June 2, 2016

Kenneth G. Steadman 67 Village Street Marblehead, MA 01945

Dear Mr. Steadman:

Enclosed, please find enclosed the Orders of Conditions for the following lots.

- 10 Nurse Way—Lot 219—DEP #64-617
- 11 Nurse Way—Lot 227—DEP #64-616
- 12 Nurse Way—Lot 220—DEP #64-615
- 13 Nurse Way—Lot 225—DEP #64-614
- 14 Nurse Way—Lot 221—DEP #64-613
- 15 Nurse Way—Lot 224—DEP #64-612
- 16 Nurse Way—Lot 222—DEP #64-611

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

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

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

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

Sincerely,

Tom Devine

Conservation Agent

Enclosures

CC:

DEP Northeast Regional Office



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

Provided by MassDEP: 64-617
MassDEP File #
eDEP Transaction #

Salem City/Town

A. General Information

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

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





	\ <u> </u>				
	Conservation Commission		·		
2. This issuar	nce is for	No.4			
(check one	e): a	. ⊠Order of Conditions b. ☐ Amend	ded Order	of Condition	ons
3. To: Appli	cant:				
Kenneth	G.	Steadman			
a. First Nan	ne	b. Last Name			
c. Organiza	tion				···
67R Villaç	ge St.				
d. Mailing A	ddress				
Marblehe	ad	MA		01945	
e. City/Towr	1	f. State	,	g. Zip Code	
a. First Nam	е	b. Last Name			··
c. Organizati	on		····		
c. Organizati					115-
		f. State		g. Zip Code	MA.
d. Mailing Ac	Idress	f. State	Ę	g. Zip Code	14 14 14 14 14 14 14 14 14 14 14 14 14 1
d. Mailing Ade. City/Town 5. Project Loca	ition: Way (Lot 219)		S	g. Zip Code	NA
d. Mailing Ace e. City/Town 5. Project Loca 10 Nurse \(\) a. Street Add	ition: Way (Lot 219)	f. State Salem b. City/Town	S	g. Zip Code	
d. Mailing Ace. City/Town 5. Project Loca 10 Nurse National Street Add 14	ition: Way (Lot 219) Iress	Salem	<u> </u>	g. Zip Code	
d. Mailing Ace. City/Town 5. Project Loca 10 Nurse National Street Add 14	ition: Way (Lot 219)	Salem b. City/Town	S	g. Zip Code	



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

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A. General Information (cont.)

6 .		IJBMNOIMI IB		`	,	(attach addition	of is	of annual in a famous them.
0.	Property recorded at the Registry of Deeds for one parcel):				(attach addition	iai ii	normation if more than	
	South Ess	ex				80814 and 80		
	a. County					b. Certificate Num	iber (if registered land)
	c. Book					d. Page		***************************************
7.	Dates:	3/3/2016				/2016		6/2/2016
		a. Date Notice of In				e Public Hearing C		
8.	as needed See attach	·) :	Otne	er Do	cuments (a	ttach additional	plai	n or document reference
	a. Plan Title	ieu						
	b. Prepared E	Зу				c. Signed and Sta	mpec	l by
	d. Final Revis	sion Date				e. Scale		
	f. Additional F	Plan or Document Tit	le			**************************************		g. Date
В.	Finding	js –						
	 .							
1.	Findings pi	ursuant to the Ma	assa	chus	setts Wetlar	ids Protection A	ct:	
	provided in the areas in	this application	and prop	pres osed	ented at the is significal	e public hearing	, this	pased on the information s Commission finds that terests of the Wetlands
a.		Water Supply	b.			aining Shellfish	c.	□ Prevention of Pollution
d.		Water Supply	e.		Fisheries		f.	☑ Protection of Wildlife Habitat
g.	⊠ Ground	lwater Supply	h.	\boxtimes	Storm Dan	nage Preventior	۱i.	
2.	This Comm	ission hereby find	is th	e pro	ject, as prop	osed, is: (check	one	of the following boxes)
Арр	roved subj	ect to:						
	standards s be performo General Co that the follo	set forth in the we ed in accordance	etlan wit y oth mo	nds re h the ner s dify d	egulations. To Notice of Inpecial cond or differ fron the differ front the d	This Commission tent referenced itions attached to the plans, spe	n or d abo to th cific	n the performance ders that all work shall ove, the following is Order. To the extent ations, or other 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)

10' +/a. linear feet

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

Re	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	☐ Bordering				
6.	Vegetated Wetland Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	,	e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land				
	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land				
	Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ Riverfront Area				
9.	☐ Kiveinont 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
	Designated Port	Indicate size ur	nder Land Unde	r the Ocean, belo	ow
11.	Land Under the Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	Barrier Beaches	Indicate size ur below	nder Coastal Be	aches and/or Coa	astal Dunes
13.	☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14.	Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15.	Coastal Banks	a. linear feet	b. linear feet		
16.	Rocky Intertidal Shores	a. square feet	b. square feet		
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet		
19.		c. c/y dredged	d. c/y dredged		Aman han san san san san san san san san san s
	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs		or inland Land	nks, Inland Bank, Under Waterbodi	
21.	☐ Land Subject to	a. c/y dredged	b. c/y dredged		
۷۱.	Coastal Storm Flowage	a. square feet	b. square feet		
22.	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.)

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

23.	Restoration/Enhancement *:	
	a. square feet of BVW	b. square feet of salt marsh
24.	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.
- amount here. 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
 - 3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
 - 4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
 - 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
 - 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 6/2/2019 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.



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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environmenta	Protection" [or	r, "MassDEP"]
"File Number	64-617	55	

- 11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
- 12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
- 13. The work shall conform to the plans and special conditions referenced in this order.
- 14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

- 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.
- 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.
- 19. The work associated with this Order (the "Project")
 (1) ☐ is subject to the Massachusetts Stormwater Standards
 (2) ☒ is NOT 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;



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

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.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



WPA Form 5 – Order of Conditions

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

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

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

1) 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):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

		•						
1.	ls a r	municipal wetlands bylaw or ordinance applica	able?	\boxtimes	Yes		No	
2.	The	Salem Conservation Commission	her	eby f	inds (d	check o	ne that applies)	:
	a. [that the proposed work cannot be condition that the proposed work cannot be condition that the proposed work cannot be condition.	ned to	mee	t the s	tandard	ds set forth in a	
	1	. Municipal Ordinance or Bylaw					2. Citation	.,,,,,
	1	Therefore, work on this project may not go for ntent is submitted which provides measures was standards, and a final Order of Conditions is is	vhich	are a	s and idequa	until a rate to m	revised Notice of eet these	f
		☑ that the following additional conditions are ordinance or bylaw:	neces	sary	to cor	nply wit	h a municipal	
	-	Wetlands Protection & Conservation Ordinano	e				c. 50 2. Citation	
		. Municipal Ordinance or Bylaw				••		
3.	cond	Commission orders that all work shall be perf litions and with the Notice of Intent referenced litions modify or differ from the plans, specifications of Intent, the conditions shall control.	i abov	e. To	the e	xtent th	at the following	ገ
	The more	special conditions relating to municipal ordina e space for additional conditions, attach a text	docui	ment):			:
		ched conditions are issued under the Wetland pliance with the local ordinance	s Prot	tectic	n Act	and are	sufficient for	
								



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

G4-G17

MassDEP File #

eDEP Transaction #

E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key. This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

1. Date of Issuance
2. Number of Signers

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

\mathbb{I}	with the appropriate MassDEP Regional Office.	
J		WINDS K X Large
	Signatures: //	
	Khun 14 1/21	()
لح	Part Rulde	_
	J-A-Call	
		The state of the s
	by hand delivery on	by certified mail, return receipt
		requested, on
	Date	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 filling fee and a completed Request for 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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MassDEP File #
eDEP Transaction #
Salem

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission			
Detach on dotted line, have star Commission.			submit to the Conservation
То:			
Conservation Commission			
Please be advised that the Orde	er of Conditions fo	or the Project at:	
Project Location		MassDEP File Nu	mber
Has been recorded at the Regis	stry of Deeds of:		
County		Book	Page
for: Property Owner			
and has been noted in the chair	of title of the affe	ected property in:	
n accordance with the Order of	Conditions issued	· ·	
Date			
f recorded land, the instrument	number identifying	g this transaction	is:
Instrument Number			
f registered land, the document	number identifyin	g this transaction	is:
Document Number			
Signature of Applicant			



