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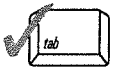
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
002-1322
MassDEP File #
eDEP Transaction #
Amesbury
City/Town

A. General Information

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

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



1. From: Amesbury
Conservation Commission
2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

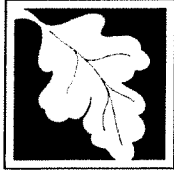
Chris Horan
a. First Name b. Last Name
Newburyport Homes, LLC
c. Organization
11 Lunt Street
d. Mailing Address
Byfield MA 01922
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Robbins Enterprise, LLC Amesbury
a. First Name b. Last Name
c. Organization
107 Market Street
d. Mailing Address
Amesbury MA 01913
e. City/Town f. State g. Zip Code

5. Project Location:

101-107 Market Street Amesbury
a. Street Address b. City/Town
40 162 & 163A
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



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A. General Information (cont.)

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

Essex South

a. County

33771

c. Book

b. Certificate Number (if registered land)

374

d. Page

7. Dates: 11.24.23 12.13.23 12.14.23
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

The Redevelopment of 101-107 Market Street in Amesbury, MA (see Attachment to Order of Conditions)

SBS Engineering

b. Prepared By

12.11.23

d. Final Revision Date

Stephen B. Sawyer, PE

c. Signed and Stamped by

1" = 10'

e. Scale

See Attachment to Order of Conditions and Appendix

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

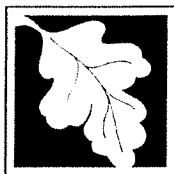
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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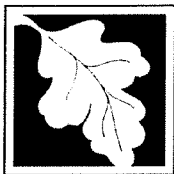
B. Findings (cont.)

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	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. ☐ Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. ☐ Land Under Waterbodies and Waterways	<u> </u> a. square feet <u> </u> e. c/y dredged	<u> </u> b. square feet <u> </u> f. c/y dredged	<u> </u> c. square feet	<u> </u> d. square feet
7. ☐ Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. ☐ Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. ☐ Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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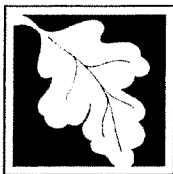
Amesbury

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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	a. square feet	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	c. nourishment cu yd	d. nourishment cu yd
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
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	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	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.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

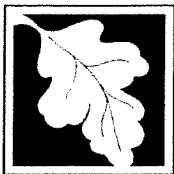
a. number of new stream crossings

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 _____ 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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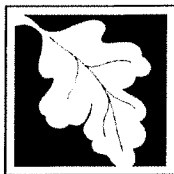
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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 002-1322 "
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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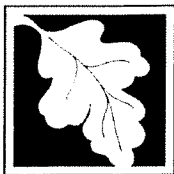
City/Town

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:

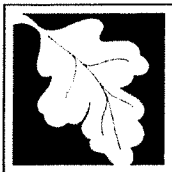
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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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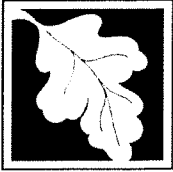
City/Town

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.
- 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):

- 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 Amesbury hereby finds (check one that applies):
 Conservation Commission

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

1. Municipal Ordinance or Bylaw

2. Citation

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

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Amesbury Wetlands Ordinance

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attachment to Order of Conditions



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E. Signatures

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

12.14.23

1. Date of Issuance

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

4

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.

By vote on 04/03/2023 the Amesbury Conservation Commission authorized the use of their electronic signatures pursuant to the certificate of vote recorded with the Essex south Registry of Deeds in Book 41530 Page 251. They intend for their typed names to serve as electronic

Michael Ebert

Signature

Michael Jewell

Signature

[Signature]

Signature

[Signature]

Signature

Signature

Signature

Signature

Signature

Michael Ebert

Printed Name

Michael Jewell

Printed Name

Timothy Broadrick

Printed Name

Evin Guvendiren

Printed Name

Printed Name

Printed Name

Printed Name

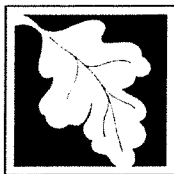
Printed Name

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date



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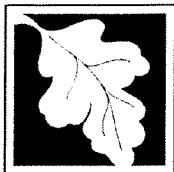
City/Town

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

002-1322

MassDEP File #

eDEP Transaction #

Amesbury

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.

Amesbury

Conservation Commission

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

To:

Amesbury

Conservation Commission

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

101-107 Market Street

Project Location

002-1322

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South

County

Book

Page

for: Robbins Enterprise, LLC

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:

12.14.23

Date

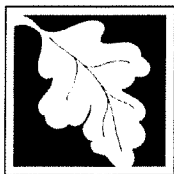
If recorded land, the instrument number identifying this transaction is:

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

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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 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 _____

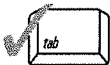
Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

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



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
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.

ATTACHMENT TO ORDER OF CONDITIONS

Applicant: Chris Horan
Newburyport Homes, LLC
11 Lunt Street
Byfield, MA 01922

Site Address: 101-107 Market Street, Amesbury, MA

DEP File: 002-1322

Pursuant to Massachusetts Wetlands Protection Act (MGL chapter 131 §40) and implementing Regulations (310 CMR §10) and the Amesbury Wetlands Protection Ordinance:

This Order permits:

The removal of an existing structure located on 101 Market Street and then construct three structures, one with 2 units, one with 3 units and 1 with 4 units. There will be a total of eight, two-bedroom units and one, three-bedroom unit. The work will include buildings near the road with parking behind. A bio-retention basin and infiltration chambers will manage stormwater. The system will both reduce rate and volume for all storm events up through the 100-year event. A wall is proposed in one area to help establish grades in the area of the bio-retention basin.

The proposed project does not involve alteration in the 25-foot buffer zone, with the exception of the stormwater system outlet which must be located as shown on the approved plans to avoid discharging water over the steep slope and associated landscape and restoration work. Work within 50 feet is limited to parking, landscaping, a wall, a patio and a dumpster enclosure. The buildings are located at least 50 feet from the wetlands. Posts and wooden guardrails will be used to demarcate a no disturb/conservation area.

The project will result in a reduction of both rate and volume of stormwater discharging from the property to the wetland area. See the attached stormwater report for more information. Erosion controls will be installed as shown on the plans with additional controls to be installed at the conservation agent's request.

