





**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:  
 002-1140  
 MassDEP File #

eDEP Transaction #  
 Amesbury  
 City/Town

**A. General Information (cont.)**

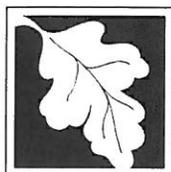
6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Essex South
- |              |                                            |
|--------------|--------------------------------------------|
| a. County    | b. Certificate Number (if registered land) |
| <u>34282</u> | <u>3</u>                                   |
| c. Book      | d. Page                                    |
7. Dates:      11.12.15                      3.7.16                      3.23.16 - Reissued  
                     a. Date Notice of Intent Filed      b. Date Public Hearing Closed      5.26.16
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
See Attachment to Order of Conditions and Appendix
- |                                      |                          |
|--------------------------------------|--------------------------|
| a. Plan Title                        |                          |
| <u></u>                              |                          |
| b. Prepared By                       | c. Signed and Stamped by |
| <u></u>                              | <u></u>                  |
| d. Final Revision Date               | e. Scale                 |
| <u></u>                              | <u></u>                  |
| f. Additional Plan or Document Title | g. Date                  |
| <u></u>                              | <u></u>                  |

**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. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply           | e. <input checked="" type="checkbox"/> Fisheries               | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply  | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> 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) \_\_\_\_\_ 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 _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding Cubic Feet Flood Storage	_____ a. square feet _____ e. cubic feet	_____ b. square feet _____ f. cubic feet	_____ c. square feet _____ g. cubic feet	_____ d. square feet _____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage	_____ a. square feet _____ c. cubic feet	_____ b. square feet _____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet _____ c. square feet _____ g. square feet	_____ b. total sq. feet _____ d. square feet _____ h. square feet	_____ e. square feet _____ i. square feet	_____ f. 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	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	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	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	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			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to 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 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            002-1140 "
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.

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

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.

3.23.16  
 Reissued 5.26.16  
 1. Date of Issuance  
 three  
 2. Number of Signers

Signatures:

*[Handwritten signature]*  
 \_\_\_\_\_  
*[Handwritten signature]*  
 \_\_\_\_\_

*Alan Carey*  
 \_\_\_\_\_  
 \_\_\_\_\_

by hand delivery on  
 5.26.16  
 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.



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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.

Amesbury  
 Conservation Commission

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

To:

Amesbury  
 Conservation Commission

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

28 Lake Attitash Road  
 Project Location

002-1140  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South  
 County

Book

Page

for: George & Kelly Norwood  
 Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



## ATTACHMENT TO ORDER OF CONDITIONS

**Applicant & Owner:** George & Kelly Norwood

**Site Address:** 28 Lake Attitash Road (Amesbury Assessor Map 59/Parcel 36)

**DEP File:** 002-1140

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**Conditions attached to the Order of Conditions issued pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and its implementing Regulation (310 CMR 10.00-10.60), and the Amesbury Wetlands Ordinance and its implementing regulations:**

### **I. GENERAL CONDITIONS:**

1. The work shall conform to the following material submitted by the Applicant: WPA Form 3 dated 10/12/15; undated Typical Construction Schedule as submitted with other communication on 2/9/16; site plan titled "Proposed Conditions, Permit Plan at 28 Lake Attitash Road in Amesbury, Massachusetts" by John Paulson, PLS, dated October 10, 2015 and revised through 2/10/16 as prepared by Atlantic Engineering & Survey Consultants, Inc. "Proposed Conditions plan"
2. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including, but not limited to additional or modified erosion / siltation controls during construction, if it deems that site conditions warrant additional measures to mitigate potential impacts.
3. References herein to reports being submitted to, or actions being taken by, the Amesbury Conservation Commission may include the Conservation Agent and/or a selected outside third-party consultant as may be determined by the Amesbury Conservation Commission.
4. The proposed project may be still under review by other local or state boards or agencies. This review may result in changes to the project plans or wetland impacts. If any such changes occur a revised plan and an explanation of the revisions shall be submitted to the ACC for review and approval prior to the start of construction. Any changes in the submitted plans and accompanying submitted material caused by the applicant, a government agency, or resulting from this Order of Conditions must be submitted to the ACC for approval prior to implementation. Any errors found in the plans or information submitted by the applicant shall be considered as changes.
5. In conjunction with the sale of this property before a Certificate of Compliance has been issued, the Applicant or current landowner shall submit to the ACC a signed statement by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has also received a copy of said Order.