Request for Departmental Action Fee Transmittal Form

Provided by [DEP

DEP File Number:

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

A. Request Information

1.	Location of Project						
	a. Street Address	b. City/Town, Zip					
	c. Check number	d. Fee amount					
2.	Person or party making request (if appr	opriate, name the citizen group's repre	sentative):				
	Name						
	Mailing Address	***************************************					
	City/Town	State	Zip Code				
	Phone Number	Fax Number (if a	applicable)				
3.	Applicant (as shown on Determination of (Form 4B), Order of Conditions (Form 5 Non-Significance (Form 6)):	of Applicability (Form 2), Order of Reson), Restoration Order of Conditions (For	urce Area Delineation m 5A), or Notice of				
	Name						
	Mailing Address						
	City/Town	State	Zip Code				
	Phone Number	Fax Number (if a	pplicable)				
4.	DEP File Number:						
R	Instructions						
U.	msu actions						
1.	When the Departmental action request is	for (check one):					
	Superseding Order of Conditions – F projects)	Fee: \$120.00 (single family house project	is) or \$245 (all other				
	Superseding Determination of Applicability – Fee: \$120						
	☐ Superseding Order of Resource Area	a Delineation – Fee: \$120					

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

Important:







Request for Departmental Action Fee Transmittal Form

Provided by DEP

DEP File Number:

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-617 10 Nurse Way Witch Hill Subdivision, Lot 219 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-617** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at
 any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

SITE DEVDELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016

(Dated)

Christopher R. Mello and Clayton A. Morin

(Signed and Stamped by)

City of Salem Conservation Commission

(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

- 43. Infiltration system shall have a 6" cleanout point for each row.
- 44. An access easement with a minimum width of 20' shall be provided between 10 & 12 or 12 & 14 Nurse Way, between Nurse Way and the infiltration system.
- 45. Wetlands markers shall be located along retaining wall at the rear of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.
- 46. The Conservation Commission may withhold issuance of a Certificate of Compliance for this lot until the subdivision's roadways, utilities, open spaces, walking paths, and wetlands replication are completed per Order of Condition #64-391 or have sufficiently progressed to the Commission's satisfaction.

PERPETUAL CONDITIONS

47. [Reserved]



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

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

Provided by MassDEP:
64-616
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information

Conservation Commission

Salem

2. This issuance is for

(check one):

1. From:

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.



3. FO: Applicant:						
Kenneth G.	S	teadma	an			
a. First Name	_	Last Na				ve. 20.2
c. Organization				*****		
67R Village St.						
d. Mailing Address						·
Marblehead	١	1A			01945	
e. City/Town	^	State	***************************************		g. Zip Coo	le
a. First Name	b . I	Last Nan	ne			
c. Organization						
d. Mailing Address						* ***
e. City/Town	f.	State			g. Zip Cod	€
5. Project Location:						
11 Nurse Way (Lot 227)	Sa	lem				
a. Street Address	F0-50-00-	City/Towr	1			
14	33	•				
c. Assessors Map/Plat Number		arcel/Lo	t Number			
Latitude and Longitude, if known:	d	m	<u> </u>	d	m	s

d. Latitude

a.
Order of Conditions b.
Amended Order of Conditions

e. Longitude



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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Α	. Gener	al Informat	ion	(cc	nt.)				
6.	Property one parce	recorded at the lel):	Regi	stry (of Deeds fo	or (attach additio	onal i	nforn	nation if more than
	South Es		80814 and 8	0815					
	a. County					b. Certificate Nu			stered land)
	c. Book					d. Page	**************************************		
7.	Dates:	3/3/2016				6/2016			6/2/2016
٠.		a. Date Notice of I				ate Public Hearing			c. Date of Issuance
8.	Final App as neede See attac	d):	l Oth	er D	ocuments (attach additiona	al pla	n or (document reference
	a. Plan Title				·				
	b. Prepared	Ву				c. Signed and St	tampe	d by	
	d. Final Rev	ision Date				e. Scale			
	f. Additional	Plan or Document T	itle	·				-	g. Date
В.	Finding	gs						***************************************	
1.	Findings r	oursuant to the M	laces	achu	satts Watls	ande Protoction	Λ o.t.		
•									
	the areas	n this application	and prop	pres	sented at th Lis signific	ne public hearin	a. thi	s Cor	d on the information mmission finds that sts of the Wetlands
€.		Water Supply	b.			taining Shellfish	n c.		Prevention of lution
i.		e Water Supply	e.		Fisheries		f.	\boxtimes	Protection of dlife Habitat
].	⊠ Groun	dwater Supply	h.	\boxtimes	Storm Da	mage Preventio	n i.	\boxtimes	Flood Control
2.	This Comn	nission hereby fin	ds th	e pro	ject, as pro	posed, is: (chec	k one	of th	e following boxes)
۱pp	roved sub	ject to:							
	standards be perform General Co that the fol	ed in accordanc	etlar e wit ny otl s mo	nds re th the her s dify o	egulations. Notice of pecial cond or differ fro	This Commissi Intent reference ditions attached m the plans, spe	ion or ed ab to th ecific	rders ove, is Or ation	that all work shall the following der. To the extent s. or other



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

Provided by MassDEP:
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B. Findings (cont.)

Denied because:

- b.
 the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. In the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act.

 Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
- Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)

a. linear feet

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

Re	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. 6.	☐ Bordering Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
0.	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	-	e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	Isolated Land Subject to Flooding	a. square feet	b. square feet	3	
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ 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	mar apply action	(, c. ,

		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size u	under Land Unde	er the Ocean, be	low
11.	☐ Land Under the				
	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size u below	ınder Coastal Be	eaches and/or Co	pastal Dunes
13.	Coastal Beaches			cu yd	cu yd_
13.	Coastar Dedories	a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15.	Coastal Banks	a. linear feet	b, linear feet		
16	Rocky Intertidal	a. m.oa. voor			
16.	Shores	a. square feet	b. square feet		
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	Land Under SaltPonds	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
19.	Land ContainingShellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs		d/or inland Land	anks, Inland Banl I Under Waterbo	
	Colored Coloreda	a. c/y dredged	b. c/y dredged		
21.	Land Subject to Coastal StormFlowage	a. square feet	b. square feet		
22.	☐ 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.)

* #23 . 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.

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

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

- 1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- 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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
- 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 6/2/2019 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.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environmenta	al Protection" [or, "MassDEP"]
"File Number	64-616	19

- 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.



WPA Form 5 - Order of Conditions

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

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

- 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.
- 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.

19.	The wo	rk associated with this Order (the "Project")
	(1)	is subject to the Massachusetts Stormwater Standards
	(2) 🛛	is NOT 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;



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-616

MassDEP File #

eDEP Transaction # Salem City/Town

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

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.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-616
MassDEP File #
eDEP Transaction #
Salem
City/Town

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

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

Special Conditions (if you need more space for additional conditions, please attach a text document):	t
	e-1000 e-1000 11

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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

Provided by MassDEP:
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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ls a	municipal wetlands bylaw or ordinance applicable? Yes	□ No
2.	The	Salem hereby finds (check Conservation Commission	k one that applies):
		that the proposed work cannot be conditioned to meet the stand municipal ordinance or bylaw, specifically:	lards set forth in a
	-	Municipal Ordinance or Bylaw	2. Citation
	ļ	Therefore, work on this project may not go forward unless and until Intent is submitted which provides measures which are adequate to standards, and a final Order of Conditions is issued.	
	with a municipal		
	_	Wetlands Protection & Conservation Ordinance 1. Municipal Ordinance or Bylaw	<u>c. 50</u> 2. Citation
3.	The cond the N The cond More Attac	Commission orders that all work shall be performed in accordance ditions and with the Notice of Intent referenced above. To the extenditions modify or differ from the plans, specifications, or other proportice of Intent, the conditions shall control. special conditions relating to municipal ordinance or bylaw are as few space for additional conditions, attach a text document): ched conditions are issued under the Wetlands Protection Act and appliance with the local ordinance	t that the following sals submitted with follows (if you need



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: G4-616 MassDEP File #

eDEP Transaction # æ City/Town

E. Signatures

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

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

 Date of Issuance 2. Number of Signers

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

with the appropriate MassDEP Regional Office.