Current Site Conditions:

The existing property consists of two lots. A rear lot which fronts on Pine Street and the front lot which fronts on Market Street. The area of proposed work is on the market street side of the property. This side of the property is separated from the wetlands by a relatively steep slope. There is an existing commercial building, parking, lawn and a narrow strip of trees and vegetation in the area near Market Street. The slope down to the wetlands is steep and contains trees and shrubs with some remnant debris that appears to have been dumped years ago (there are trees growing through some old metal debris). At the base of the hill, there is a wetland area. The wetland area appears to be contained in a low area surrounded by developed lots. On the opposite side of the wetlands, there is a lawn area near the abutter on Pine Street. A portion of that lawn is also wetland, but is not

within the scope of the project and was not delineated. Hughes Environmental Consulting delineated wetlands based on observation of vegetation and soils, as well as hydrology. The line is fairly obvious, and follows along the toe of slope. The slope itself is at least partially comprised of fill, with evidence of some historic dumping. The wetland itself has obvious signs of hydrology and extends within a low area in the middle of the block that consists of Pine Street, Poplar Street, Cedar Street and Market Street. Soils on the slope consist of fill, including cinder blocks, gravel, stone, asphalt and other materials. Soils within the wetland are hydric with monochromatic low chroma colors and areas of organic soils interspersed with mineral soils.

On the portion of the property that connects to Pine Street, the area of wet hydrology extends into lawn significantly. This appears to be at least partially a result of changes to the geometry of Pine Street from super elevated, directing stormwater to catch basins on the opposite side to crowned. The crowned road has directed water over the property and appears to have greatly increased volumes entering the system. Phragmites growth over a parking area where the system discharges into the stormwater system has trapped water and increased water levels in the system. The resulting increased water levels have resulted in some surrounding property owners trenching to get water to move towards the inlets.

A peer review on the project, which originally was filed as ordinance only due to the isolated nature of the system reports that areas with water moving in the direction of the basins constitutes internal streams and that the system is bordering.

Finding

Based upon materials submitted by the Applicant, a public hearing process, and peer reviews conducted on behalf of the Conservation Commission by Stantec Consulting Services, Inc. and BSC Group, Inc, the Commission finds that the proposed project protects the interests of *the Act* and *the Ordinance*. **Therefore, the Amesbury Conservation Commission (ACC) approves the proposed project as presented in the above referenced plans and other documents. The Commission issues this Order with the following Conditions.**

SPECIAL CONDITIONS:

1. Approval of this application does not constitute compliance with any law or regulation other than MGL Chapter 131, Section 40, Wetlands Regulations CMR 10.00, and the Town of Amesbury Wetlands Protection Ordinance. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
2. The work shall conform to the following:
 - A) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Title Sheet T1.0. Signed/stamped by Stephen B. Sawyer. Final Revision Date: 12.11.23.
 - B) Existing Conditions Plan 101-107 Market Street. Prepared by Winter GEC, LLC, 44 Merrimac Street, Newburyport, MA 01950. Plan of Land in Amesbury,

Massachusetts, Surveyed for Newburyport Homes Sheet S1. Scale: 1" = 20'. Final Revision Date: 11.13.23

- C) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Site Layout Plan. C1.0. Signed/stamped by Stephen B. Sawyer. Scale: 1"=10'. Final Revision Date: 12.11.23.
 - D) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Grading & Utilities Plan C1.1. Signed/stamped by Stephen B. Sawyer. Scale: 1"=10'. Final Revision Date: 12.11.23.
 - E) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Overall Site Plan C1.2. Signed/stamped by Stephen B. Sawyer. Scale: 1"=20'. Final Revision Date: 12.11.23.
 - F) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Erosion Control Plan C2.0. Signed/stamped by Stephen B. Sawyer. Scale: 1"=20'. Final Revision Date: 12.11.23.
 - G) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Site Construction Details C2.0. Signed/stamped by Stephen B. Sawyer. Scale: 1"=10'. Final Revision Date: 12.11.23.
 - H) The Redevelopment of 101-107 Market Street in Amesbury, Massachusetts. Prepared for Newburyport Homes, LLC, 11 Lunt Street, Byfield, Massachusetts. Prepared by SBS Engineering, 15 Collins Street, Newburyport, MA. Site Construction Details C3.1. Signed/stamped by Stephen B. Sawyer. Scale: 1"=10'. Final Revision Date: 12.11.23.
 - I) Landscape Planting Plan. Prepared for Project: 101-107 Market Street, Amesbury, MA 01913. Prepared by: Order Up a Garden, 45 Ferry Road, Salisbury, MA. Scale: 1/20" = 1'0". Final Revision Date: 12.11.23.
 - J) Amesbury Conservation Commission Waiver Request Form. Project: 101-107 Market Street. Applicant: Newburyport Homes, LLC. Applicant's Address: 11 Lunt Street, Byfield, MA 01922. Waiver Request: Amesbury Wetlands Regulations §20.0(d)(1) and §20.0(d)(2). Date: 12.4.23.
3. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including but not limited to additional or modified erosion control / siltation controls during construction, if it deems that site conditions warrant such measures to mitigate potential impacts.
4. A copy of this Order of Conditions and the plan approved in this Order shall be available on site at all times when work is in progress.
5. 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 ACC a

signed statement 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.

6. Prior to the commencement of work on the site, the applicant shall present construction details for the installation of the 8" drainpipe terminating in the level spreader, including vegetation removal, trenching, slope stabilization and restoration.
7. Restoration planting within the Buffer Zone on the Site shall be comprised of "indigenous plantings conducive to the improved wildlife habitat: to meet performance standards at Amesbury Wetlands Regulations §20.0(d)(2) and §20.0(d)(3).
8. Invasive plant monitoring and management shall be addressed in the Operations and Management Plan dated 12/11/2023, or in a stand-alone Invasive Species Management Plan for Buffer Zone areas within the limit of work.
9. The Applicant shall update the project stormwater report and provide a complete revised copy to the Commission for review prior to construction. The final and complete report, as acceptable to the Commission, shall be provided within 90 days after construction has begun for inclusion in the Commission's project file. The final report shall address/include the following:
 - A. The analysis/design information for the riprap outlet apron consistent with the Applicant's 11/13/2023 written response.
 - B. The hydraulic pipe analysis information for the proposed pipe network consistent with the Applicant's 11/13/2023 written response.
 - C. Revise the existing conditions analysis to address all of the upstream area contributing to the on-site existing wetland area associated with the subject property (point of analysis), such as the adjacent building roof runoff, including supporting information such as topography, which demonstrate that the limits of upstream area have been properly identified in the analysis. The post development analysis shall be revised accordingly.
 - D. Provide a summary table in the report identifying each abutter to the subject lots and the pre and post development impacts to each abutter to demonstrate compliance with the regulations is achieved - no increase in runoff.
 - E. The infiltration rate testing results conducted in the stormwater system area with supporting information consistent with the Applicant's 11/13/2023 written response.
 - F. The Applicant shall provide construction phase checklist in the document consistent with the erosion control plan and compliance with Standard 8. The erosion control plan shall be updated to include a construction detail for the erosion control blanket to be constructed on the steep bank within the 25-ft buffer area. The erosion control blanket shall be clearly identified on the erosion control plan.
 - G. The Applicant shall provide a plan in the "Operations and Maintenance Plan" dated 12/11/23 indicating the location of the snow storage areas. In addition, the checklist shall be updated to include/address spring maintenance of the snow storage area.
 - H. The Applicant shall update the "Operations and Maintenance Plan" dated 12/11/23 (LTPPP) and provide for review prior to construction. The LTPPP shall be a separate document. The updates to the LTPPP shall include/address the following :
 - a. Provisions for storing materials and waste products inside or under cover.
 - b. Vehicle washing controls.
 - c. Spill prevention and response plans
 - d. Maintenance of lawns
 - e. Requirements of storage and use of fertilizers, herbicides, and pesticides

