



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:

002-1351

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:

Anne

a. First Name

Verret-Speck, Trustee

b. Last Name

The Lofts at Clarks Pond Homeowner Association

c. Organization

15 Cedar Street

d. Mailing Address

Amesbury

e. City/Town

MA

f. State

01913

g. Zip Code

4. Property Owner (if different from applicant):

The Lofts at Clarks Pond Condominium Trust

b. Last Name

c/o Affinity Realty

c. Organization

63 Atlantic Avenue

d. Mailing Address

Boston

e. City/Town

MA

f. State

01913

g. Zip Code

5. Project Location:

15 Cedar Street

a. Street Address

40

c. Assessors Map/Plat Number

Amesbury

b. City/Town

236,237,238

d. Parcel/Lot Number

Latitude and Longitude, if known:

d

m

s

d. Latitude

d

m

s

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

39356/40680

c. Book

b. Certificate Number (if registered land)

0268/0039

d. Page

7. Dates: 7.18.2025 8.4.2025

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):

Proposed Site Plan

a. Plan Title

GZA GeoEnvironmental, Inc.

b. Prepared By

July 2025

d. Final Revision Date

See Appendix

f. Additional Plan or Document Title

Steven T. D'Ambrosio

c. Signed and Stamped by

1" = 20'

e. Scale

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> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. ☒ Bordering Land Subject to Flooding	<u>1142</u>	<u>1142</u>	<u>1142</u>	<u>1142</u>
	<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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	<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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	<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>4715</u>	<u>4715</u>	<u>4715</u>	<u>4715</u>
	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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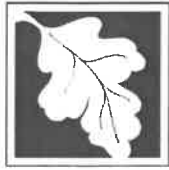
Amesbury

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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	4715 a. total sq. feet	4715 b. total sq. feet		
Sq ft within 100 ft	0	0	0	0
Sq ft between 100-200 ft	4715 c. square feet	4715 d. square feet	4715 e. square feet	4715 f. square feet
	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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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 002-1351 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

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

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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):
-

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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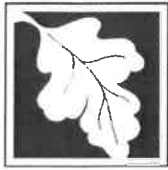
D. Findings Under Municipal Wetlands Bylaw or Ordinance

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 Wetland Ordinance	AWO
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Appendix



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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.

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.

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 signatures.

Fred Zackon

Fred Zackon (Aug 5, 2025 17:34:58 EDT)

Signature

Jamie McCarthy

Signature

Bob Manseau

Bob Manseau (Aug 5, 2025 19:17:49 EDT)

Signature

Mike Fallon

Mike Fallon (Aug 5, 2025 09:34:01 EDT)

Signature

Maya Gakidis

Maya Gakidis (Aug 5, 2025 18:54:13 EDT)

Signature

Signature

Signature

Signature

Fred Zackon

Printed Name

Jamie McCarthy

Printed Name

Bob Manseau

Printed Name

Michael Fallon

Printed Name

Maya Gakidis

Printed Name

Printed Name

Printed Name

Printed Name

☒ by hand delivery on

Date

8/7/25

☐ by certified mail, return receipt requested, on

Date



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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.



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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
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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.

**MA DEP File Number 002-
1351**

Appendix to OOC

Applicant: Anne Verret-Speck (trustee)/The Lofts at Clark's Pond Homeowner Association

Site Address: 15 Cedar Street

DEP File #: 002-1351

Pursuant to Massachusetts Wetlands Protection Act (M.G.L. chapter 131, §40) and its implementing regulations (310 CMR, § 10.00) and the City of Amesbury Wetlands Protection Ordinance and its implementing regulations:

This Order permits: The installation and replacement of roof drainage pipes along building #2 to then be connected into the existing stormwater management system. The existing perforated pipes located on the north and west side of building #2 will either be fully replaced with new PVC pipes or be removed. existing drainage pipes will be replaced with larger PVC pipes with new pipe inverts to prevent flooding of the existing catch basins and lawn drains. These proposed drainage pipes will collect stormwater runoff from building #2 roof top and direct it into the existing catch basins in the parking lot, which travels through the previously installed Vortex water quality treatment units and ultimately discharge to the Back River via an 18-inch RCP outlet. The south portion of building #2 roof runoff will be captured by five existing roof drains, then be directed into catch basin "H" located within the existing parking lot via a proposed 6-inch PVC pipe. The southern drainage system will include the cut and capping of the pipe being discharged into the catch basin on "R" Street. Similarly, the north portion of building #2 roof runoff will be captured by six existing roof drains, which will then be directed into catch basin "I" located within the existing parking lot via 12-inch PVC pipe. Both proposed drainage systems will connect into existing 18-inch RCP stormwater system, which will go through the existing vortex water quality treatment units then discharged into the Back River via the bell outlet.

All work should conform to the following:

Notice of Intent filed by: Jaclyn Kaehler, P.E
GZA GeoEnvironmental, Inc.

1) Site plans prepared by: GZA GeoEnvironmental, Inc.
Steven T. D'Ambrosio

Entitled: Proposed Site Plan

Date: July 2025

Scale: 1" = 20'

Drawing 3

2) Site plans prepared by: GZA GeoEnvironmental, Inc.

Steven T. D'Ambrosio

Entitled: Proposed Watershed Plan

Date: July 2025

Scale: 1" = 20'

Drawing 3

3) Site plans prepared by: GZA GeoEnvironmental, Inc.

