificate of Compliance with the following information included:
 - i. Name and address of current landowner;
 - ii. The name and address of the individual or other entity to whom the COC is to be issued;

- iii. The street address and lot number for the project; and DEP file #
 - iv. "As-Built" plans prepared, sign, and stamped by a Registered Professional Civil Engineer (and / or Registered Professional Land Survey) of the Commonwealth, for public record showing the exact location of granite bounds marking the limit of work and no alteration.
 - v. Detailed letter outlining deviations from the approved site plan or any conditions along with supporting documents showing modifications are approved by ACC.
36. Erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with final vegetative cover and the Commission and / or its Agent has authorized their removal.
37. Prior to issue of Certificate of Compliance, the applicant shall be required to pay in full any outstanding invoices from the Commission's construction observation consultant.

V. PERPETUAL CONDITIONS:

The following conditions are ongoing and do not expire with the issuance of the Certificate of Compliance:

38. The Homeowners' Association shall own and be responsible for the maintenance of the stormwater management system components as per stormwater operation and maintenance plan approved by ACC. This condition shall be stated clearly in the Homeowners' Association legal documents. The Association shall make available maintenance records upon request from the ACC.
39. The drainage easements on individual lots shall not be obstructed by any permanent or temporary structure and shall always be available for maintenance and repair. This condition shall be noted on individual property Deed.
40. Water quality to the adjacent Bordering Vegetated Wetlands (BVW) shall not differ significantly following the completion of the project from the pre-development conditions. There shall be no sedimentation into the resource areas from discharge pipes or surface runoff leaving the site. This shall be a continuing condition in perpetuity.
41. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25-feet of a resource area. Pesticides and herbicides shall not be used within 100-feet of a wetland resource area. This condition shall survive the Order of Conditions and shall run with the title of the property.
42. Any Deed for all or any portion of the property subject to this Order shall contain the following language. "This property is subject to a non-disturbance zone in which no alteration of land or vegetation may occur. The non-disturbance zone is shown on the plan entitled " _____ (title of plans) _____ recorded at the Essex South Registry of Deeds, at Book _____, Page _____, and/or registered with the Land Registration Office of the Essex County Registry District as Document No. _____ as described in the Order of Conditions recorded in the same Registry at Book _____, Page _____, and/or in the same Registry District as Document _____. In accordance with said Order of Conditions, this language shall be incorporated in full into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the property or a portion thereof is conveyed (a "Deed").

Appendix 1
DEP 002-1087
List of Property Owners

- 1) Mary Cherbinis
Map 91/Lot 18
19A Evans Place
Amesbury, MA 01913

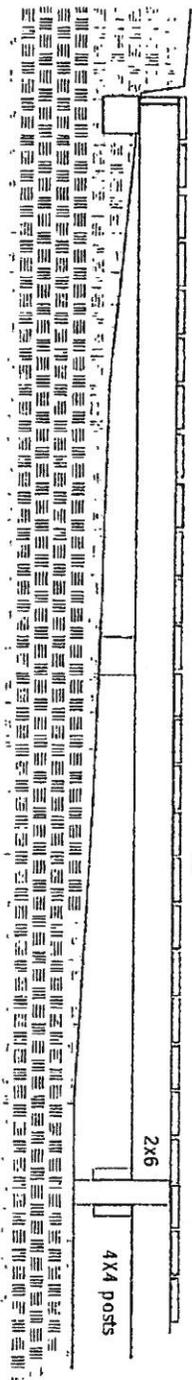
- 2) Kimberly Brown
Map 91/Lot 17A
24 Julie Avenue
Salem, NH 03079

Appendix 2
DEP 002-1087
Approved Plans and Relevant Documents

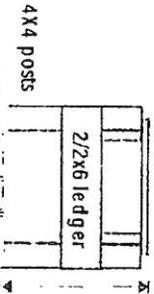
1. Definitive Cluster Subdivision Plan, Point Shore Meadows. Assessors Map 91, Parcels 18 & 17A, Amesbury, MA. Detail Sheet 3 (Sheet 12 of 18). Prepared for Amanda Lane Realty Trust, 1 Riverview Blvd., Methuen, MA 01844. Drawn and checked by: B.C.O., Jr., Benjamin C. Osgood, Jr. P.E. 24 Julie Avenue, Salem, NH 03079. Scale: As shown. Date: June 30, 2014
2. Definitive Cluster Subdivision Plan, Point Shore Meadows. Assessors Map 91, Parcels 18 & 17A, Amesbury, MA. Detail Sheet 6 (Sheet 15 of 18). Prepared for Amanda Lane Realty Trust, 1 Riverview Blvd., Methuen, MA 01844. Drawn and checked by: B.C.O., Jr., Benjamin C. Osgood, Jr. P.E. 24 Julie Avenue, Salem, NH 03079. Scale: As shown. Date: June 30, 2014 and revised July 24, 2014.
3. North Shore Nemba – Boardwalk Construction – Generic Plan. Scale: $\frac{1}{2} = 1'$.
4. Inspection and Maintenance Manual. 09-15-2014 Rev. Drainage Report. Undated.
5. Davies, G. BSC Group. August 6, 2014. 19 Evans Place NOI Peer Review (Final) Amesbury, MA.