- f. Pet waste management provisions
- g. Provisions for solid waste management
- h. Training for staff or personnel involved with implementing the LTPPP.
- i. List of emergency contacts for implementing the LTPPP
- j. Recommend the checklist form provided within the document relative to the LTPPP be updated/expanded to ensure that all items are inspected and can be provided as documentation that the maintenance has occurred consistent with the LTPPP and per Standard 9.
- k. Provide a note in the LTPPP document and on the checklist stating copies of the maintenance logs shall be provided to the Conservation Commission on an annual basis.
- l. Provide and reference a plan in the document that clearly identifies each of the site facilities that require maintenance.

The Applicant shall provide a signed illicit discharge statement in the document.

- A. The Applicant shall indicate all existing wetlands within the subject properties (Map 40 Lots 162 & 163A), including those absent from the submission, on the as-built plan provided with the Certificate of Compliance application.
- B. The Certificate of Compliance shall require the Applicant to comply with the LTPPP and provide annual maintenance log reports to the Conservation Commission as noted in the LTPPP.
- C. The proposed manhole does not meet the minimum size of 4-ft diameter per section 8.04.A.1 of the Amesbury Subdivision Rules and Regulations. In addition, the minimum pipe size of 12-inches is not provided. The Applicant is requesting waivers for the pipe cover and pipe material only for consideration by the Planning Board. The final plans provided to the Commission prior to construction shall be as acceptable to the Planning Board.

PRE-CONSTRUCTION CONDITIONS:

- 10. Prior to the pre-construction meeting and commencement of any activity on this site, the boundaries of all wetland resource areas shall be identified by flagging, spaced at intervals not greater than 25-feet apart. Wetland flags shall be checked and replaced as necessary and maintained until a Certificate of Compliance is issued for the project.
- 11. No work shall be undertaken until all administrative appeal periods pursuant to MGL ch. 131 §40 and the Amesbury Wetlands Ordinance from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department or Court have been completed.
- 12. This Order shall be **recorded by the applicant at the Registry of Deeds** immediately after the expiration of all appeal periods. No work shall be undertaken until the Final Order 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 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 to be done. **The recording information shall be submitted to the Amesbury Conservation Commission or Department on the form at the end of this Order prior to commencement of the work. Any Order not recorded by**

the applicant before work commences may be recorded by the ACC at the applicant's expense.

13. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words **"DEP File Number 002-1322."**
14. Prior to commencing any work, the applicant shall submit the following information in writing to the Conservation Office: (1) the names, addresses, and day and night numbers of the project supervisor/manager and their alternates who will be responsible for ensuring on-site compliance with this Order of Conditions (Order); and (2) a signed statement by the general contractor that he/she has received, read and understands the Order and that he/she and his/her sub-contractors agree to fully comply with the Order.
15. **The applicant shall designate an 'Environmental Monitor' such as a Registered Professional Engineer or Professional Wetland Scientist, who has relevant experience in wetland impact / assessment and erosion / sedimentation control measures to oversee any emergency placement of controls and regular inspection or replacement of sedimentation control device. The name and phone number of the Environmental Monitor must be provided to the RCC in the event that this person has to be contacted, due to an emergency at this site, during any 24-hour period, including weekends. This person shall be given the authority to stop construction should there be unlawful entry into the wetland resources areas and / or for erosion controls purposes.** The Environmental Monitor will be required to inspect all such devices and oversee cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt. **The Environmental Monitor shall conduct site inspections on site for compliance with this Order at a minimum of once every two weeks and during or immediately after rainstorms of 0.5 inches or more. The selection of the Environmental Monitor shall be subject to the approval of the Amesbury Conservation Commission and shall provide all monitoring reports to the Commission.**
16. The Environmental Monitor shall **submit a written report to the ACC at least ONCE A MONTH**, or otherwise arranged by the ACC in which construction activities occurs on site and for as long thereafter as grounds remains exposed. The Environmental Monitor must certify that, to the best of his / her knowledge and belief based on a careful site inspection, all work is being performed in compliance with this Order of Conditions. **The Environmental Monitor must visually inspect all sedimentation / erosion control measures** and assume responsibility for their **maintenance on a weekly basis** and that they are functioning as intended. In addition, all wetland resources areas must be visually inspected for siltation, turbidity, and / or other water quality impacts. The reports shall include what work is anticipated to be complete over the next reporting period (this will update the construction sequence); current conditions of the erosion controls; description of any erosion or sedimentation repair and / or replacement; and describe any erosion problems and mitigation measures implemented. Such reports shall continue until the applicant has requested a less frequent reporting schedule or an end of to the reports, which has been approved in writing by the Conservation Commission or its Agent.
17. At the Applicant's expense, the ACC may designate its own Environmental Monitor meeting the qualifications specified in Special Condition (SC)15 and tasked to perform oversight and

reporting to the ACC per SC 15 and 16. The ACC shall have sole authority to determine the scope of oversight and reporting under this condition.

