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**Massachusetts Department of Environmental Protection**
Bureau of Resource Protection - Wetlands

# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
14-1308
MassDEP File #

eDEP Transaction #

City/Town

## A. General Information

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

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

1. From: Danvers
Conservation Commission

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

3. To: Applicant:

Darryl — a. First Name
Parker — b. Last Name
c. Organization
42 Riverside Street — d. Mailing Address
Danvers — e. City/Town
MA — f. State
01923 — g. Zip Code

4. Property Owner (if different from applicant):

a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

42 Riverside Street — a. Street Address
Danvers — b. City/Town
65 — c. Assessors Map/Plat Number
12 — d. Parcel/Lot Number

Latitude and Longitude, if known: 42d5497m16s — d. Latitude
- 70.917179d m

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## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

| | |
|---|---|
| Essex South | |
| a. County | b. Certificate Number (if registered land) |
| 8676 | 240 |
| c. Book | d. Page |

7. Dates: March 6, 2018 (a. Date Notice of Intent Filed) April 12, 2018 (b. Date Public Hearing Closed) April 23, 2018 (c. Date of Issuance)

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Plan Accompaning Petition of Darryl Parker to: Maintain exist.: Rip-Rap Slope, Sand Beach, Wood Pier, Ramp and Floats.

| | |
|---|---|
| Robert James Sotiros | Robert James Sotiros |
| b. Prepared By | c. Signed and Stamped by |
| October 1, 1996 | 1" = 40' |
| d. Final Revision Date | e. Scale |
| f. Additional Plan or Document Title | g. Date |

## B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☐ Public Water Supply
b. ☒ Land Containing Shellfish
c. ☐ Prevention of Pollution
d. ☐ Private Water Supply
e. ☐ Fisheries
f. ☐ Protection of Wildlife Habitat
g. ☐ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

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

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## B. Findings (cont.)

**Denied** because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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

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

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 4. ☐ Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. ☐ Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. ☐ Land Under Waterbodies and Waterways | a. square feet | b. square feet | c. square feet | d. square feet |
| | e. c/y dredged | f. c/y dredged | | |
| 7. ☐ 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 | 0 a. total sq. feet | 0 b. total sq. feet | | |
| Sq ft within 100 ft | 0 c. square feet | 0 d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | 0 g. square feet | 0 h. square feet | i. square feet | j. square feet |

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## B. Findings (cont.)

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

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 10. ☐ Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. ☒ Land Under the Ocean | 0 a. square feet | 0 b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. ☐ Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 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 | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. ☒ Land Containing Shellfish | 0 a. square feet | 0 b. square feet | c. square feet | d. square feet |
| 20. ☐ Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. ☒ Land Subject to Coastal Storm Flowage | 0 a. square feet | 0 b. square feet | | |
| 22. ☒ Riverfront Area | 0 a. total sq. feet | 0 b. total sq. feet | | |
| Sq ft within 100 ft | 0 c. square feet | 0 d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | 0 g. square feet | 0 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.

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 4/23/21 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 Environmental Protection" [or, "MassDEP"]

    "File Number 14-1308 "

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;

## 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.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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 Danvers Conservation Commission hereby finds (check one that applies):

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

   1. Municipal Ordinance or Bylaw — 2. Citation

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

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
   Town of Danvers Wetlands By-Law
   1. Municipal Ordinance or Bylaw — 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
   Attached

## E. Signatures

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

1. 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 also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

☐ by hand delivery on

Date

☐ by certified mail, return receipt requested, on

Date

## F. Appeals

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

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

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

**Massachusetts Department of Environmental Protection**
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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 stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

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

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

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

Book | Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

**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. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

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

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. 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:

## B. 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

**Massachusetts Department of Environmental Protection**
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# Request for Departmental Action Fee Transmittal Form

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

DEP File Number:

Provided by DEP

## 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.

**ORDER OF CONDITIONS, DEP FILE #14-1308**
**APPLICANT: DARRYL PARKER**
**PROJECT: DEMOLISH AND BUILD AN EXISTING PIER, RAMP, AND FLOAT AND RIPRAP SLOPE ON THE DANVERS RIVER**
**ADDRESS: 42 RIVERSIDE STREET**
**DATE: APRIL 23, 2018**