Signatures by certified mail, return receipt by hand delivery on Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-616
MassDEP File #
eDEP Transaction #
Salem
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission			
Detach on dotted line, have stam Commission.	ped by the Registry of Deed		rvation
То:			
Conservation Commission			
Please be advised that the Orde	r of Conditions for the Proje	ect at:	
Project Location	MassDEP	File Number	1.000.00
Has been recorded at the Regist	ry of Deeds of:		
County	Book	Page	
for: Property Owner			
and has been noted in the chain	of title of the affected prope	erty in:	
Book	Page		
In accordance with the Order of	Conditions issued on:		
Date			
If recorded land, the instrument r	number identifying this trans	saction is:	
Instrument Number			
If registered land, the document	number identifying this trans	saction is:	
Document Number			
Signature of Applicant	AP V V		~



Important:

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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:	
Provided by DEP	

	A. I	Req	uest	Infor	matio
--	------	-----	------	-------	-------

1.	Location of Project					
	a. Street Address	b. City/Town, Zip				
	c. Check number	d. Fee amount				
2.	Person or party making request (if appropriate	e, name the citizen group's repres	entative):			
	Name		A			
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number (if ap	oplicable)			
3.	Applicant (as shown on Determination of Appl (Form 4B), Order of Conditions (Form 5), Resi Non-Significance (Form 6)):	toration Order of Conditions (Forn	rce Area Delineation n 5A), or Notice of			
	Name					
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number (if ap	oplicable)			
4.	DEP File Number:					
В.	Instructions					
1.	When the Departmental action request is for (check one):					
	☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)					
	☐ Superseding Determination of Applicability – Fee: \$120					
	Superseding Order of Resource Area Delineation – Fee: \$120					

wpaform5.doc • rev. 4/22/2015



Request for Departmental Action Fee Transmittal Form

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- On a separate sheet attached to this form, state clearly and concisely the objections to the
 Determination or Order which is being appealed. To the extent that the Determination or Order is
 based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations,
 the Department has no appellate jurisdiction.
- Send a copy of this form and a copy of the check or money order with the Request for a
 Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP
 Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.

Page 2 of 2

DEP File Number:

Provided by DEP



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-616 11 Nurse Way Witch Hill Subdivision, Lot 227 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L. Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-616** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

SITE DEVDELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016

(Dated)

Christopher R. Mello and Clayton A. Morin

(Signed and Stamped by)

City of Salem Conservation Commission

(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

Wetland markers shall be located along the northern and western perimeter of the landscaped portion of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.

PERPETUAL CONDITIONS

44. [Reserved]



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-615
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information

Latitude and Longitude, if known:

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

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



	X D
return	

1. From: Salem		
Conservation Commiss	ion	
2. This issuance is for	- Mordor of Conditions	
(check one):	a. 🖾 Order of Conditions b. 🗌 Amend	led Order of Conditions
3. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67R Village St.		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
a. First Name	b. Last Name	· · · · · · · · · · · · · · · · · · ·
c. Organization		
d. Mailing Address	The state of the s	
e. City/Town	f. State	g. Zip Code
5. Project Location:		
12 Nurse Way (Lot 220)	Salem	
a. Street Address	b. City/Town	
14	33	
c. Assessors Map/Plat Number	d. Parcel/Lot Number	

d

d. Latitude

S

đ

e. Longitude



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-615
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information (cont.)

6.	Property one parce	recorded at the F	Regist	ry o	of Deeds for	(attach addition	al i	nform	ation if more than	
	South Es					80814 and 80	815			
	a. County	* /* W*#ANLL #71 = A + 21 = A = = = = = = = = = = = = = = = = =	~~			b. Certificate Num		(if regi:	stered land)	
	c. Book					d. Page				
7.	Dates:	3/3/2016			5/26/	2016			6/2/2016	
٠.		a. Date Notice of Ir				e Public Hearing C			c. Date of Issuance	
8.	as neede	d):	Othe	r Do	ocuments (a	ttach additional	pla	n or c	document reference	es
	See attac		4000401=00==							
	a. Plan Title						,,,,,,			
	b. Prepared	Ву				c. Signed and Star	nped	d by		71
	d. Final Rev	ision Date				e. Scale				
	f. Additional	Plan or Document Tit	tle			W-W-W			g. Date	—
R	Finding	***************************************							g. Date	—
	· ·····	90								
1.	Findings p	oursuant to the M	assac	chus	setts Wetlar	ds Protection A	ct:			
	provided in the areas	n this application	and p propo	ores sed	sented at the Lis significa	public hearing	thi	s Cor	d on the information mmission finds that tis of the Wetlands	at
а.	□ Public	Water Supply	b.		Land Conta	aining Shellfish	c.		Prevention of ution	
1.	□ Private	e Water Supply	e.		Fisheries		f.		Protection of dlife Habitat	
] .	☐ Groun	dwater Supply	h.	\boxtimes	Storm Dam	age Prevention	i.	\boxtimes	Flood Control	
2.	This Comm	nission hereby find	ds the	pro	ject, as prop	osed, is: (check	one	of th	e following boxes)	
4pţ	oroved sub	ject to:								
	standards be perform General Co that the foli	ed in accordance	etland with y other mod	ds re the er s ify c	egulations. ⁻ Notice of Ir pecial condi or differ from	This Commission tent referenced tions attached to the plans, spe	n or l abo o th	ders ove, t is Or ation	that all work shall the following der. To the extent s, or other	



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-615
MassDEP File #
eDEP Transaction #
Salem
City/Town

B. Findings (cont.)

Denied because:

- 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

65' +/-

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

Re	esource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	Bordering	a. miear ieet	D. IIIIedi Teet	C. IIIIedi ieet	u. miear ieer
6.	Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
		e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land				
	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land				
	Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft		<u> </u>		ff
	Confliction and 100	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



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-615
MassDEP File #
eDEP Transaction #
Salem
City/Town

B. Findings (cont.)

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

		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size ı	under Land Und	er the Ocean, bel	low
11.		a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size ι below	ınder Coastal Be	eaches and/or Co	pastal Dunes
13.	Coastal Beaches			cu yd	cu yd
13.	Oodstat Deactifes	a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes		14844	cu yd	cu yd
		a. square feet	b. square feet	c. nourishment	d. nourishment
15.	Coastal Banks	a. linear feet	b. linear feet		
16.	Rocky Intertidal				
	Shores	a. square feet	b. square feet		
17.	Salt Marshes				
17.		a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt				
	Ponds	a. square feet	b. square feet		
			d - A - d d		
		c. c/y dredged	d. c/y dredged		
19.	☐ Land Containing Shellfish	o ocupro foot	h sauces feet		
	Snemsn	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs		d/or inland Land	inks, Inland Bank Under Waterboo	
		a. c/y dredged	b. c/y dredged		
21.	☐ Land Subject to	ar ory arougou	D. Gry Greaged		
21.	Coastal Storm Flowage	a. square feet	b. square feet		
22.	☐ Riverfront Area				
	time	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	Market Market 1			
	-	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100-		h ogue f		
200 ft	200 II	g. square feet	h. square feet	i. square feet	j. square feet



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:	
64-615	
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eDEP Transaction #	
Salem	
City/Town	

B. Findings (cont.)

* #23. 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

23.	Restoration/Enhancement *:				
	a. square feet of BVW	b. square feet of salt marsh			
24.	Stream Crossing(s):				
	a. number of new stream crossings	h 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.
- amount here. 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
 - 3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
 - 4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
 - 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
 - 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 6/2/2019 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.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environmental	Protection" [or, "MassDEP"]
"File Number	64-615	5)

- 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.



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

- 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.
- 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.
- 19. The work associated with this Order (the "Project")
 (1) ☐ is subject to the Massachusetts Stormwater Standards
 (2) ☒ is NOT 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;



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

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

I) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be

- at least six inches above grade to allow for wildlife passage.