18. Prior to the pre-construction meeting and commencement of any activity on this site, all erosion control devices approved under this Order shall be properly installed per the approved plan(s). The ACC and/or its Agent shall inspect and approve such installation at a pre-construction meeting. The erosion control devices must remain in place until the Commission or its Agent has authorized their removal. All workers must be instructed not to work beyond this limit.
19. Prior to the commencement of work on the site, the Applicant shall provide a construction sequence and stabilization plan for work associated with the level spreader and appurtenant structures.
20. Once the above mentioned pre-construction requirements are complete, the applicant shall **contact the Conservation Department prior to site preparation or construction and shall arrange an on-site PRE-CONSTRUCTION MEETING with a representative from the ACC and/or its agent, the project supervisor, the contractor responsible for work, the engineer, wetland scientist (if applicable), and the applicant to ensure all of the Conditions of this Order are understood. Please contact the Amesbury Conservation Department office at (978) 388-8110 at least seventy-two (72) hours prior to any activity to arrange the pre-construction meeting.**
21. **This project shall not cause an increase in run-off onto adjacent properties, either during construction or when completed.** Appropriate measures shall be taken to prevent washout of silt or the creation of pollution on neighboring properties, into the town stormwater drainage system, or into a wetlands resource area.
22. **If dewatering is required during any part of this project, a Dewatering Plan shall be submitted to the Commission for its approval prior to commencing dewatering.** This Plan shall, at a minimum describe how the water will be filtered of silts and maintained onsite during the dewatering process, and how the resource area(s) shall be protected at all times from such dewatering.
23. **The Agent or members of the Conservation Commission shall have the right to enter and inspect the premises 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 Commission for that evaluation.
24. Inform all contractors and subcontractors of the conditions and provisions of this Order. This Order shall be included in all construction contracts and subcontracts dealing with the work, and shall supersede other contract requirements.
25. The applicant/environmental monitor shall notify the Conservation Commission, **in writing**, a minimum of 2-business days prior to each activity (as outlined below).
 - After placement of the erosion controls
 - Prior to work within Buffer Zone
26. The Applicant is responsible for submitting copies of all Final Approved Plans and other Documents listed under General Information #8, WPA Form 5 (*The Order of Conditions*) to all other City Departments that have received aforementioned plans or other documents during their respective permitting process. This is to ensure that all

Departments have up-to-date and accurate information.

27. This Order is based on the Amesbury Wetlands Protection Ordinance and its Regulations (AWR) and the Massachusetts Wetlands Protection Act (c. 131 § 40) and its Regulations (310 CMR 10.00 *et seq.*).

DURING CONSTRUCTION CONDITIONS:

28. Accepted engineering and Best Management Practices for construction standards shall be followed in the conduct of all work.
29. Erosion control devices shall be inspected regularly; and immediately after .5 inches of precipitation. Any entrapped silt shall be removed to an area outside of the buffer zone and wetland resource areas; silt fence and hay bales shall be replaced as necessary.
30. No alteration or activity shall occur beyond the limit or work as defined by the siltation barriers shown on the approved plan.
31. All waste generated by, or associated with, the construction activity shall be contained within the construction area, and away from the resource area. There shall be no stump dumps, burying of stumps or any material onsite. The applicant shall maintain a dumpster (or other suitable means) at the site for the storage and removal of such construction material off-site. However, **no trash dumpsters will be allowed within 50-feet to any areas subject to protection under the Act or local Ordinance.**
32. All stockpiles shall be enclosed by erosion control consisting of hay bales and entrenched silt fence. There shall be no stockpiling outside the approved limit of work.
33. Equipment storage and refueling operations shall be situated in an upland area at a distance greater than 50-feet from any resource area.
34. 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.
35. This permit shall be made part of all construction-related documents for this project.
36. **A copy of this Order as well as the plans referenced in General Condition #13 shall be available on site while activities regulated by this Order are being performed.**
37. **Contractors employed to work within areas subject to jurisdiction of the Wetlands Protection Act (WPA) and/or the Amesbury Wetlands Protection Ordinance shall be provided a copy of this Order.**

38. The areas of construction shall remain in a stable condition at the close of each construction day. Sediment controls should be inspected and maintained or reinforced on a daily basis by the designated environmental monitor.
39. The Applicant shall act quickly to address any deterioration or failure of the sediment control barrier and/or to address and remediate any erosion or sedimentation event.
The Commission shall be notified immediately of any such failure or event.
40. **All disturbed or exposed upland soil surfaces shall be temporarily stabilized** with hay, straw, mulch or any other protective covering and/or method approved by the Conservation Commission.
41. Any unanticipated impact, preventable or otherwise, shall be remediated to the fullest extent to restore the impacted area to its pre-impact condition or to a better condition.
Any unanticipated impacts shall be reported to the Amesbury Conservation Commission immediately and a plan developed in conjunction with the Conservation Commission or Conservation Agent and implemented forthwith to remediate those impacts.
42. **The Commission reserves the right to impose additional conditions** on portions of the project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site and to temporarily halt the project until adequate measures have been taken.
43. All construction vehicles and devices shall be refueled, re-oiled and otherwise maintained greater than 50 feet from jurisdictional resource areas. There shall be no release of fuel, oil, or other pollutant onto the ground surface, groundwater, surface water, and/or into the atmosphere. In the event of such release, the Conservation Commission shall immediately be notified of the release including, amount of release, time of release, location of release and the Massachusetts Department of Environmental Protection (MassDEP) reportable quantity for the released material.
44. **No waste products, grubbed stumps, slash, construction materials, yard debris, etc. shall be stock piled or disposed of within areas subject to jurisdiction of the Wetlands Protection Act (WPA) or Amesbury Wetland Protection Ordinance.**
45. No Blasting shall take place for this project without the prior approval of the Commission.
46. Before any changes, additions or omissions are made to the approved plans above, the applicant shall inquire in writing whether the change is significant enough to require the filing of an Amended or new Notice of Intent.
47. The Stormwater O & M Plan shall be referenced in the condominium trust and the deeds for individual units shall clearly refer to the condominium documents. The condominium documents shall clearly refer to the specific maintenance requirements

and responsibilities shall be clearly stated in the condominium documents. Draft condominium documents for these shall be provided to the Commission for review prior to the sale of the units.

AFTER CONSTRUCTION:

48. Upon completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to request a Certificate of Compliance (COC):

- a. WPA Form 8A- Request for a Certificate of Compliance;
- b. A letter from the applicant requesting the Certificate of Compliance with the following information included:
 - i. Name and address of current landowner;
 - ii. The name and address of the individual or other entity to whom the COC is to be issued;
 - iii. The street address and lot number for the project; and DEP file #
 - iv. "As-Built" plans prepared, sign, and stamped by a Registered Professional Civil Engineer (and / or Registered Professional Land Survey) of the Commonwealth, for public record.

49. Erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with final vegetative cover and the Commission and / or its Agent has authorized their removal.