***Please refer to Conditions #1-20 of DEP's General Conditions**

**ADDITIONAL GENERAL CONDITIONS:**

21. Prior to commencing this project, the applicant shall have received all other permits required by law including, but not limited to:

a. Section 404 of the Federal Water Pollution Control Act. U S Army Corps of Engineers
b. Water Quality Certification (401) by DEP in accordance with the Federal Water Pollution Control under M.G.L. Ch. 21 §27(5) and 314 CMR 9.00
c. Design Requirements for Construction in floodplains under the state building code (780 CMR 744.00)
d. Chapter 91 License, DEP Division of Waterways, MGL Chapter 91 (310 CMR 9.00)

Note: This is in addition to DEP's Standard Condition under C. General Condition 3.

22. Should issuance of additional permits result in a change in the project, the provisions of DEP's Standard Condition under Section C. General Condition 13 and General Condition 14 shall apply, regarding the process for plan changes.

23. The Order as issued under the Chapter XXVI of the Town of Danvers General Bylaws, the Wetlands Protection Bylaw, can only be extended for one, one-year period. If, at the end of this one-year extension, the project has not received a Certificate of Compliance, a new Notice of Intent is to be submitted and acted upon. Note: This is in addition to DEP's Standard Condition under C. General Condition 5.

24. Whether from on-site or off-site sources, any fill used in connection with this project shall be geologically natural material. Only clean coarse sands or gravel free of fines and organic debris may be used for crossings of streams and wetlands. Note: This is in addition to DEP's Standard Condition under C. General Condition 7.

25. Any Order not recorded as specified in DEP's Standard Condition under C. General Condition 9 may be recorded by the Commission at the applicant's expense.

26. The sign displayed according to C. General Condition 10 must say **DEP & DCC File No. 14-1308.** This sign shall not be attached to a living tree.

27. The proposed activity shall comply with all referenced plan(s) except as shall be conditioned herein. No change shall be made without a formal approval action taken by the Conservation Commission. The Commission will make no ruling on any proposed changes until the applicant has submitted a written request for the Commission to make a formal determination on whether the change will require filing a new Notice of Intent. A copy of this request shall be sent to the Department of Environmental Protection's Northeast Regional Office. A new Public Hearing, at the expense of the applicant, will then be required to amend this Order or if necessary to

issue a new Order. No work involving the change(s) shall be done until a new or amended Order has been issued and all appeal periods have expired. It is the responsibility of the Applicant to make sure that any changes accepted by or required by the Conservation Commission are reflected in plans held by other Town departments. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. Note: This is in addition to DEP's Standard Condition under C. General Condition 13.

28. This Order shall be deemed invalid if any of the information provided to the Commission is found to be incorrect.

29. Until a Certificate of Compliance to this Order is issued, a Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times in order to evaluate compliance with this Order and may require any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commissioner, agent or DEP determines that any of the work is not in compliance with this Order. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing. Note: This is in addition to DEP's Standard Condition under C. General Condition 15.

30. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans and to any contractor or other person performing work conditioned by this Order. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or portions of the property. Note: This is in addition to DEP's Standard Condition under C. General Condition 16.

31. 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 property that take place prior to issuance of the Certificate of Compliance. The Commission shall be provided with the name, address and telephone number of the new owner. Such new owners or new controlling interest, in the case of a corporation, shall forthwith furnish the Commission with a statement that the Order of Conditions is understood and the owner is willing to comply with said Order.

32. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.

33. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are in compliance at all times. All project engineers and contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction.

34. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act or the Town of Danvers Wetlands Protection

**ORDER OF CONDITIONS, DEP FILE #14-**
**APPLICANT: DARRYL PARKER**
**PROJECT: DEMOLISH AND BUILD AN EXISTING PIER, RAMP, AND FLOAT AND RIPRAP SLOPE ON THE DANVERS RIVER**
**ADDRESS: 42 RIVERSIDE STREET**
**DATE: APRIL 23, 2018**

***Please refer to Conditions #1-20 of DEP's General Conditions**

**ADDITIONAL GENERAL CONDITIONS:**

21. Prior to commencing this project, the applicant shall have received all other permits required by law including, but not limited to:

a. Section 404 of the Federal Water Pollution Control Act. U S Army Corps of Engineers
b. Water Quality Certification (401) by DEP in accordance with the Federal Water Pollution Control under M.G.L. Ch. 21 §27(5) and 314 CMR 9.00
c. Design Requirements for Construction in floodplains under the state building code (780 CMR 744.00)
d. Chapter 91 License, DEP Division of Waterways, MGL Chapter 91 (310 CMR 9.00)

Note: This is in addition to DEP's Standard Condition under C. General Condition 3.

22. Should issuance of additional permits result in a change in the project, the provisions of DEP's Standard Condition under Section C. General Condition 13 and General Condition 14 shall apply, regarding the process for plan changes.

23. The Order as issued under the Chapter XXVI of the Town of Danvers General Bylaws, the Wetlands Protection Bylaw, can only be extended for one, one-year period. If, at the end of this one-year extension, the project has not received a Certificate of Compliance, a new Notice of Intent is to be submitted and acted upon. Note: This is in addition to DEP's Standard Condition under C. General Condition 5.

24. Whether from on-site or off-site sources, any fill used in connection with this project shall be geologically natural material. Only clean coarse sands or gravel free of fines and organic debris may be used for crossings of streams and wetlands. Note: This is in addition to DEP's Standard Condition under C. General Condition 7.

25. Any Order not recorded as specified in DEP's Standard Condition under C. General Condition 9 may be recorded by the Commission at the applicant's expense.

26. The sign displayed according to C. General Condition 10 must say **DEP & DCC File No. 14-1308.** This sign shall not be attached to a living tree.

27. The proposed activity shall comply with all referenced plan(s) except as shall be conditioned herein. No change shall be made without a formal approval action taken by the Conservation Commission. The Commission will make no ruling on any proposed changes until the applicant has submitted a written request for the Commission to make a formal determination on whether the change will require filing a new Notice of Intent. A copy of this request shall be sent to the Department of Environmental Protection's Northeast Regional Office. A new Public Hearing, at the expense of the applicant, will then be required to amend this Order or if necessary to

issue a new Order. No work involving the change(s) shall be done until a new or amended Order has been issued and all appeal periods have expired. It is the responsibility of the Applicant to make sure that any changes accepted by or required by the Conservation Commission are reflected in plans held by other Town departments. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. Note: This is in addition to DEP's Standard Condition under C. General Condition 13.

28. This Order shall be deemed invalid if any of the information provided to the Commission is found to be incorrect.

29. Until a Certificate of Compliance to this Order is issued, a Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times in order to evaluate compliance with this Order and may require any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commissioner, agent or DEP determines that any of the work is not in compliance with this Order. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing. Note: This is in addition to DEP's Standard Condition under C. General Condition 15.

30. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans and to any contractor or other person performing work conditioned by this Order. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or portions of the property. Note: This is in addition to DEP's Standard Condition under C. General Condition 16.

31. 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 property that take place prior to issuance of the Certificate of Compliance. The Commission shall be provided with the name, address and telephone number of the new owner. Such new owners or new controlling interest, in the case of a corporation, shall forthwith furnish the Commission with a statement that the Order of Conditions is understood and the owner is willing to comply with said Order.

32. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.

33. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are in compliance at all times. All project engineers and contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction.

34. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act or the Town of Danvers Wetlands Protection

Bylaw, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

35. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Commission's jurisdiction under the Order, agree that the Order does not in itself impose upon the Town of Danvers any responsibility to maintain the proposed drainage system and that said Town shall not be liable for any damage in the event of failure. By acceptance of this Order and commencement of work authorized herein, the applicant, owner, and their respective agents, assign, and successors in title agree to indemnify and hold harmless to Town and its residents for any damages might occur on or off the subject property, or any legal claims which may be attributable to any alterations undertaken or construction attributable to alterations undertaken on this property pursuant to the Order. Issuance of the Order does not imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.

36. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.

37. This permit is also issued pursuant to the Town of Danvers Wetlands Protection By-law Chapter XXVI, and is required in addition to the state Wetlands Protection Act permit in order to conduct work. The findings made in this decision are issued pursuant to Chapter XXVI in issuing this Order of Conditions and are found on the last page of this Order.

38. This Order shall pertain to the construction of a garage, addition, patio and porches.

39. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.

**PRE-CONSTRUCTION CONDITIONS:**

40. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
    - A set of **photographs** depicting the project site in pre-construction condition.
    - A **project/construction-sequencing plan**
    - A **statement** signed by, the applicant, owner of the property and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, local Bylaw and this Order.

41. Prior to commencing construction, the applicant shall have informed the Commission, in writing, of the names, addresses business and home telephone numbers of the project supervisor and his/her alternate.

42. **The Conservation Commission shall be notified by written notice or by telephone, by the applicant or a duly authorized representative, 48 hours prior to the commencement of any activity on the site**. Said notice shall be confirmed by the Conservation Commission and/or Staff through the scheduling of a pre-construction meeting. Failure to comply with pertinent Conditions shall result in a directive to cease any activity. In the event that work ceases on the site for a period of time greater than five business days and inspections required by this Order are stopped, this Condition shall again apply prior to recommencing work on the site. Compliance with this Condition does not relieve the applicant from complying with all other Conditions. All Conditions requiring additional information prior to commencing construction shall be met prior to submitting this notice.

43. Prior to the installation of erosion control devices and prior to the start of any excavation or construction, a pre-construction conference shall be held on the site, involving the contractor conducting the work, the site engineer, the applicant, the wetland scientist and a member or agent of the Conservation Commission, to ensure that the requirements of this Order are understood by all parties.

44. Prior to commencing any work on the site, the **proposed limit of work**, as defined by the plans referenced in this Order and as may be amended by the Order, shall be clearly marked with stakes, markers, fencing and/or flags or with the required sediment barriers. Workers shall be informed that, except as may be allowed by this order, no activity, such as storage of materials or machinery or the stockpiling of soils, is to take place beyond this limit of work. The limit of work shall be established by a Professional Land Surveyor who shall thereafter provide written evidence, signed and stamped, to the Conservation Commission that the work area has been properly defined in the field. Failure to comply with this Condition shall result in a stop work order until the limit of work has been documented and submitted to the Conservation Commission. Once established, said markers shall be checked and replaced as necessary and shall be maintained until all construction has been completed and a Certificate of Compliance has been issued. Note: This is in addition to DEP's Standard Condition under C. General Condition 18.

45. Prior to commencement of any work on the site, the **limits of all wetland resource areas** shall be flagged with surveyor's tape and shall remain in place during construction. Once established, said markers shall be checked and replaced as necessary and shall be maintained until all construction has been completed and a Certificate of Compliance has been issued. Note: This is in addition to DEP's Standard Condition under C. General Condition 17.

46. All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers. No equipment is to enter or cross any wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.

47. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from rivers, or as far away from resource areas as applicable. There shall be no dumping of

leaves, grass clippings, trash or any kind of refuse in areas under the Conservation Commission's jurisdiction.

48. All stockpiled soils on the site shall be stockpiled at least 50 feet from resource areas. Stockpiled soils within 100 feet of a resource area shall be covered at the end of each day and protected with a double row of haybales and silt fence until removed from the site.

49. Any sediments, debris, or other materials that fall into or enter resource areas shall be immediately removed by hand. The owner/s shall be liable for any materials dumped in the resource areas subject to this Order and will be subject to applicable penalties. This condition shall be noted on the Certificate of Compliance and remain in perpetuity.

50. Excavated materials not used for backfill shall be removed from the area and properly disposed of by the contractor. Records shall be kept documenting that excess material has been properly disposed of at a legal site.

51. A manifest or bill, as applicable, shall be provided to the Conservation Department documenting the legal disposal of excavated materials, building debris, concrete, asphalt, and/or other materials removed from the site including that material removed in dumpsters.