 Special Conditions (if you need more space for additional conditions, please attach a text document):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	Is a municipal wetlands bylaw or ordinance applicable? 🛛 Yes [□ No		
2.	The Salem hereby finds (check Conservation Commission	ck one that applies):		
	dards set forth in a			
	1. Municipal Ordinance or Bylaw	2. Citation		
	Therefore, work on this project may not go forward unless and unt Intent is submitted which provides measures which are adequate t standards, and a final Order of Conditions is issued.			
	b. that the following additional conditions are necessary to comply ordinance or bylaw:	with a municipal		
	Wetlands Protection & Conservation Ordinance	<u>c. 50</u> 2. Citation		
Municipal Ordinance or Bylaw				
	more space for additional conditions, attach a text document): Attached conditions are issued under the Wetlands Protection Act and are sufficient for compliance with the local ordinance			

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WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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E. Signatures

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

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

1. Date of Issuance

Number of Signers

The Order must be mailed by certified mail (retur	
he applicant. A copy must be mailed, hand deliv	ered or filed electronically at the same time
with the appropriate MassDEP Regional Office.	
. // a / //	Ceston K / Kada
Signatures://	30000
My W Cut	U
March 10 11.	
LIW KNIM	NAME OF THE OWNER OWNER OF THE OWNER OWNE
a N. Call	

by hand delivery on	
---------------------	--

by certified mail, return receipt requested, on

G/ d/

F. Appeals

Date

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for 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.

Page (of)



WPA Form 5 - Order of Conditions

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

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission		
	nped by the Registry of Deed	ds and submit to the Conservation
Commission.		
То:		
Conservation Commission		
Please be advised that the Orde	er of Conditions for the Proje	ect at:
Project Location	MassDEF	P File Number
Has been recorded at the Regis	try of Deeds of:	
County	Book	Page
or: Property Owner		
and has been noted in the chair	of title of the affected prope	erty in:
Book	Page	
n accordance with the Order of	Conditions issued on:	
Date		
f recorded land, the instrument	number identifying this trans	saction is:
Instrument Number		
f registered land, the document	number identifying this tran	saction is:
Document Number		
Signature of Applicant		



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

A. Request Information

Request for Departmental Action Fee Transmittal Form

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

DEP	File	Number:

Pro	vided	bv	DEP

Important:
When filling
out forms on
the computer,
use only the
tab key to
move your
cursor - do



not use the return key.



1.	Location of Project							
	a. Street Address	b. City/Town, Zip						
	c. Check number d. Fee amount							
2.	Person or party making request (if appropriate, name the citizen group's representative):							
	Name	,						
	Mailing Address							
	City/Town	State	Zip Code					
	Phone Number	Fax Number (if app	plicable)					
3.	Applicant (as shown on Determination of Applicab (Form 4B), Order of Conditions (Form 5), Restoration-Significance (Form 6)):							
	Name							
	Mailing Address		A CONTRACTOR OF THE CONTRACTOR					
	City/Town	State	Zip Code					
	Phone Number	Fax Number (if app	olicable)					
1.	DEP File Number:							
P	Instructions							
٥.	Instructions							
١.	When the Departmental action request is for (check one):							
	Superseding Order of Conditions – Fee: \$120. projects)	00 (single family house projects) or \$245 (all other					
	☐ Superseding Determination of Applicability – F	ee: \$120						

☐ Superseding Order of Resource Area Delineation – Fee: \$120



Request for Departmental Action Fee Transmittal Form

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.

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DEP File Number:

Provided by DEP



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-615 12 Nurse Way Witch Hill Subdivision, Lot 220 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L. Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-615** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

SITE DEVELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016

(Dated)

Christopher R. Mello and Clayton A. Morin

(Signed and Stamped by)

City of Salem Conservation Commission

(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- 26. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

- 43. Infiltration system shall have a 6" cleanout point for each row.
- 44. An access easement with a minimum width of 20' shall be provided between 10 & 12 or 12 & 14 Nurse Way, between Nurse Way and the infiltration system.
- Wetlands markers shall be located along the top of the wall at the rear of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.
- 46. Though not shown on the approved plan for this Order, an outfall behind this lot, with appropriate riprap, is approved.
- 47. LOT 10, 12, 14: The Conservation Commission may withhold issuance of a Certificate of Compliance for this lot until the subdivision's roadways, utilities, open spaces, walking paths, and wetlands replication are completed per Order of Condition #64-391 or have sufficiently progressed to the Commission's satisfaction.

PERPETUAL CONDITIONS

48. [Reserved]



WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-614
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information

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

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



Salem				
1. From: Conservation Commission	n			
This issuance is for (check one):	a. Order of Conditions b. Amended	Order o	of Conditio	ns
3. To: Applicant:				
Kenneth G.	Steadman			
a. First Name	b. Last Name			
c. Organization				
67R Village St.				
d. Mailing Address				
Marblehead	MA		01945	
e. City/Town	f. State	g	g. Zip Code	
Property Owner (if different from a. First Name	m applicant): b. Last Name			
c. Organization				
d. Mailing Address				
e. City/Town	f. State	9	. Zip Code	
5. Project Location:				
13 Nurse Way (Lot 225)	Salem			
a. Street Address	b. City/Town			
14	33			
c. Assessors Map/Plat Number	d. Parcel/Lot Number			
Latitude and Longitude, if known	own: d Institude	d	m	S

d. Latitude

e. Longitude



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-614
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Salem
City/Town

Α	. Gener	al Informat	ion	(co	nt.)			
6.	Property one parc	Regi	stry o	r (attach additio	nal i	nformation if more than		
	South Essex					80814 and 80	815	
	a. County					b. Certificate Nur	nber	(if registered land)
	c. Book				POPPOPO AND	d. Page		
7.	Dates:	3/3/2016 a. Date Notice of I	ntent	Filed		5/2016 ate Public Hearing C	loco	6/2/2016 c. Date of Issuance
8.	Final App as neede See attac	roved Plans and d):				=		n or document reference
	a. Plan Title	TTOTT MODELLE CO.						
	b. Prepared	Ву		<u> </u>		c. Signed and Sta	impe	d by
	d. Final Rev	ision Date				e. Scale	 -	
	f. Additional	Plan or Document T	itle					g. Date
В.	Findin	gs						
1.	Findings p	oursuant to the M	lassa	achu	setts Wetla	nds Protection A	Act:	
	provided i the areas	n this application	and prop	pres	ented at the is signification	e public hearing	, thi	based on the information s Commission finds that nterests of the Wetlands
∄.	□ Public	Water Supply	b.		Land Con	taining Shellfish	C.	
i.	□ Private	e Water Supply	e.		Fisheries		f.	□ Protection of Wildlife Habitat
} .	⊠ Groun	dwater Supply	h.	\boxtimes	Storm Dar	mage Preventio	n i.	
2.	This Comn	nission hereby fin	ds th	e pro	ject, as pro	posed, is: (check	c one	e of the following boxes)
٩pp	roved sub	eject to:						
	standards be perform General Co that the fol	set forth in the w ned in accordance	etlar e wit ny otl s mo	nds re th the her s dify o	egulations. Notice of lipecial conc or differ from	This Commission ntent reference litions attached the plans, spe	on or d ab to the cific	h the performance rders that all work shall ove, the following his Order. To the extent ations, or other control.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
54-614
VlassDEP File #
DEP Transaction #
Salem
City/Town

B. Findings (cont.)

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	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.
	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
b.	the proposed work cannot be conditioned to meet the performance standards set forth

С.	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)

Res	ource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. 6.	☐ Bordering Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	·	e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land Subject to Flooding	a. square feet	b. square feet	g. dable leet	ii. Obbid reet
į	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	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



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614
MassDEP File #
eDEP Transaction #
Salem
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B. Findings (cont.)

Coastal Resource	Area Impacts:	Check all that an	ply below.	(For Approvals Only)
------------------	---------------	-------------------	------------	----------------------

		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size	under Land Und	er the Ocean, be	low
11.	☐ Land Under the Ocean	a. square feet	b. square feet		
	Ocean	a. Square rect	D. Square reer		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size of below	under Coastal Be	eaches and/or Co	pastal Dunes
13.	☐ Coastal Beaches			cu yd	cu yd
		a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
		a. square reer	D. Square leet	C. Hourisament	Q. Hourstillone
15.	☐ Coastal Banks	a. linear feet	b. linear feet		
16.	Rocky Intertidal	u. miodi ioot	p. middi 100t		
10.	Shores	a. square feet	b. square feet		
17.	Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt			•	·
10.	Ponds	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
19.	☐ Land Containing	,	, ,		
10.	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs		d/or inland Land	anks, Inland Bank I Under Waterboo	
	- Land Cubinette	a. c/y dredged	b. c/y dredged		
21.	Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft		d course fact		f. square feet
	·	c. square feet	d. square feet	e. square feet	i. Square reet
	Sq ft between 100- 200 ft	g. square feet	h. square feet	i. square feet	j. square feet



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614
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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area 24 in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, 1 please enter the additional amount here. 2.