50. The work is not considered complete until the site includes all structures, grading, landscaping, drainage equipment, and all other details shown on the approved site plan and included in all documents filed with the Commission.

51. Upon completion of the project, **all disturbed upland areas shall be permanently stabilized with native, non-invasive vegetation or a native grass seed mix appropriate for inland areas** with sufficient compatible topsoil to ensure long-term stabilization of disturbed areas.

52. A two growing season monitoring period (April 15 - October 15) following the installation of required plantings shall commence. Plantings required under this approved plan shall be documented to be in good conditions. Plantings required under this approved plan that fail to thrive must be replaced prior to the submission of a Request for a Certificate of Compliance.

PERPETUAL CONDITIONS:

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

53. Water quality to the adjacent Bordering Vegetated Wetlands (BVW) shall be not differ significantly following the completion of the project from the pre-development conditions. There shall be no sedimentation into the resource areas from discharge pipes or surface runoff leaving the site. This shall be a continuing condition in perpetuity.
54. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25-feet of a resource area. Pesticides and herbicides shall not be used within 100-feet of a wetland resource area. This condition shall survive the Order of Conditions and shall run with the title of the property.
55. No herbicides or pesticides shall be used within 50 feet of a resource area.
56. This Order shall be made part of all contracts and subcontracts dealing with the work proposed and shall supersede any other conflicting contract requirements. A copy of this Order of Conditions, as well as all approved plans and documents referenced in Section A8, shall be available upon request at the on-site office of the Applicant upon commencement of any site work and shall be made available to any person doing work on the site.
57. In addition to Form 5 General Condition 16, if the subject parcel is sold or the development rights are transferred to any other person prior to the issuance of a Certificate of Compliance, the Applicant shall be required to submit to the WCC a signed and notarized letter of acknowledgement from the buyer or their assignees stating that they have been provided copies of all permits associated with the proposed Project, including this Order, and that they understand their responsibility associated with the construction of this Project under those permits, including this Order.
58. This Order shall be made part of all contracts and subcontracts dealing with the work proposed and shall supersede any other conflicting contract requirements. A copy of this Order of Conditions, as well as all approved plans and documents referenced in Section A8, shall be available upon request at the on-site office of the Applicant upon commencement of any site work and shall be made available to any person doing work on the site.
59. In addition to Form 5 General Condition 16, if the subject parcel is sold or the development rights are transferred to any other person prior to the issuance of a Certificate of Compliance, the Applicant shall be required to submit to the WCC a signed and notarized letter of acknowledgement from the buyer or their assignees stating that they have been provided copies of all permits associated with the proposed Project, including this Order, and that they understand their responsibility associated with the construction of this Project under those permits, including this Order.

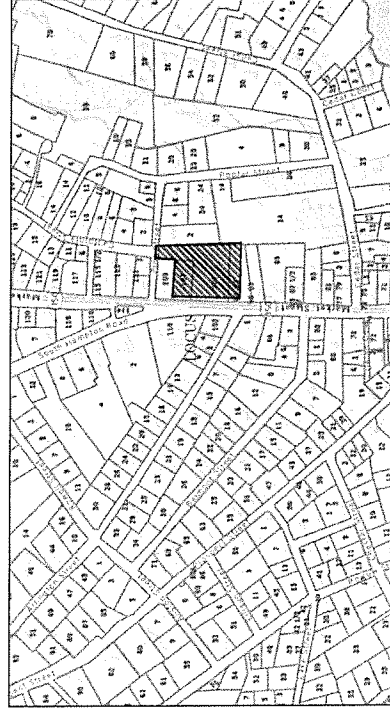
Appendix
Approved Plans
MA DEP 002-1322
101-107 Market Street

THE REDEVELOPMENT OF
101-107 MARKET STREET
IN
AMESBURY, MASSACHUSETTS
PREPARED FOR
NEWBURYPORT HOMES, LLC
11 LUNT STREET
BYFIELD, MASSACHUSETTS

ZONING

CENTRAL BUSINESS DISTRICT (CBD)

REQUIRED*	EXISTING	PROPOSED
5,000 SQUARE FEET	47,790 SQUARE FEET	31,934 SQUARE FEET
MINIMUM LOT AREA		
MINIMUM FRONTAGE	218.6 FEET	259.6 FEET
FRONT SETBACK	0 FEET	4.7 FEET
SIDE SETBACK (R)	5 FEET	8.1 FEET
REAR SETBACK (L)	5 FEET	5.7 FEET
REAR SETBACK (R)	30 FEET	85.7 FEET
MINIMUM LOT COVERAGE (R) 10%	5%	15%
MAXIMUM HEIGHT	40 FEET	27 FEET
MINIMUM OPEN SPACE	10%	58%



VICINITY MAP

NOTES: 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. THE SUBDIVISION REGULATION INCLUDING BILLBOARD CONSTRUCTION AND A MINIMUM OF 3 FEET OF FATHEN COVER. RIGHT-BENEFIT PAINT WITH FIVE FEET PROVIDED WITH A MINIMUM 18" OF COVER.

PARKING SUMMARY

1. RESIDENTIAL - 9 UNITS X 1.5 SPACES/UNIT	= 15 SPACES
TOTAL SPACES REQUIRED	= 13.5 SPACES
PARKING SPACES PROVIDED	= 17 SPACES

LIST OF WAIVERS

CONDITIONS OF APPROVAL

1. ASSEMBLY PLAN OF THE COMPLETED SYSTEM BE SUBMITTED ALONG WITH A REPORT FROM THE ENGINEER OF RECORD INDICATING WHETHER OR NOT THE INSTALLATION COMPLETES WITH THE DESIGN INTENT. THE ASSEMBLY PLAN AND ENGINEERING REPORT SHOULD BE APPENDED TO THE OPERATION AND MAINTENANCE PLAN PREPARED FOR THE STORMWATER MANAGEMENT SYSTEM FOR FUTURE USE AND REFERENCE BY THE PROPERTY OWNER.