**EROSION CONTROL:**

52. Erosion control devices and/or orange construction fencing shall act as the limit of work and any change will act as a modification to the plan.

53. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. The erosion control devices will be maintained until the engineer and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures.

54. The erosion control devices shall be installed by hand unless otherwise approved by the Commission. The applicant shall provide written evidence from a Professional Engineer or Land Surveyor, that the erosion control devices have been installed according to the referenced plans.

55. Erosion control devices shall include, but shall not be limited to, combination haybale and filter fabric fence or separate haybales and sediment filter fabric fence. Each haybale shall be bound with organic twine (rope) if available, staked with at least two 1" x 1" wooden stakes, and properly backfilled at least 3". The sediment filter fabric fence shall be staked and properly backfilled at least 3".

56. All disturbed areas within the jurisdiction of the Commission shall be stabilized immediately as defined below in this condition and revegetated within thirty (30) days after being disturbed. Bare ground and disturbed areas that cannot be permanently revegetated within 30 days shall be stabilized by a method approved by the Commission. Temporary stabilization shall include, but not be limited to: hydroseeding, straw mats, jute netting, sod, or another means approved by the

Commission prior to its use. Where a slope is steeper that 3:1, temporary stabilization shall be staked or otherwise affixed to the slope. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

57. Within thirty 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. A minimum of four to six inches of organic top soil, if necessary, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Massachusetts Erosion and Sediment Control Guidelines For Urban and Suburban Areas", or other acceptable stabilization method. Continued maintenance of this area, in a manner, which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant. This condition will not expire with the issuance of a Certificate of Compliance.

58. Any dewatering activities shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge toward the wetland resource areas. No discharge of water is allowed directly into any area subject to the jurisdiction of the Commission. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to reduce turbidity prior to discharge into a resource area.

59. All existing and proposed catch basins and oil traps on the site or on the streets adjacent to the project shall be protected by Silt Sacks to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or Staff has formally approved their removal.

60. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

61. Unless tracking and sediment is not evident on the streets, the applicant shall mechanically sweep or manually sweep sediments from the adjacent streets at the end of each workday. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.

62. The Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Conservation Staff, or the Commission at any time when deemed appropriate.

63. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, wetland alteration or replication activities, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this

Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

64. Subsequent to seeding, disturbed areas will be covered with hay mulch, erosion control blanket, netting, or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be a given to erosion control netting with biodegradable stitching.

65. The release of any final approval by the Commission will be dependent upon permanent non-wetlands vegetation growing for at least five consecutive months during the growing season. The growing season for cultivated vegetation is considered to be from April 1 to October 31. The Commission shall make their final approval when the permanent cover is adequate to prevent erosion and sedimentation. The Commission may consider issuing a Partial Certificate of Compliance prior this time, however, no request for the full release of the Certificate of Compliance shall be considered if a full growing season has not elapsed.

**MONITORING:**

66. Six months following the pre-construction meeting, the homeowner shall submit a status report to the Conservation Commission. Status reports shall be submitted every six months during the length of the project.

**POLLUTION CONTROL (INCLUDING REFUELING OPERATIONS):**

67. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants. In the event that there is a spill of any kind and any quantity on the site, the applicant shall immediately notify the Conservation Commission.

68. Equipment refueling operations shall be situated in an upland area at a horizontal distance greater than 100 feet from the resource area. Cleaning of equipment, including the washing/rinsing of concrete transports shall not be permitted within 100 feet of the resource area unless the Commission has formally approved a location for such activity.

69. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order of Conditions. There shall be no more than a total of fifty (50) gallons of fuel or maintenance chemicals relating to this construction stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Commission shall be notified prior to initiating any emergency repair on the site.

70. Commercial refuse container units/dumpsters brought to the site during construction shall not be located within 100 feet of the resource areas. Dumpsters shall be covered at night, and shall be regularly emptied such that materials do not spill onto the ground.

71. If, during construction and excavation, visible or other evidence of oil or hazardous materials as defined in 310 CMR 40.000, animal hides, debris, or similar material is encountered, the site supervisor shall immediately cease all activity in the location and contact the Conservation Staff. Written documentation shall thereafter be provided, within twenty-one days, documenting the proper handling of these materials.