B. Restoration/Enhancement *:	
a. square feet of BVW	b. square feet of salt marsh
. 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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
- 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 6/2/2019 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.



WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-614
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City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environmental	Protection'	' [or, "MassDEP"]
"File Number	64-614	n	

- 11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
- 12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
- 13. The work shall conform to the plans and special conditions referenced in this order.
- 14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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.
- 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.
- 19. The work associated with this Order (the "Project")
 (1) ☐ is subject to the Massachusetts Stormwater Standards
 (2) ☒ is NOT 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;



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614

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

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.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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Salem
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

I) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be

- at least six inches above grade to allow for wildlife passage.

 Special Conditions (if you need more space for additional conditions, please attach a text document):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614
MassDEP File #
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D. Findings Under Municipal Wetlands Bylaw or Ordinance

2.	The	e Salem	herek	hy finds (c	heck one that applies
۷.	1110	Conservation Commission	TIGICAL	oy mido (o	, took one that apphoo
	a.	that the proposed work cannumunicipal ordinance or bylaw, s		neet the st	tandards set forth in a
		Municipal Ordinance or Bylaw			2. Citation
		Therefore, work on this project intent is submitted which provid standards, and a final Order of 0	es measures which ar		
b. that the following additional conditions are necessary to comply with a ordinance or bylaw:				nply with a municipal	
		Wetlands Protection & Conserva	ation Ordinance		<u>c. 50</u>
		1. Municipal Ordinance or Bylaw			2. Citation
3.	con con the	e Commission orders that all worl ditions and with the Notice of Inte ditions modify or differ from the p Notice of Intent, the conditions s	ent referenced above. blans, specifications, c hall control.	To the ex or other pr	ctent that the following oposals submitted wit
	The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):				
		ached conditions are issued unden pliance with the local ordinance	er the Wetlands Protec	ction Act a	ind are sufficient for
	-				



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614 MassDEP File #

eDEP Transaction # Salem City/Town

E. Signatures

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





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 marks has almost but a majerite after Occasionation Occasion to

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

2. Number of Signers

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

	Date	Date
	by hand delivery on	by certified mail, return receipt requested, on
	G-A Cylell	
	Tal Rubk	
Sig	matures: Any Make	Will the same
٠.		LIEVAN KX X Xade

F. Appeals

The applicant, the owner, any person aggreed 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 for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-614
MassDEP File #

eDEP Transaction #

Salem City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission				
Detach on dotted line, have stamped Commission.	by the Registry of Deeds and su			
To:				
Conservation Commission				
Please be advised that the Order of	Conditions for the Project at:			
Project Location	MassDEP File Numb	per		
Has been recorded at the Registry of	of Deeds of:			
County	Book	Page		
for: Property Owner				
and has been noted in the chain of t	itle of the affected property in:			
Book	Page			
In accordance with the Order of Con	ditions issued on:			
Date				
If recorded land, the instrument num	ber identifying this transaction is	:		
Instrument Number				
If registered land, the document num	nber identifying this transaction is	s:		
Document Number				
Signature of Applicant				



Important:

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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

	DEP File Number:	
Provided by DEP	Dravided by DED	_

A. Request Information

1.	Location of Project					
	a. Street Address	b. City/Town, Zip				
	c. Check number	d. Fee amount				
2.	Person or party making request (if appropriate, name the citizen group's representative):					
	Name					
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number	(if applicable)			
3.		nown on Determination of Applicability (Form 2), Order of Resource Area Delineation er of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of the (Form 6)):				
	Name					
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number ((if applicable)			
4.	DEP File Number:					
В.	Instructions					
1.	When the Departmental action request is for (check one):					
	☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)					
	☐ Superseding Determination of Applicability – Fee: \$120					
	☐ Superseding Order of Resource Area Delineation – Fee: \$120					



Request for Departmental Action Fee Transmittal Form

Provided	by	DEP	

DEP File Number:

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-614 13 Nurse Way Witch Hill Subdivision, Lot 225 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L. Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-614** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

SITE DEVELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016

(Dated)

Christopher R. Mello and Clayton A. Morin

(Signed and Stamped by)

City of Salem Conservation Commission

(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

43. Wetland markers shall be located along the southern and western perimeter of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.

PERPETUAL CONDITIONS

44. [Reserved]



WPA Form 5 - Order of Conditions

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

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A General Information

c. Assessors Map/Plat Number

Latitude and Longitude, if known:

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

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



return

5.

_ Salem		
From: Conservation Commis	sion	
This issuance is for (check one):	a. 🛮 Order of Conditions в. 🔲 Amend	led Order of Condition
To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67R Village St.		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
Property Owner (if different	from applicant):	
a. First Name	b. Last Name	
c. Organization		7.000000000000000000000000000000000000
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
Project Location:		
14 Nurse Way (Lot 221)	Salem	
a. Street Address	b. City/Town	

d. Parcel/Lot Number

d

e. Longitude

S

d. Latitude



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

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A. General Information (cont.)

Λ.	Ocholai Illioilliaux	311 (CO;	11.7				
6.	Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):						
	South Essex			80814 and 808	15		
	a. County			b. Certificate Numb		registered land)	
	c. Book			d. Page		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
_	3/3/2016			2016		6/2/2016	
7.	Dates: a. Date Notice of Int			e Public Hearing Clo			
8.	Final Approved Plans and (as needed): See attached	Other Do	cuments (a	ttach additional	plan	or document references	
	a. Plan Title					4.200	
	b. Prepared By			c. Signed and Stan	nped	by	
	d. Final Revision Date			e. Scale			
	f. Additional Plan or Document Titl	е				g. Date	
В.	Findings						
1.	Findings pursuant to the Ma	assachus	etts Wetlar	nds Protection A	ct:		
	Following the review of the provided in this application the areas in which work is protection Act (the Act). Ch	and pres proposed	ented at the is significa	e public hearing,	this	Commission finds that	
a.	□ Public Water Supply	b. 🔲	Land Cont	aining Shellfish	C.	□ Prevention of Pollution	
d.	☑ Private Water Supply	е. 🗌	Fisheries		f.		
g.	☐ Groundwater Supply	h. 🛛	Storm Dar	nage Prevention	i.		
2.	This Commission hereby find	ds the pro	ject, as pro	oosed, is: (check	one	of the following boxes)	
App	proved subject to:						
	the following conditions standards set forth in the webe performed in accordance General Conditions, and an that the following conditions proposals submitted with the	etlands re with the y other s modify o	egulations. Notice of I pecial cond or differ from	This Commission tent referenced litions attached to the plans, spe	n ord d abo to thi cifica	ders that all work shall ove, the following s Order. To the extent ations, or other	



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B. Findings (cont.)

Denied because	
----------------	--

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

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

Resourc	ce Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d, linear feet
	Bordering Vegetated Wetland Land Under	a. square feet	b. square feet	c. square feet	d. square feet
,	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
		e. c/y dredged	f. c/y dredged		
	Bordering Land lect to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubi	c Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
	Isolated Land lect to Flooding	a. square feet	b. square feet	J	
Cubi	c Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. 🔲 I	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.)

	3 ()				
Co	oastal Resource Area Imp	oacts: Check all t	hat apply below.	. (For Approvals	Only)
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size	under Land Und	er the Ocean, be	low
11.	☐ Land Under the				
	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	Barrier Beaches			eaches and/or Co	pastal Dunes
13.	Coastal Beaches		1	cu yd	cu yd
		a. square feet	b. square feet	c. nourishment	d. nourishment
14.	☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15.	☐ Coastal Banks		L 1		
		a. linear feet	b. linear feet		
16.	☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet		
19	☐ Land Containing	c. c/y dredged	d. c/y dredged		
19.	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs		d/or inland Land	anks, Inland Bank Under Waterboo	
		a. c/y dredged	b. c/y dredged		
21.	☐ Land Subject to				
	Coastal Storm Flowage	a. square feet	b. square feet		
22.	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.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area 24 in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Saft Marsh) above, 1 please enter the additional

3.	Restoration/Enhancement *:	
	a. square feet of BVW	b. square feet of salt marsh
٠.	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.