6. Site monitoring may be performed by the ACC as needed to assure compliance with this Order. Should the ACC select an outside consultant to perform the site monitoring service, selection of said consultant shall be acceptable to both the Applicant and the ACC. Funds to cover anticipated costs associated with this work may be required to be borne by the Applicant and provided to the ACC.
7. Any Order not recorded by the applicant before work commences may be recorded by the ACC at the applicant's expense.
8. The Applicant has indicated the proposed house size and location will be as shown on the Proposed Conditions plan. No deviation from this will be acceptable without a hearing before the ACC.

## **II. PRIOR TO SITE DISTURBING ACTIVITIES:**

1. Project contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction. A copy of this Order of Conditions and the approved plans and accompanying submitted material shall be available on site at all times when work is in progress and all contractors and subcontractors should be apprised of the conditions and provisions of this Order. Reference to this Order shall be included in all construction contracts and subcontracts dealing with the project.
2. 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 "MA DEP, File Number 002-1140."
3. Erosion control and snow fence to be installed per Proposed Conditions Plan.
4. An Environmental Monitor shall be selected by the Amesbury Conservation Commission to oversee compliance with this Order. The name and phone number of this person must be submitted to the ACC prior to the start of work and should include after-hours contact information in the event that this person has to be contacted due to an emergency at this site. This person shall be given the authority to stop site construction activity should there deviation from the Order.
5. Once the above-mentioned pre-construction requirements are complete, the applicant shall contact the ACC to arrange an on-site pre-construction meeting. Contact the ACC at least seventy-two (72) hours in advance of desired meeting. Topics for the pre-construction meeting shall include, but not be limited to: construction sequence and schedules, the project supervisor, the Environmental Monitor's scope of responsibilities, contact information for construction site supervisors/monitors, and maintenance and monitoring needed. Pre-construction meeting to be attended by Environmental Monitor and excavation contractor (if different). Owner, applicant, engineer and others are encouraged to attend.

6. All applicable state and local permits must be secured at the time of the pre-construction site visit.

### **III. DURING SITE DISTURBING ACTIVITIES:**

1. All waste generated by, or associated with the construction activity shall be contained within the area identified as the silt fence line on the Site Plan. Dumpster and stockpile location shall be as depicted or as may be amended by approval of the ACC. There shall be no burying of stumps or construction material onsite.
2. Foundation dewatering is not authorized. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the ACC for approval. The plan shall identify how the pump water will be contained in a settling basin to reduce turbidity prior to discharge into the resource area.
3. The applicant shall have on hand at the start of any soil disturbance a minimum of 25' of additional siltation control barrier and sufficient stakes for securing. Said siltation control barrier shall be used only for the control of emergency erosion problems and shall not be used for the normal control of erosion.
4. Siltation control barrier shall be inspected weekly, and immediately after 0.5 inches of precipitation. Additionally, siltation control barrier shall be replaced as necessary when deteriorated due to normal degradation.
5. The Environmental Monitor is to submit an emailed report to the ACC weekly during the demolition and construction phase of work, and monthly thereafter, until a Certificate of Compliance is obtained. The Environmental Monitor must visually inspect all sedimentation/erosion control measures. The Environmental Monitor must certify that, to the best of his / her knowledge and belief based on a careful site inspection, all work is being performed in compliance with this Order of Conditions, or explain deviations thereto. Photographs of the erosion control devices shall be provided with each report.

### **IV. UPON COMPLETION OF SITE DISTURBANCE ACTIVITIES:**

1. All exposed soil at finished grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded and mulched with a layer of hay. All disturbed areas must be graded, loamed, seeded and hay mulched prior to November 1<sup>st</sup> of each year. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch until climate conditions allow for seed germination.
2. Erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with a vegetative cover and the ACC has authorized removal.