**STORMWATER MANAGEMENT AND DRAINAGE STRUCTURES:**

72. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.

73. With the exception of any improvements, water quality in all resource areas shall not differ significantly following completion of the project from the pre-development conditions.

74. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands are to be performed.

**CONDITIONS FOR WORK PROPOSED IN SENSITIVE AREAS:**

75. No rock salt (Sodium Chloride) shall be used on paved surfaces and any arrangement for snow removal shall so stipulate. Other de-icing chemicals may be used with the prior written approval of the Conservation Commission, after a formal review of the proposed substance. Permanent and prominently located signs, submitted to and approved by the Conservation Commission, shall be posted stating that this is a No Salt Zone. The Conservation Commission shall not grant a perpetual use of any one chemical for the site. This condition shall be noted on the Certificate of Compliance.

**GRADING/LANDSCAPING/SLOPE:**

76. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands.

77. Final grading of the site shall not direct additional runoff onto the property of others. This project shall not increase the rate or volume of runoff, nor cause flood or storm damage, to abutters or the property of others. It shall be incumbent upon the applicant to assure compliance with this Condition. The project applicant shall be solely liable for any damage to other properties as a result of this construction. This condition shall be specifically addressed and certified by a Registered Professional Engineer in the Certificate of Compliance request.

78. After construction, all disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November I of each year. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.

79. After construction, loaming and seeding shall occur within five (5) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than ninety (90) days, unless the 90 days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted. Seed stock to restore project-denuded areas shall emphasize the natural flora and be of proven value to local wildlife.

80. No invasive plant species shall be used during the replanting and landscaping of the disturbed site.

**CERTIFICATE OF COMPLIANCE:**

81. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance by using WPA Form 8A to the Conservation Commission.

82. The request for a Certificate of Compliance shall be submitted using WPA Form 8A. The Conservation Commission will not consider issuing a Certificate of Compliance until the following items are submitted to, and accepted by, the Commission:

    a. A written narrative discussing each condition, prepared and stamped by a registered professional engineer, certifying compliance with the conditions and approved plans and Order of Conditions, setting forth any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted. No deviation from the Order is permitted without formal action being taken by the Commission approving the change. The narrative shall list each condition and what evidence constitutes the certification of compliance with the condition. If the completed work differs from that in the original plan(s) and conditions, the report must specify how the project differs.

    b. Two sets of as-built site plans for the project must be submitted showing date/s of fieldwork done to prepare the plan, grades, utilities, and landscaping, grade elevations, distances to all structures and alterations within 100 feet of any resource area and any other elevations or distances the Commission may specify to ensure compliance with this Order and contain the following certification signed and sampled by a Registered Professional Engineer or Registered Professional Land Surveyor:

    *"I certify that these plans conform with the criteria and conditions as submitted and approved. I further certify that these plans represent an as-built condition."*

    c. Failure to submit a complete set of as-built plans, as specified in the Order, shall be grounds to deny the Certificate of Compliance.

    d. Post-construction photographs demonstrating compliance with this Order including established vegetation where required.

83. The original Certificate of Compliance signed by the Commission must be recorded at the South Essex County Registry of Deeds.

84. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review and approval by the Commission, the applicant may request in writing a Certificate of Compliance as described above.

85. After receipt of the Certificate of Compliance all erosion and sedimentation control barriers still in place shall be removed from the site. Prior to the removal of erosion and sedimentation control barriers, the Conservation Commission shall be notified

and will inspect the site to verify the appropriateness of siltation barrier removal. No erosion control barriers will be removed from the site unless approved by the Conservation Commission or Conservation Commission staff.

**PLAN AND DOCUMENT LIST:**

Notice of Intent dated March 5, 2018
Plan entitled, "Plan Accompaning Petition of Darryl Parker To: Maintain exist.: Rip-Rap Slope, Sand Beach, Wood Pier, Ramp and Floats", prepared and stamped by Robert James Sotiros, dated October 1, 1996.