- I. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- amount here. 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
 - 3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
 - 4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
 - 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
 - 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 6/2/2019 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.



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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of	Environmenta	l Protection" [or	, "MassDEP"]
"File Number	64-613	"	

- 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.



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

- 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.
- 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.

19.	The wo	rk associated with this Order (the "Project")
	(1)	is subject to the Massachusetts Stormwater Standards
	(2)	is NOT 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;



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

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.
- 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.

1) 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):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-613
MassDEP File #
eDEP Transaction #
Salem
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

	ls a	municipal wetlands bylaw or ordinance applica	ble?	∑ Yes	☐ No	
2.	The	Salem			check one	that applies):
	a.	Conservation Commission that the proposed work cannot be condition municipal ordinance or bylaw, specifically:	ed to	meet the s	standards	set forth in a
	-	1. Municipal Ordinance or Bylaw		741		2. Citation
		Therefore, work on this project may not go forw Intent is submitted which provides measures w standards, and a final Order of Conditions is is	hich	are adequa	until a rev ate to mee	vised Notice of et these
		☑ that the following additional conditions are rordinance or bylaw:		sary to co	mply with	
		Wetlands Protection & Conservation Ordinanc 1. Municipal Ordinance or Bylaw	<u>e</u>			c. 50 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 or more space for additional conditions, attach Attached conditions are issued under the We			docu	ment):		
	com	pliance with the local ordinance				



WPA Form 5 – Order of Conditions

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

Provided by	MassDEP:
64_	G(}
MassDEP F	ile#

eDEP Transaction #

City/Town

E. Signatures

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

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

Date of Issuance
 Number of Signers

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

Signatures:

| Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | Signatures: | S

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 for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP	:
64-613	
MassDEP File #	
eDEP Transaction #	-
Salem	

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission		and and the second seco
Commission	mped by the Registry of Deeds and s	
То:		
Conservation Commission		
Please be advised that the Ord	er of Conditions for the Project at:	
Project Location	MassDEP File Nur	mber
Has been recorded at the Regis	stry of Deeds of:	
County	Book	Page
Or: Property Owner		
and has been noted in the chair	n of title of the affected property in:	
n accordance with the Order of	•	
Date		
recorded land, the instrument	number identifying this transaction	is:
Instrument Number		
registered land, the document	t number identifying this transaction	is:
Document Number	AMARAMINA	
Signature of Applicant		



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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

Provided	by	DEP	

DEP File Number:

A. Request Information

1. 1	Location of Project					
	a. Street Address	b. City/Town, Zip				
	c. Check number	d. Fee amount	18-miles 47-489-00-00-00-00-00-00-00-00-00-00-00-00-00			
2.	Person or party making request (if ap	ppropriate, name the citizen group's representative)	:			
	Name					
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number (if applicable)	····			
3.	Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):					
	Name		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number (if applicable)				
4.	DEP File Number:					
В.	Instructions					
1.	When the Departmental action request is for (check one):					
	Superseding Order of Conditions projects)	s – Fee: \$120.00 (single family house projects) or \$24	5 (all other			
	☐ Superseding Determination of App	pplicability – Fee: \$120				
	☐ Superseding Order of Resource	Area Delineation – Fee: \$120				



Request for Departmental Action Fee Transmittal Form

Provided by DEP

DEP File Number:

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-613
14 Nurse Way
Witch Hill Subdivision, Lot 221
City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- Approval of this application does not constitute compliance with any law or regulation other than M.G.L. Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-613** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



- Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.
- 8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
- 9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
 - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
 - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
 - (3) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
- 10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
- 11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
- 12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
- 13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 14. The work shall conform to the following attached plans and special conditions:

Final Approved Plans

(On file with)

SITE DEVELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016
(Dated)

Christopher R. Mello and Clayton A. Morin
(Signed and Stamped by)

City of Salem Conservation Commission

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- 26. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

- 43. Infiltration system shall have a 6" cleanout point for each row.
- 44. An access easement with a minimum width of 20' shall be provided between 10 & 12 or 12 & 14 Nurse Way, between Nurse Way and the infiltration system.
- 45. Wetlands markers shall be located along the top of the wall at the rear of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.
- 46. The Conservation Commission may withhold issuance of a Certificate of Compliance for this lot until the subdivision's roadways, utilities, open spaces, walking paths, and wetlands replication are completed per Order of Condition #64-391 or have sufficiently progressed to the Commission's satisfaction.

PERPETUAL CONDITIONS

47. [Reserved]



WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-612
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information

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

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



Salem		
1. From: Conservation Com	mission	
This issuance is for (check one):	a. Order of Conditions b. Amend	ed Order of Conditions
3. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67R Village St.		
d. Mailing Address		
Marblehead	MA	01945
e. City/Town	f. State	g. Zip Code
4. Property Owner (if differe	nt from applicant):	
a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
15 Nurse Way (Lot 224) Salem	
a. Street Address	b. City/Town	· · · · · · · · · · · · · · · · · · ·

33

d

d. Latitude

d. Parcel/Lot Number

S

m

d

e. Longitude

14

c. Assessors Map/Plat Number

Latitude and Longitude, if known:



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-612
MassDEP File #
eDEP Transaction #
Salem
Citv/Town

A. General Information (cont.)

А.	Genera	ai imormani)II	(coi	IL.)				
6.	Property recorded at the Registry of Deeds for one parcel): South Essex				(attach additional information if more than 80814 and 80815				
	a. County	bex				b. Certificate Num		f regis	stered land)
	c. Book	A STATE OF THE STA				d. Page			
7,	Dates:	3/3/2016 a. Date Notice of Inf	tent F	iled	5/26/ b. Dat	2016 e Public Hearing Cl	osed		6/2/2016 c. Date of Issuance
 Final Approved Plans and Other Documer as needed): See attached 				cuments (a	ttach additional	plar	ord	document reference	
	a. Plan Title								
	b. Prepared	Ву				c. Signed and Sta	mped	by	
	d. Final Revi	sion Date				e. Scale			and the state of t
	f. Additional	Plan or Document Tit	le					-	g. Date
В.	Finding	gs							
1,	Findings p	oursuant to the Ma	assa	chus	setts Wetlar	ds Protection A	\ct:		
	provided in the areas	n this application	and prop	pres osed	ented at the is significal	public hearing	, this	s Co tere:	d on the information mmission finds that sts of the Wetlands
a.	□ Public	Water Supply	b.		Land Cont	aining Shellfish	C.		Prevention of lution
d.		e Water Supply	e.		Fisheries		f.		Protection of dlife Habitat
g.	⊠ Groun	dwater Supply	h.	\boxtimes	Storm Dan	nage Preventio	n i.	\boxtimes	Flood Control
2.	This Comr	nission hereby find	ds th	e pro	ject, as pro	oosed, is: (check	c one	of the	ne following boxes)
Ap	proved sub	oject to:							
a.	standards be perforn General C that the fo	ned in accordance	etlar e wit y ot s mo	nds reh the her s dify e	egulations. Notice of I pecial cond or differ fror	This Commission tent reference itions attached the plans, spear the plans, spears.	on or d ab to the ecific	rders ove, iis O atior	s that all work shall the following rder. To the extent ns, or other



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-612
MassDEP File #
eDEP Transaction #
Salem
City/Town

B. Findings (cont.)

Denied because:

45' +/a. linear feet

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

Res	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5.	☐ Bordering				
6.	Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
Ψ.	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
		e. c/y dredged	f. c/y dredged		
7.	☐ Bordering Land				
	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land			5	
Ο.	Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sg 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	i. square feet



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-612
MassDEP File #
eDEP Transaction #
Salem
City/Town

B. Findings (cont.)

Со	astal Resource Area Impa	cts: Check all the	at apply below.	(For Approvals C	nly)
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size ur	nder Land Unde	r the Ocean, belo	W
11.	☐ Land Under the Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size ur below	nder Coastal Be	aches and/or Coa	astal Dunes
4 2	☐ Coastal Beaches		- A A A A A A A A A A A A A A A A A A A	cu yd	cu yd
13.	Coastal beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14.	Coastal Dunes	a. square feet	b. square feet	c. nourishment	d. nourishment
15.	☐ Coastal Banks	a. linear feet	b. linear feet		
16.	Rocky Intertidal Shores	a. square feet	b. square feet		
17.	☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt [®] Ponds	a. square feet	b. square feet		
	[] I and Containing	c. c/y dredged	d. c/y dredged		
19.	Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs	Indicate size ur the Ocean, and Waterways, abo	l/or inland Land	nks, Inland Bank, Under Waterbodi	Land Under es and
		a. c/y dredged	b. c/y dredged		
21.	☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22.	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



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-612
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B. Findings (cont.)