Exhibit

Total Boardwalk length = XX'



All lumber ACQ PT
6X6 Mudsills may be stacked or
Alternate post supports used as needed



Maximum height deck to ground 30"

Scale 1/2" = 1'

NORTH SHORE NEMBA - BOARDWALK CONSTRUCTION - Generic Plan

Inspection and Maintenance Manual

Construction Phase:

The BMPs associated with this project will be owned by the property owner during construction, who will be responsible for inspection, operation and maintenance.

1. The contractor is to install and maintain drainage facilities as shown on plan.
2. Prior to construction, all erosion/siltation control devices shown on plan are to be installed. To prevent silt intrusion into the drainage system during construction, the contractor is to install and maintain inlet protection at all catch basins, and set a silt fence and straw bales at all slopes which may erode in the direction of any open drainage facilities. Such preventive measures are to be maintained throughout the construction process.
3. Construction will follow the following construction sequence:
 - a. Install erosion and sediment controls as shown on plan prior to earth moving operations.
 - b. Commence clearing and grubbing.
 - c. Cut and dispose of any debris produced during grubbing operations.
 - d. Install stabilized construction entrances as shown on the plans.
 - e. Construct Detention Ponds with sediment forebay and prior to disturbing upstream areas for use as sediment basins during construction.
 - f. Perform earthwork operations. All cut and fill slopes shall be seeded and mulched within 72 hours after being constructed. Disturbed areas should be stabilized with grass by October 1st, so as not to be left exposed during winter conditions. Disturbed areas which are not stabilized with grass prior to October 1st shall be protected by installation of erosion control blankets.
 - g. Install site drainage and utilities.
 - h. Catch basins inlets shall be protected from sediment in accordance with the design plans. Pipe outlets of the detention basin shall be protected with straw bale check dams. Erosion controls shall remain until the entire disturbed area is sufficiently stabilized.
 - i. Install binder paving of driveway and parking areas.
 - j. Install site landscaping and permanent seeding of all disturbed areas.
 - k. After all seeded areas have established stable growth, all temporary erosion control measures shall be inspected and cleaned. Silt, sediment, and debris shall be removed from the grass swale, sediment forebay, infiltration basin and detention basins prior to installing final pavement.
 - l. Contractor shall notify and coordinate with all authorities responsible for inspections. It is the contractor's responsibility to obtain all required inspection sign-offs.

4. Erosion controls are to be inspected and maintained for stability and operation within 12 hours of each runoff-producing rainfall but in no case less than once every week. Upon discovery of silt build-up in any catch basin sumps or other structures, they are to be cleaned.
5. All exposed soils shall be immediately stabilized with a layer of mulch straw or jute blankets-as needed for slopes steeper than 3:1.
6. For existing catch basin in Evans place and upon installation of proposed catch basin, inlet protection as described on site plans shall be installed prior to beginning of construction and maintained during all construction until ready for paving.
7. Prior to construction of impervious areas, all drainage structures and pipes shall be installed and inspected for proper function. During construction of other site features, all drainage facilities shall be inspected and maintained for stability and operation within 12 hours of each runoff-producing rainfall but in no case less than once every week and cleaned/repared immediately upon discovery of sediment build-up or damage.
8. Clean silt and debris from the sediment forebays and detention ponds prior to installing final surface treatment.
9. After paving is installed, it shall be swept clean on a regular basis.
10. The entire drainage system must be inspected and vacuumed out before the issuance of the last certificate of compliance.
11. All construction equipment shall be parked outside of the 100' buffer zone area at the end of the day. All machinery found to be a potential source of a future spill shall be removed from the construction site and repaired. Vehicles with chronic or continuous leaks must be removed from the construction site and repaired before returning to operations. No leaking of any material from equipment or vehicles will be tolerated on the job site. Contractor is solely responsible for any spills of hazardous materials and the subsequent cleanup and disposal of waste and restoration of any contaminated areas. No refueling, storage, servicing or maintenance of equipment shall take place within the 100' buffer zone area. No refueling or servicing shall be done without absorbent material or drip pans properly placed to contain spilled fuel.

**STORMWATER MANAGEMENT SYSTEM
Construction Phase Inspection and Maintenance Log**

BMP/System Component	Date of Inspection	Inspector	Cleaning/Repair Needed (List Items / Comments)	Date of Cleaning / Repair	Performed by
Pavement Sweeping					
Catch Basins					
Drain Manholes					
Outlet Control Structures					
Drain Pipes					
Swales					
Sediment Forebay					
Detention Ponds					
Limit of Work Erosion Control					
Rip-Rap					

Post-Development Phase:

The City of Amesbury will eventually acquire ownership of the roadways and drainage facilities within the roadways and drainage easements and shall be responsible for maintenance of all drainage structures in those areas including, catch basins, manholes, drain pipes, sediment forebays, and stormwater detention ponds and outfalls. These items shall be maintained as dictated by the City's stormwater management and maintenance plans.