SHEET INDEX

SHEET NO.	DESCRIPTION
T1.0	TITLE SHEET
S-1	EXISTING CONDITIONS PLAN 1
C1.0	SITE LAYOUT PLAN
C1.1	GRADING, DRAINAGE & UTILITY PLAN
C1.2	OVERALL SITE PLAN
C2.0	EROSION CONTROL NOTES & DETAILS
C3.0	SITE CONST. DETAILS
C3.1	SITE CONST. DETAILS



I CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

STEPHEN SAWYER P.E. DATE

OWNER
NEWBURYPORT HOMES LLC
11 LUNT STREET
BYFIELD, MA 01951

ENGINEER
SBS ENGINEERING
100 DUNDON STREET
NEWBURYPORT, MA 01950

SURVEYOR
WINTER GEC
44 MERRIMAC STREET
NEWBURYPORT, MA 01950

ARCHITECT
GRAF DESIGN ASSOC.
100 DUNDON STREET
NEWBURYPORT, MA 01950

PROJECT TEAM

PROJECT NAME
101-107 MARKET ST.
AMESBURY, MA

PROJECT NO.

1. PRELIMINARY PLAN	101-107
2. PRELIMINARY PLAN	101-107
3. PRELIMINARY PLAN	101-107
4. PRELIMINARY PLAN	101-107
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99. PRELIMINARY PLAN	101-107
100. PRELIMINARY PLAN	101-107



TITLE
SHEET

SHEET NAME

T1.0

DATE
08/24/2023

DRAWN BY
SBS

CHECKED BY
SBS

PROJECT NO.
101 MARKET ST

SCALE
1" = 10'



NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AND IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON MARCH 9, 2022.

BOUNDARY LINES AND EASEMENTS FOR THE SUBJECT PROPERTY ARE PER DEED AND PLAN RESEARCH BY WINTER QTC, LLC. THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION UNRECORDED EASEMENTS AND/OR ADVERSE CLAIMS BY OTHERS ARE NOT SHOWN.

LOCATION OF UNDERGROUND UTILITIES FEATURES SHOWN ARE THE RESULT OF SURFACE EVIDENCE AS LOCATED BY FIELD PERSONNEL. ADJACENT PHOTOGRAPHIC PLANS OF RECORDED INFORMATION FURNISHED BY THE RESPECTIVE UTILITY COMPANIES AND OTHER AVAILABLE SOURCES. UNLESS OTHERWISE SPECIFIED HEREON ARE SHOWN FOR GENERAL LOCATION PURPOSES ONLY. LOCATIONS OF UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS GUARANTEED. THERE MAY BE UTILITIES LOCATED WITHIN THE UNLIMITED CALL DISTRICT PRIOR TO EXCAVATION.

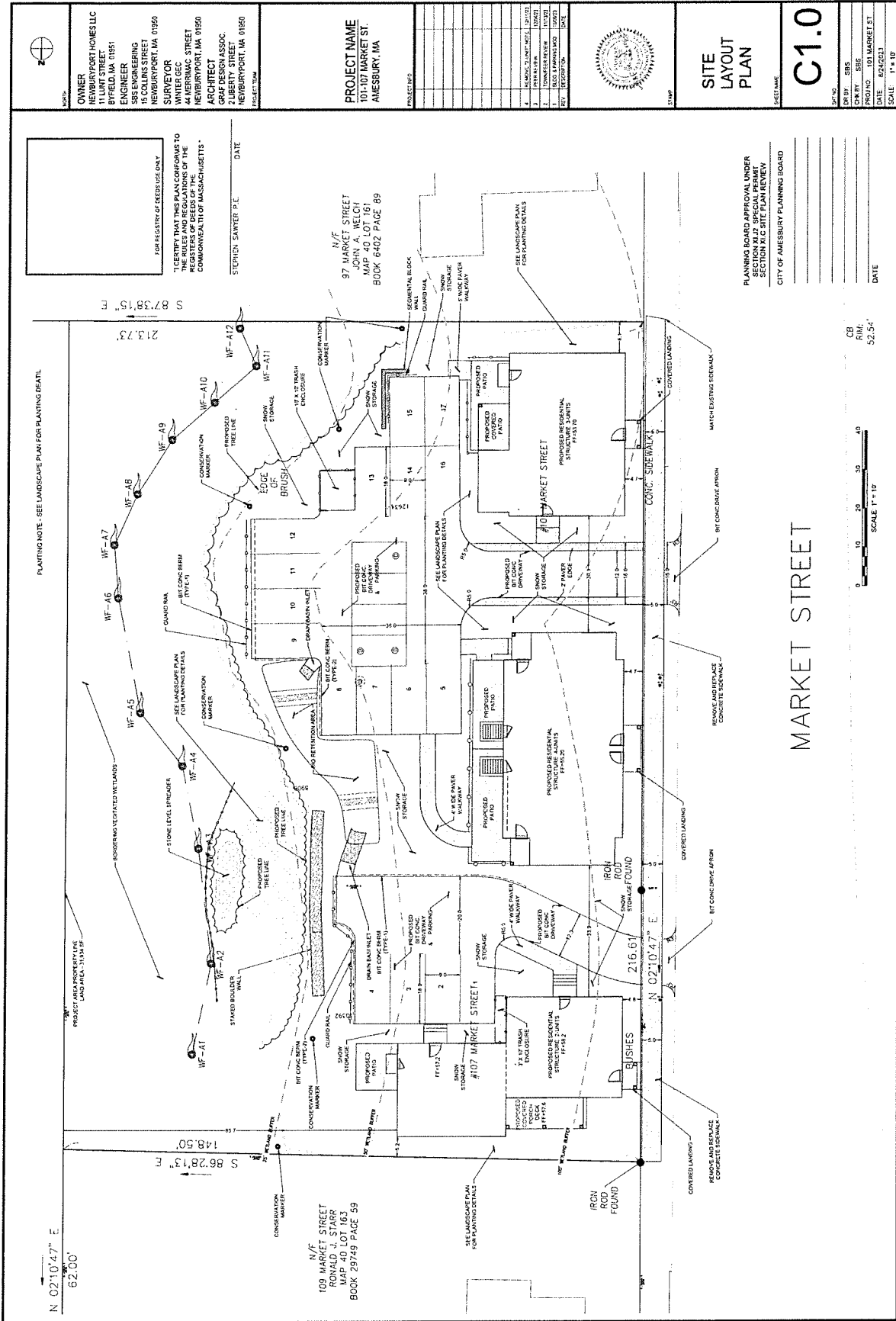
ELEVATIONS SHOWN HEREON ARE NAVD83 AS ESTABLISHED BY R.T.K. GPS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF. THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

LOCUS TITLE INFORMATION

01-107 MARKET STREET
OWNER: ROBINS ENTERPRISE LLC
DEED REFERENCE: BOOK 33771 PAGE 374
ASSASSIN'S: MAP 40 PARCELS 157 & 163A