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

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

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

- Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- amount here. 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
 - 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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
 - 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
 - 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 6/2/2019 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.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department o	f Environmental	Protection"	[or, "MassDEP"]
"File Number	64-612	11	

- 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.



WPA Form 5 – Order of Conditions

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

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

- 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.
- 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.
- 19. The work associated with this Order (the "Project")
 (1) ☐ is subject to the Massachusetts Stormwater Standards
 (2) ☒ is NOT 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;



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

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

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.

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

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

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

I) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld.

- Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

 Special Conditions (if you need more space for additional conditions, please attach a text document):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

		J	•		•		
1.	ls a	municipal wetlands byla	w or ordinance applica	able?	⊠ Yes	☐ No	
2.	The	Salem Conservation Commission		_ here	eby finds (d	check one	that applies):
 a.							set forth in a
	-	Municipal Ordinance or Byla					2. Citation
	l	Therefore, work on this platent is submitted which standards, and a final O	provides measures w	vhich a			
		igstyle igytyle igstyle igytyle igstyle igytyle igstyle igytyle	itional conditions are i	necess	sary to con	nply with a	municipal
		Netlands Protection & C		е			c. 50
	1	Municipal Ordinance or Byla	w				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):						
	Attac	ched conditions are issued bliance with the local order	ed under the Wetlands			and are su	fficient for
					·		······································



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,

E. Signatures

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

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

This Order must be signed by a majority of the Conservation Commission. 2. Number of Signers

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

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100	with the appropriate MassDEP Regional Office.	TORUM
	Signatures:	yler () bole
eturn /	Mr Mayo	0
	Sal Kulik	
	9n A Coll	
	,	De hy contified mail nature reseint
	by hand delivery on	by certified mail, return receipt requested, on
		6/2/16
	Date	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 for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 - Order of Conditions

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

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission			
Detach on dotted line, have star	mped by the Regis	try of Deeds and s	submit to the Conservation
ommission.			
0:			
Conservation Commission			
ease be advised that the Ord	er of Conditions fo	or the Project at:	
Project Location		MassDEP File Nu	mber
as been recorded at the Regis	stry of Deeds of:		
County		Book	Page
r; Property Owner			
nd has been noted in the chair	n of title of the affe	ected property in:	
Book		Page	
accordance with the Order of	f Conditions issued	d on:	
Date	A Life of the Control	- LANGUAN .	
recorded land, the instrument	number identifyin	g this transaction	is:
Instrument Number			
registered land, the documen	t number identifyir	ng this transaction	is:
Document Number	W-8-4-4-4-00-00-0		
Signature of Applicant			



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

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

Provided	bv [DEP	

DEP File Number:

Α.	Req	uest	Info	rma	ition
----	-----	------	------	-----	-------

a. Street Address	b. City/Town, Zip	
c. Check number	d. Fee amount	
Person or party making request (if ap	ppropriate, name the citizen group's rep	resentative):
Name		AAAAAAA
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)
Applicant (as shown on Determinatio (Form 4B), Order of Conditions (Form Non-Significance (Form 6)):	on of Applicability (Form 2), Order of Res m 5), Restoration Order of Conditions (F	source Area Delineation orm 5A), or Notice of
Name		
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)
DEP File Number:		
Instructions		
Instructions When the Departmental action reque	est is for (check one):	
When the Departmental action reque	est is for (check one): s – Fee: \$120.00 (single family house proj	ects) or \$245 (all other
When the Departmental action reque Superseding Order of Conditions	s – Fee: \$120.00 (single family house proj	ects) or \$245 (all other

wpaform5.doc + rev. 4/22/2015



Request for Departmental Action Fee Transmittal Form

DEF FILE NOTIFIER.
Provided by DEP

DED Eilo Numbos

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

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-612 15 Nurse Way Witch Hill Subdivision, Lot 224 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-612** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

SITE DEVELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)

5/4/2016

(Dated)

Christopher R. Mello and Clayton A. Morin

(Signed and Stamped by)

City of Salem Conservation Commission

(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- 23. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

43. Due to cut slope, underdrain along the northwestern perimeter shall be provided, with appropriate discharge location.

PERPETUAL CONDITIONS

44. [Reserved]



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
64-611
MassDEP File #
eDEP Transaction #
Salem
City/Town

A. General Information

Salem

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

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



1. From: Salem Conservation Commission		
2. This issuance is for (check one):	☐Order of Conditions b. ☐ Amended	d Order of Conditions
3. To: Applicant:		
Kenneth G.	Steadman	
a. First Name	b. Last Name	
c. Organization		
67R Village St.		
d. Mailing Address		
Marblehead	<u>MA</u>	01945
e. City/Town	f. State	g. Zip Code
a. First Name c. Organization	b. Last Name	
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
5. Project Location:		
16 Nurse Way (Lot 222)	Salem	
a. Street Address	b. City/Town	
14	33	
c. Assessors Map/Plat Number	d. Parcel/Lot Number	
Latitude and Longitude, if known	. d m s e.	d m s Longitude



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
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City/Town

Α.	Genera	al Informati	on	(co	nt.)				
6.	one parce	el):	Regis	stry o	f Deeds fo	·		nformation if more than	
	South Essex					b. Certificate Number (if registered land)			
	a. County					b. Certaicate Num	inei (ir registered land)	
	c. Book					d. Page			
_	D - 4	3/3/2016			5/26	3/2016		6/2/2016	
7.	Dates:	a. Date Notice of Ir	ntent f	Filed	b. Da	ite Public Hearing Cl	osed	c. Date of Issuance	
8.	Final Appl as needed See attack	d):	Othe	er Do	ocuments (a	attach additional	plaı	n or document references	
	a. Plan Title								
	<u> </u>								
	b. Prepared	Ву			 	c. Signed and Star	nped	l by	
	d. Final Revi	sion Date				e. Scale			
	f. Additional	Plan or Document Ti	tle					g. Date	
R	Finding								
	· mann	90							
1.	Findings p	oursuant to the M	assa	achus	setts Wetla	nds Protection A	ct:		
	provided in the areas	n this application	and prop	pres osed	ented at the is signification	e public hearing	, this	pased on the information is Commission finds that iterests of the Wetlands	
a .	Public	Water Supply	b.		Land Con	taining Shellfish	C.		
i.	□ Private	e Water Supply	e.		Fisheries		f.		
J.	⊠ Groun	dwater Supply	h,	\boxtimes	Storm Dai	mage Preventior	ì i.		
2.	This Comn	nission hereby find	ds th	e pro	ject, as pro	posed, is: (check	one	e of the following boxes)	
A pp	roved sub	ject to:							
	standards be perform General Co that the fol	set forth in the w ned in accordance	etlar e wit ny ot s mo	nds rethead	egulations. Notice of pecial cond or differ fro	This Commission Intent referenced ditions attached to the plans, spe	on or d ab to th cific		



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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Salem
City/Town

В.	Findings (cont.)					
De	nied because:					
b.	the proposed work ca in the wetland regulations until a new Notice of Inter- protect the interests of the the performance standa Order.	. Therefore, work at is submitted whe Act, and a final	k on this project nich provides ma Order of Condit	may not go forwa easures which ar ions is issued. A	ard unless and e adequate to description of	
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: disturbance and the wetla	Shortest distance area	e between limit of specified in 31	of project 0 CMR 10.02(1)(50' +/- a) a. linear fee	
Inla	and Resource Area Impac	ts: Check all that	at apply below. (For Approvals O	nly)	
Res	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement	
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet	
5.	☐ Bordering Vegetated Wetland ☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet	
6.	Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet	
		e. c/y dredged	f. c/y dredged			
7.	Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet	

f. cubic feet

b. square feet

d. cubic feet

b. total sq. feet

d. square feet

h. square feet

e. cubic feet

a. square feet

c. cubic feet

a. total sq. feet

c. square feet

g. square feet

g. cubic feet

e. cubic feet

e. square feet

i. square feet

h. cubic feet

f, cubic feet

f. square feet

j. square feet

Cubic Feet Flood Storage

Cubic Feet Flood Storage

Sq ft within 100 ft

Sq ft between 100-

Isolated Land

Subject to Flooding

☐ Riverfront Area

200 ft



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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City/Town