Prior to acceptance of the roadways and drainage system the responsibility for maintenance shall be the developers.

The recommended maintenance would include the following:

1. Inspection of all drainage facilities (catch basins, manholes, pipes, grass swale, sediment forebay, and detention ponds) every three months. During these inspections which should be performed by a registered professional engineer the inspector shall look for evidence of the following: structural damage, silt accumulation, and improper function. A report regarding the system should be filed with the conservation commission or as otherwise dictated in the City wide maintenance plan and be available for inspection.
2. After inspection, if any of the above conditions exist, the inspector shall notify the owner who shall immediately arrange for all necessary repairs and/or sediment removal.
3. Roadways shall be swept clean, as required (i.e., visually noticeable debris build-up). A minimum of once per year, preferably just after snow melt.
4. Detention ponds shall be cleaned of debris and shall be mowed once per year to prevent tree growth.
5. All graded slopes shall be inspected every spring for erosion. Upon discovery of any failure (i.e. erosion), rip-rap/loam and seed shall be put in place and nurtured. Slopes shall be mowed on an annual basis to prevent tree growth

Inspection and maintenance of individual infiltration systems for individual properties shall be the responsibility of the homeowner. Each infiltration system shall be inspected once per year by a registered professional engineer and a report of the inspection shall be submitted to the City and be available for inspection. In the event of change of ownership, these requirements shall be transferred to the new owner.

The infiltration areas shall be kept free of debris and periodically mowed to prohibit the establishment of large woody vegetation.

Inspection Costs

The annual costs of implementing the required inspections and maintenance outlined in the long term pollution prevention plan are expected to be as follows:

- Quarterly inspection by a registered professional engineer \$ 1500
- Annual roadway sweeping \$ 1500
- Removal of trash and debris from pond areas \$ 1500
- Removal of silt from swale, forbay, and infiltration basin \$ 2000
- Annual mowing \$ 2000
- Annual catch basin cleaning \$ 500

Public Safety

The stormwater management system is designed as a passive system and when maintained properly it should not pose any threat to public safety. Side slopes of the ponds and swales are designed at grades which are not hazardous, water will not pond for excessive amounts of time in the open treatment and storage devises, and the system can accommodate large storms so that water will drain and not remain where it may be a hazard to vehicles.

**STORMWATER MANAGEMENT SYSTEM
Inspection and Maintenance Log**

BMP/System Component	Maintenance Required & Frequency	Date of Inspection	Inspection Inspector	Cleaning/Repair Needed (list items/comments)	Date of Cleaning/Repair	Cleaning/Repair Performed by
Pavement Sweeping	<ul style="list-style-type: none"> Swept clean as required (i.e. visual noticeable build-up). A minimum of once per year, preferably just after snow melt. 					
Catch Basin Sumps/Drain Manholes/ Outlet Control Structure	<ul style="list-style-type: none"> Inspect and clean every three months for the evidence of structural damage, silt accumulation and improper function. Remove accumulated sediments and debris from sump when sump is more than 25% full. 					
Drain Pipes	<ul style="list-style-type: none"> Inspect every three months for the evidence of structural damage, silt accumulation and improper function. Clean pipes when sediment occupies more than 20% of pipe diameter. 					
Swales	<ul style="list-style-type: none"> Inspect every three months for the evidence of structural damage, silt accumulation and improper function. Remove sediment once a year. Repair areas of erosion and re-vegetate as 					

**STORMWATER MANAGEMENT SYSTEM
Inspection and Maintenance Log**

BMP/System Component	Maintenance Required & Frequency	Date of Inspection	Inspection Inspector	Cleaning/Repair Needed (list items/comments)	Date of Cleaning/Repair	Cleaning/Repair Performed by
	<ul style="list-style-type: none"> needed but no less than once a year. Mow the grass once a month during growing season. 					
Sediment Forebay	<ul style="list-style-type: none"> Inspect every three months for the evidence of structural damage, silt accumulation and improper function. Remove sediment deposits when they reach a depth of 6 inches. Mow the side slopes, remove trash and debris, grass clippings and accumulated organic matter annually. 					
Pocket Wetland/ Detention Basin	<ul style="list-style-type: none"> Inspect after every major storm during first three months of operation and every three months thereafter for the evidence of structural damage, silt accumulation and improper function. Mow the side slopes and basin bottom, remove trash and debris, grass clippings and accumulated organic matter annually. 					

**STORMWATER MANAGEMENT SYSTEM
Inspection and Maintenance Log**

BMP/System Component	Maintenance Required & Frequency	Date of Inspection	Inspection Inspector	Cleaning/Repair Needed (list items/comments)	Date of Cleaning/Repair	Cleaning/Repair Performed by
Graded Slopes/ Rip-Rap	<ul style="list-style-type: none"> Inspect every spring for erosion. Repair any rap/ loam and seed in place and nurtured 					