Winter OEC, LLC 44 BERRANCK STREET NEWPORT, RI 02840 918-370-8626		SCALE HORIZ. 1" = 20' VERT. 1" = 10'		1. 10/13/2023 DEC. POSIT THREE BELOW STUMP / SMALL CONG PAD		FIELD DATES DEC. 10/13/2023 CHECKED DEC. 10/13/2023		EXISTING CONDITIONS 101-107 MARKET STREET		PLAN OF LAND IN AMESBURY, MASSACHUSETTS SURVEYED FOR NEWBURYPORT HOMES		PROJECT NO. 2023-189-10(MARKET) DATE: AUG. 8, 2023 S1
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PLANTING NOTE - SEE LANDSCAPE PLAN FOR PLANTING DETAILS

THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

STEVIN SALTER P.C. DATE

108 MARKET STREET
109 MARKET STREET
110 MARKET STREET
MAP 40 LOT 163
BOOK 29749 PAGE 59

PROJECT NAME
101-107 MARKET ST
AMESBURY, MA

NO.	DATE	DESCRIPTION
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2	6/24/2023	ISSUED FOR PERMIT
3	6/24/2023	ISSUED FOR PERMIT
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98	6/24/2023	ISSUED FOR PERMIT
99	6/24/2023	ISSUED FOR PERMIT
100	6/24/2023	ISSUED FOR PERMIT



SITE LAYOUT PLAN

C1.0

PLANNING BOARD APPROVAL UNDER SECTION 81B SPECIAL PERMIT SECTION 81C SITE PLAN REVIEW

DATE	6/24/2023
SCALE	1" = 10'

MARKET STREET

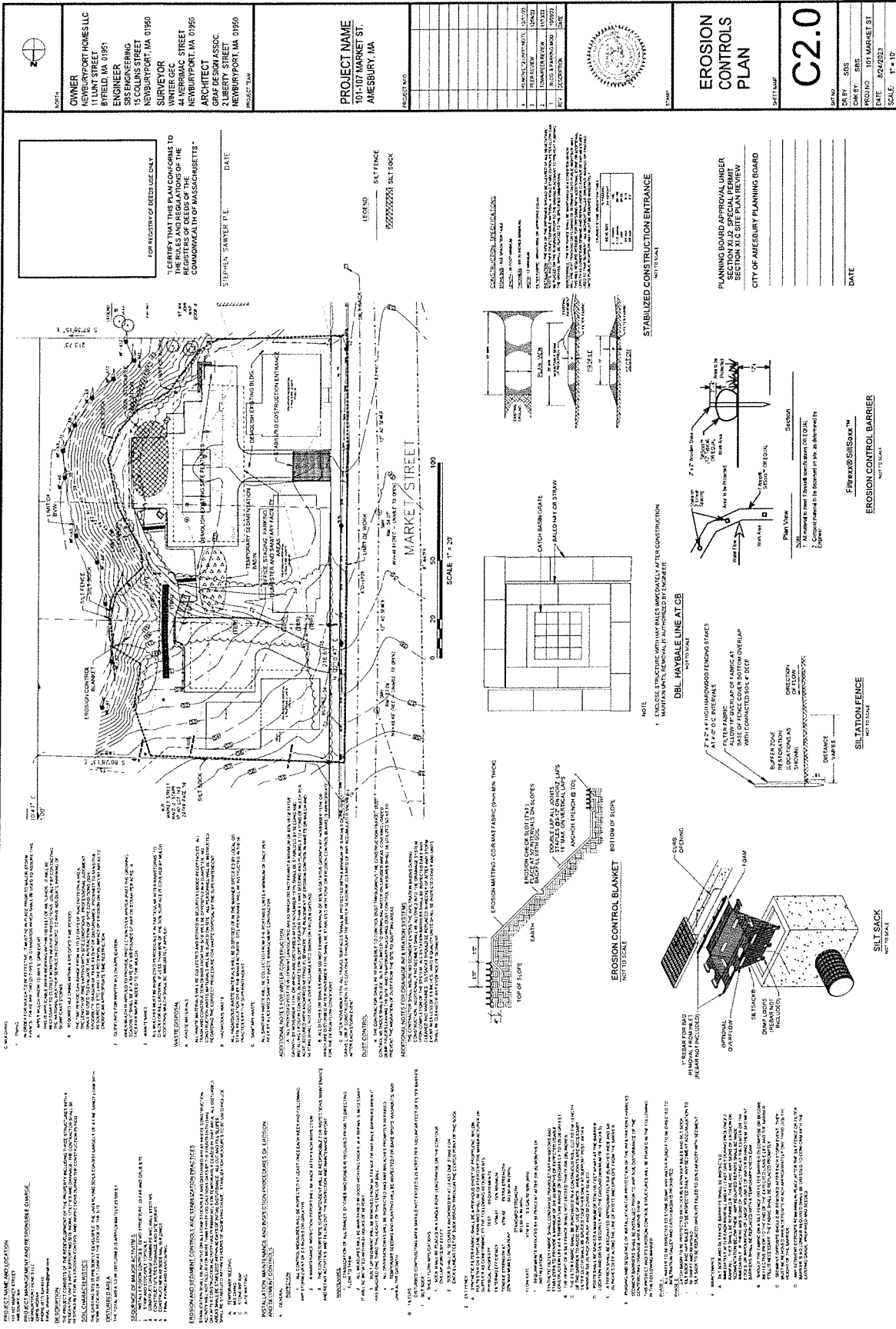
SCALE 1" = 10'

DATE

[illegible]



DATE NO. _____
 DR BY: SBS _____
 CHK BY: SBS _____
 PROJ NO. 101 MARKET ST
 DATE: 8/24/2023
 SCALE: 1" = 20'



[illegible]

OWNER
NEWPORT HOMES LLC
11 LIND STREET
BRYFIELD, MA 01921

ENGINEER
SBS ENGINEERING
15 COLLINS STREET
NEWPORT, MA 01850

SURVEYOR
NEWPORT, MA 01850

ARCHITECT
GRAF DESIGN ASSOC.
2 LIBERTY STREET
NEWPORT, MA 01850

PROJECT NAME
101-107 MARKET ST.
AMESBURY, MA

PROJECT NO.

DATE



**SITE
CONST.
DETAILS**

C3.1

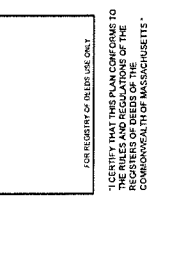
DATE

PROJECT NAME
101-107 MARKET ST.
AMESBURY, MA

PROJECT NO.