3. Plants are to be established in the size and location proposed on the Proposed Conditions plan or as may be amended with approval of the ACC. Plantings are to be overseen and monitored by a nursery or garden professional.
4. Plantings are to be monitored for a one-year period. In the case of mortality, winterberry plantings are to be replaced at the appropriate time of the growing season. Replacement plantings are to be of the same variety and reestablished at the same location. At the end of the one-year monitoring period a written planting monitoring report including photographs is to be submitted to the ACC which inventories and documents the number of plantings. Any deviations from the approved plan are to be noted.
5. Upon the completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to request a Certificate of Compliance:
  - a. WPA Form 8A- Request for Certificate of Compliance
  - b. A letter from the applicant or their representative requesting the Certificate of Compliance with the following information:
    - i. Name and address of the current landowner(s);
    - ii. The name and address of the individual(s) or other entity to whom the Certificate of Compliance(s) is to be issued;
    - iii. The street address and lot number for the project and the DEP File #;
  - c. A statement stamped and signed by a Massachusetts Registered Professional Civil Engineer (P.E.) and / or a Massachusetts Registered Professional Land Surveyor (P.L.S) indicating aspects of the project which differed from the Order of Conditions and the following materials which were submitted as part of the Notice of Intent: WPA Form 3 dated 10/12/15; undated Typical Construction Schedule as submitted with other communication on 2/9/16; site plan titled "Proposed Conditions, Permit Plan at 28 Lake Attitash Road in Amesbury, Massachusetts" by John Paulson, PLS, dated October 10, 2015 and revised through 2/10/16 as prepared by Atlantic Engineering & Survey Consultants, Inc. .
  - d. "As-built" plan(s) prepared, stamped and signed by a Massachusetts Registered Professional Civil Engineer (P.E.) and / or a Massachusetts Registered Professional Land Surveyor (P.L.S). Said plans are to depict the house location and dimensions, plants, walkway and extent of lawn in addition to other relevant features of the site.

**V. PERPETUAL CONDITIONS:**

1. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%).

Appendix  
Approved Work  
Description and Plans

## TYPICAL CONSTRUCTION SCHEDULE

Site: 28 Lake Attitash Road, Amesbury, MA

The following represents a typical construction schedule for the work to be done at the above location. It is understood that the site contractor and home builder may need to alter the order shown below. Any significant schedule alteration should be done with notification to the Conservation Commission.

1. Install the required DEP sign
2. Install the siltation barriers and snow fencing as shown on the plan
3. Hold the required pre-construction meeting with the Conservation Agent.
4. Prepare the site by removing any loose trash and debris.
5. Raze the existing house and shed, remove from the site and dispose of in accordance with all current laws.
6. Mark existing trees which are to be cut. Cut and remove designated trees from the site.
7. Excavate the new foundation hole for the house. Soil to be stockpiled in a designated area and enclosed with silt fence.
8. Set and pour foundation footings and concrete bases for the rear deck.
9. Pour the foundation walls for the house.
10. Install the infiltrators at the rear of the house and mark them to keep machines off of them. Have the surveyor make an as-built location of the infiltrators prior to backfilling.
11. Install the infiltrator fence along the northern property boundary as shown on the plan.
12. Backfill and compact the foundation.
13. Complete any necessary grading in the rear yard area that cannot be done by hand at a later date.
14. Begin the framing, roofing and finish construction of the dwelling.
15. Complete rear deck.
16. Install the crushed stone and pervious patio under the deck. Install the pervious walkway to the lake.
17. Repair the steps in the lake wall.
18. Install the retaining wall between the house and garage, along the north boundary of the site.
19. Install the front porch steps.
20. Install the front yard infiltrators and mark them to keep machines off of them. Have the surveyor make an as-built location of the infiltrators prior to backfilling.
21. Excavate and pour the footings for the garage.
22. Pour the garage foundation and backfill.
23. Frame, roof and finish the garage construction.
24. Install the pervious walkways in the front yard area.
25. Install the pervious driveway.
26. Complete the landscaping and site cleanup. Dispose of cleanup materials.
27. Remove the siltation barrier with the approval of the Conservation Commission.



