



Conservation Commission Order of Conditions Frequently Asked Questions

Congratulations on the approval of your project! You might be wondering, “What comes next?” Now that your project has been approved, an Order of Conditions will be issued. The City has prepared this FAQ to guide you through any questions you may have about the issuance of the Order of Conditions.

If you have any additional questions on next steps for your project, please contact the Conservation Agent at conservation@amesburyma.gov or 978-388-8110, x504.

Q: What is an Order of Conditions?

A: The Order of Conditions (WPA Form 5) is the permit for the project and will govern how the work must be performed in compliance with the Massachusetts Wetlands Protection Act (MGL Ch 131 §40) and the City of Amesbury Wetlands Protection Ordinance. Please carefully read both the general Order of Conditions and the special Attachment to the Order of Conditions to be sure you understand each condition. If you have any questions on the conditions, please contact the Conservation Agent: conservation@amesburyma.gov.

Q: What is in the Order of Conditions?

A: The Order of Conditions is broken down into three sections: 1) Pre-Construction Conditions; 2) Construction Conditions; and 3) Post-Construction Conditions. The Post-Construction Conditions section is important to note as it outlines conditions that will be valid for future use of the property, regardless of ownership. Violation of the Order of Conditions can result in enforcement action, a cease-and-desist order, and fines and penalties, so care should be taken to understand each requirement.

Q: When will I receive the Order of Conditions for my project?

A: The Conservation Commission has 21 days to issue the Order of Conditions under state and local wetlands laws. Following the issuance date, a 10-business day appeal period ensues during which time an abutter, an aggrieved party, including the Massachusetts Department of Environmental Protection (MA DEP) can appeal the Conservation Commission’s decision. Appeals must be based on procedural matters or whether the Conservation Commission upheld the intent of the Massachusetts Wetlands Protection Act or the Amesbury Wetlands Protection Ordinance. No work on the site(s) may occur during the 10-day appeal period.

Q: What happens once the 10-day appeal period is over – can my project start?

A: There are six steps that need to be completed once the 10-day appeal period is over, and before construction can begin:

1. Record the Order of Conditions on the property owner's deed at the Essex South Registry of Deeds in Salem, MA. Typically, it is a \$105 fee to the Registry for recording plus online fees. Proof of the recorded Order of the Conditions must be submitted to the Conservation Agent before a Pre-Construction Site Visit can occur (see #5 below).
2. Install a free-standing sign showing the MA DEP file number on site which is visible from the road. Please do not install the sign on a living tree. The sign must be no smaller than 2 feet and no bigger than 3 feet. The file number will be provided to you.
3. Install erosion control on site as specified on the plans before the Pre-Construction Site Visit occurs.
4. Provide a list of the name, address, and phone number of a contact person responsible for the Order of Conditions, and for all parties involved in the project.
5. Notify the Conservation Agent to schedule a Pre-Construction Site Visit. The site visit will be held before any work is conducted and after items 1-4 (above) are complete. You, your consultant (if you have one), and other people involved in the project should be invited to attend. Other city officials may be invited who have an interest in your project such as the Planning Director, Building Inspector, City Engineer, or Director of Public Works may also attend. Their presence is intended to streamline the permitting process and make them aware of your project.
6. Complete the Pre-Construction Conditions. Once all the Pre-Construction Conditions and Site Visit follow up items have been addressed, contact the Conservation Agent a minimum of 72-hours in advance of starting construction.

Q: How long is the Order of Conditions valid?

A: The Order of Conditions is valid for three years from the original date of issuance, except where otherwise specified. Requests for extensions must be received at least 30-days prior to the expiration date.

Q: Can I make changes to my approved project?

A: Any deviation from the approved plans or requirements in the Order of Conditions will require approval from the Amesbury Conservation Commission before the changes can commence.

Q: What happens when the project is complete?

A: Once the project has been completed, you must submit a Request for a Certificate of Compliance (WPA Form 8A). An application can be found on the [Conservation Commission's webpage](#). Once the Amesbury Conservation Commission has approved the request and issues a Certificate of Compliance (WPA Form 8B), it must be recorded at the Essex South Registry of Deeds to remove the encumbrance on the property title.