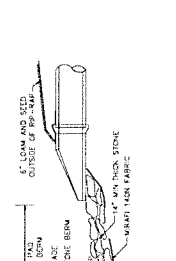
DATE

1 WOOD GUARD RAIL - TYPE 1
NOT TO SCALE



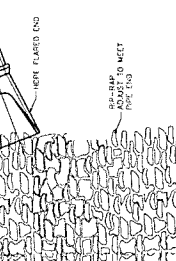
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2 BIOTRETION BASIN DETAIL
NOT TO SCALE



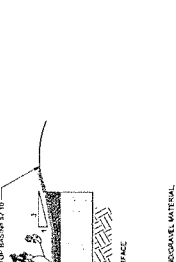
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3 BIOTRETION AREA INLET AND FOREBAY DETAIL
NOT TO SCALE



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10. 10" MIN. SUE MIX

4 RETAINING WALL WITH GUARD RAIL
NOT TO SCALE



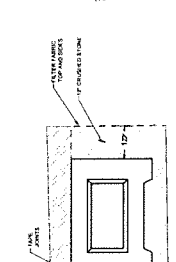
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5 TYPICAL INFILTRATION CHAMBER SYSTEM DETAIL
NOT TO SCALE



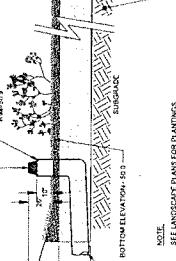
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10. 10" MIN. SUE MIX

6 FLARED END AND RIPRAP LEVEL SPREADER
NOT TO SCALE



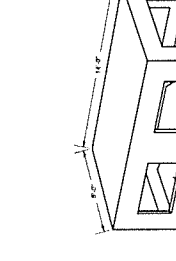
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7 BIOTRETION AREA INLET AND FOREBAY DETAIL
NOT TO SCALE



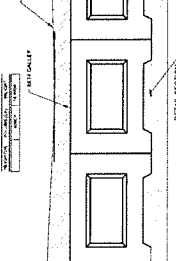
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8 BIOTRETION BASIN DETAIL
NOT TO SCALE



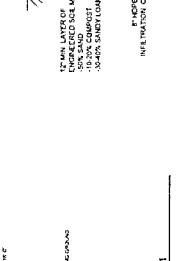
1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
3. 10" MIN. SUE MIX
4. 10" MIN. SUE MIX
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10. 10" MIN. SUE MIX

9 BIOTRETION BASIN DETAIL
NOT TO SCALE



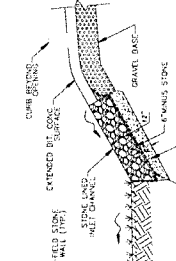
1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
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10 BIOTRETION BASIN DETAIL
NOT TO SCALE



1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
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11 BIOTRETION BASIN DETAIL
NOT TO SCALE



1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
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10. 10" MIN. SUE MIX

12 BIOTRETION BASIN DETAIL
NOT TO SCALE



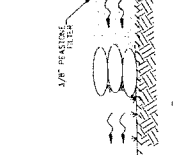
1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
3. 10" MIN. SUE MIX
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10. 10" MIN. SUE MIX

13 BIOTRETION BASIN DETAIL
NOT TO SCALE



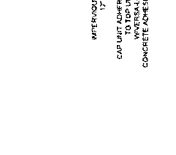
1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
3. 10" MIN. SUE MIX
4. 10" MIN. SUE MIX
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9. 10" MIN. SUE MIX
10. 10" MIN. SUE MIX

14 BIOTRETION BASIN DETAIL
NOT TO SCALE

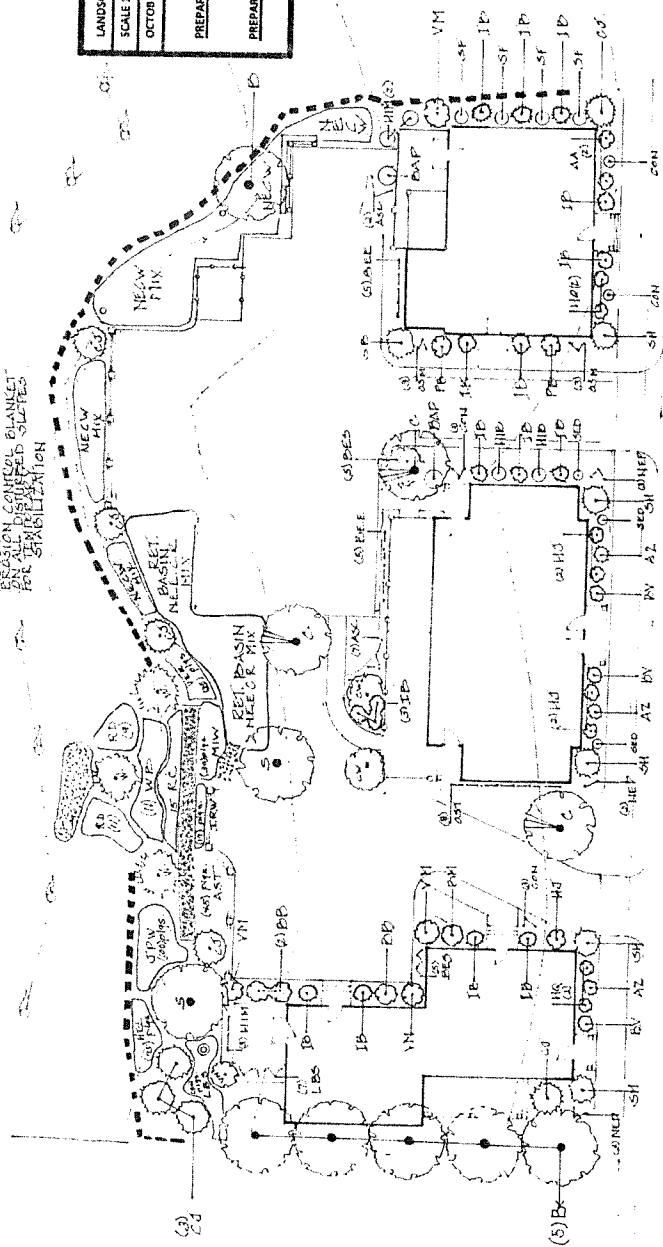


1. 12" MIN. LAYER OF ENHANCED SUE MIX
2. 10" MIN. COMPOST
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15 BIOTRETION BASIN DETAIL
NOT TO SCALE



1. 12" MIN. LAYER OF ENHANCED SUE MIX
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10. 10" MIN. SUE MIX



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