B. Findings (cont.)

	3 ()				
Со	astal Resource Area Impa	acts: Check all th	at apply below.	(For Approvals	Only)
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size u	nder Land Unde	er the Ocean, bel	ow
11.	Land Under the Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	☐ Barrier Beaches	Indicate size u below	nder Coastal Be	eaches and/or Co	pastal Dunes
13.	☐ Coastal Beaches		h savere foot	cu yd c. nourishment	cu yd d. nourishment
		a. square feet	b. square feet	cu yd	cu yd
14.	Coastal Dunes	a. square feet	b. square feet	c. nourishment	d. nourishment
15.	☐ Coastal Banks	a. linear feet	b. linear feet		
16.	☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17.	Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet		
	_	c. c/y dredged	d. c/y dredged		
19.	Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	☐ Fish Runs		d/or inland Land	anks, Inland Bank I Under Waterboo	
		a. c/y dredged	b. c/y dredged		
21.	☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22.	☐ 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:	
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Salem	
City/Town	

B. Findings (cont.)

* #23. 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, 1 please enter the additional amount here. 2.

23.	Restoration/Enhancement *:	
	a. square feet of BVW	b. square feet of salt marsh
24.	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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- 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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
- 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 6/2/2019 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.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act

- 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.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department	of Environment	tal Protection" [or, "MassDEP]
"File Number	64-611	,	

- 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.

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

Provided by MassDEP:
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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.
- 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.

19.	The wo	rk associated with this Order (the "Project")
	(1)	is subject to the Massachusetts Stormwater Standards
	(2)	is NOT 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;



WPA Form 5 – Order of Conditions

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

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

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.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



WPA Form 5 - Order of Conditions

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

Provided by MassDEP: 64-611

MassDEP File #

eDEP Transaction #

eDEP Transaction #
Salem
City/Town

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

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

I) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld.

- Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

 Special Conditions (if you need more space for additional conditions, please attach a text document):
- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: 64-611
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City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

The	e Salem hereby finds (chec	k one that applies):
1110	Conservation Commission	
a.	that the proposed work cannot be conditioned to meet the stand municipal ordinance or bylaw, specifically:	lards set forth in a
	1. Municipal Ordinance or Bylaw	2. Citation
	Therefore, work on this project may not go forward unless and until Intent is submitted which provides measures which are adequate to standards, and a final Order of Conditions is issued.	l a revised Notice on meet these
b.	☑ that the following additional conditions are necessary to comply ordinance or bylaw:	with a municipal
	Wetlands Protection & Conservation Ordinance	<u>c. 50</u>
	1. Municipal Ordinance or Bylaw	2. Citation
cor the The mo	e Commission orders that all work shall be performed in accordance iditions and with the Notice of Intent referenced above. To the extenditions modify or differ from the plans, specifications, or other proposition of Intent, the conditions shall control. It is special conditions relating to municipal ordinance or bylaw are as for expace for additional conditions, attach a text document): ached conditions are issued under the Wetlands Protection Act and appliance with the local ordinance	it that the following esals submitted with follows (if you need



WPA Form 5 – Order of Conditions

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

Provided by MassDEP: (4-6) MassDEP File #
eDEP Transaction #

E. Signatures

Important: When filling out forms on the computer. use only the tab cursor - do not use the return





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

6/2/2016
1. Date of Issuance
4
Number of Signers

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

Signatures:	- Her K Dlode
Pal Kulk	
T.A.C. ab	
by hand delivery on	by certified mail, return receipt requested, on
Date	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 for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
64-611
MassDEP File #
eDEP Transaction #
Salem
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission		
Commission	mped by the Registry of Deeds and	
o:		
Conservation Commission		
Please be advised that the Ord	er of Conditions for the Project at:	
Project Location	MassDEP File N	lumber
las been recorded at the Regi	stry of Deeds of:	
County	Book	Page
Or: Property Owner		and and the second seco
and has been noted in the chai	n of title of the affected property in	:
Book	Page	
accordance with the Order of	f Conditions issued on:	
Date		
recorded land, the instrument	t number identifying this transactio	n is:
Instrument Number		- Alabara
registered land, the documen	t number identifying this transaction	on is:
Document Number		
Signature of Applicant		Manual Landson



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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

Massachusetts	Wetlands	Protection A	ct M.G.L.	c. 131	1, §40
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F	Provided	by	DEP	 _

DEP File Number:

Α.	Rea	uest	Info	rmation
, , ,	1104	ucsi	11110	iiiidiioi

a. Street Address	b. City/Town, Zip	
c. Check number	d. Fee amount	
Person or party making request (if ap	propriate, name the citizen group's represe	entative):
Name		
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if ap	plicable)
	n of Applicability (Form 2), Order of Resour 5), Restoration Order of Conditions (Form	
Name		
Name Mailing Address		
	State	Zip Code
Mailing Address	State Fax Number (if app	-
Mailing Address City/Town		-
Mailing Address City/Town Phone Number		
Mailing Address City/Town Phone Number		
Mailing Address City/Town Phone Number DEP File Number:	Fax Number (if app	
Mailing Address City/Town Phone Number DEP File Number: Instructions When the Departmental action reques	Fax Number (if app	olicable)
Mailing Address City/Town Phone Number DEP File Number: Instructions When the Departmental action reques Superseding Order of Conditions -	Fax Number (if appoint is for (check one): - Fee: \$120.00 (single family house projects	olicable)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee **Transmittal Form**

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

Provided	by	DEP

DEP File Number:

B. Instructions (cont.)

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection Box 4062 Boston, MA 02211

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
- 4. 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.



SALEM CONSERVATION COMMISSION

ATTACHMEMT TO ORDER OF CONDITIONS

DEP FILE #64-611 16 Nurse Way Witch Hill Subdivision, Lot 222 City of Salem, Massachusetts

ADDITIONAL FINDINGS

Based on the Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map (5/5/2016, online) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contain any vernal pools.

This Order permits the construction of a single-family house and appurtenances per 3/3/2016 Notice of Intent, approved plans, and the following conditions.

GENERAL CONDITIONS

- 1. This Order of Conditions must be recorded in its entirety (including all 5 pages of Special Conditions) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.
- 2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L. Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.
- 3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
- 4. Prior to any work commencing on site, a DEP Sign showing **DEP File #64-611** must be installed at the entrance to the site and seen from the public way, but not placed on a living tree.
- 5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
- 6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
- 7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131,



Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.

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

Final Approved Plans

Protection.

SITE DEVELOPMENT PERMIT PLAN LOCATED IN SALEM, MASS.

(Title)
5/4/2016
(Dated)
Christopher R. Mello and Clayton A. Morin
(Signed and Stamped by)
City of Salem Conservation Commission
(On file with)

- 15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental
- 16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that



he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

17. [Reserved].

PRIOR TO CONSTRUCTION

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

EROSION CONTROL

- 22. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in any wetland resource area and/or buffer zones. The erosion control measures shown on the approval plan(s) and provisions in the Order will be the minimum standards for this project; the Commission or its Agent may require additional measures.
- All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
- 24. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- 25. The area of construction shall remain in a stable condition at the close of each construction day.
- Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through straw bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
- 27. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
- 28. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth,



exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

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

AFTER CONSTRUCTION

- 39. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;



- (c) Distances from any structures constructed under this Order to wetland resource areas "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
- (d) A line delineating the limit of work "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
- 40. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
- 41. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
- 42. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

ADDITIONAL CONDITIONS

43. Wetland markers shall be placed along the top of the wall at the rear of the lot. A minimum of two markers shall be installed. Locations are subject to review and approval by the Conservation Agent. Markers shall be provided by the Commission; or, if provided by the applicant, markers are subject to review and approval by the Conservation Agent.

PERPETUAL CONDITIONS

44. [Reserved]