Steven T. D'Ambrosio

Entitled: Details

Date: July 2025

Scale: 1" = 20'

Drawing 3

I. GENERAL CONDITIONS:

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 of Conditions ("Order").
2. 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 Amesbury Wetlands Protection Ordinance ("Ordinance") and its implementing regulations ("Regulations") as promulgated by the City of Amesbury Conservation Commission (ACC).
3. This Order shall apply to any successor in interest or successor in control of the property.
4. The work authorized hereunder shall be completed within **three (3) years** from the date of this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to one year each upon application to the issuing authority at least **thirty (30) days** prior to the expiration date of the Order.

6. A sign shall be displayed at the site not less than two (2) feet or more than three (3) square feet in size bearing the words,

“MA DEP File Number 002-1351”

7. 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.
8. A copy of this Order and the plan approved in this Order shall always be available on site when work is in progress.
9. If the subject parcel is sold or the development rights are transferred to any other person, the applicant shall be required to submit to the ACC 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.
10. The applicant shall be required to pay in full any outstanding invoices from the Commission's peer review consultant for this project (if one was required).
11. Any modification to the approved site plan shall require review and approval by the ACC. Prior to consideration of any such request, the wetland resource area shall be reflagged, or the originally approved flagging shall be established in the field. The applicant shall be required to submit the modification request in writing along with the necessary forms and supporting documents in a timely manner for the Commission's consideration. The ACC may require all modification requests to be reviewed by its peer consultant and the applicant shall submit the necessary funds to the ACC for consultant services. The Commission shall review the request and decide if an Amended Order is required.
12. Any change that requires modification of approved plans within the jurisdictional area or changes to the erosion control plan or to the stormwater management system shall require an Amended Order unless the Commission decides otherwise at its regularly scheduled posted public meeting. If the ACC decides that a change is of sufficient magnitude that it shall require the imposition of additional conditions to ensure adequate protection of the resource area and/or the interests covered under the Ordinance and Regulations, an Amended Order shall be required, and a new public hearing shall be required.
13. Any requests for modification or amendment of the Order shall not be considered or reviewed if the Order has expired or there is an outstanding Enforcement Order on the subject parcel.

II. PRE-CONSTRUCTION CONDITIONS:

14. 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 as shown on the approved plan. 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.

15. 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 and on-site pre-construction meeting with a representative from 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 Agent at (978)-300-8110 ext. 254 at least seventy-two (72) hours prior to any activity to arrange a pre-construction meeting.

III. CONSTRUCTION CONDITIONS:

16. Accepted engineering and Best Management Practices for construction standards shall be followed in the conduct of all work. All site improvements shall be installed as per approved plans and engineering details shown on them. Any modifications or deviations from approved plans shall only be made upon approval from Commission.
17. Erosion control devices shall be inspected regularly; and immediately after 0.5 inches of precipitation. Any entrapped silt shall be removed to an area outside of the buffer zone and wetland resource areas; silt fence/sock and/or hay bales shall be replaced as necessary.
18. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan.
19. All waste generated by, 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 on site. 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 100 feet to the Bordering Vegetated Wetland (BVW) or riparian bank. The dumpster shall be covered when not in use.
20. 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, and no stockpiling within 100' of wetland resource areas.
21. Equipment storage and refueling operations shall be situated in an upland area at a distance greater than 100-feet from the riparian. All machinery shall be checked daily for leaking fluids.
22. Cleaning of concrete mixing equipment and/or machinery shall be restricted to upland areas at a distance greater than 100-feet to the BVW and shall be limited to minor cleaning only.
23. During construction chemicals, pesticides, herbicides, etc. shall not be used or stored within 100' of a jurisdictional resource area apart from the use of herbicides as part of the approved Invasive Species Management Plan (if applicable).
24. Any damage caused as a direct result of the construction of this project to any wetland resource area shall be the responsibility of the applicant to repair, store and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission and/or its agents shall be contacted by telephone, with follow-up in writing, and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation. If the applicant fails to address the failure or damage as required by the Commission in a timely manner, it shall be deemed as a violation under the Regulations

IV. AFTER CONSTRUCTION:

25. The applicant shall make a request for a Certificate of Compliance as provided for under Section 7.12 of the Amesbury Wetlands Regulations, as amended.
26. **Upon completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to Request for 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, signed, and stamped by a Registered Professional Civil Engineer (and/or Registered Professional Land Survey) of the Commonwealth, for public record showing the exact location of granite bounds marking the limit of work and no alteration.
 - v. Detailed letter outlining deviations from the approved site plan or any conditions along with supporting documents showing modifications are approved by ACC.
27. If warranted, 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 removal.
28. Prior to issuance of Certificate of Compliance, the applicant shall be required to pay in full any outstanding invoices from the Commission's construction observation consultant.

V. PERPETUAL CONDITIONS:

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

29. Water quality to the adjacent Bordering Vegetated Wetland (BVW) shall 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.
30. 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.
31. The Operation and Maintenance (O&M) Plan approved as part of this Order of Conditions shall be followed in perpetuity to ensure continued proper function of all stormwater management structures and any associated resource area protections. A copy of the approved O&M Plan shall be provided to all subsequent property owners in the event of a property transfer. It is the responsibility of the current property owner(s) to ensure the plan is always adhered to and that future owners are fully informed of its requirements. Failure to comply with the O&M Plan may constitute a violation of this Order of Conditions and the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40).

LOFT'S AT CLARK'S POND

STORMWATER MANAGEMENT & DRAINAGE IMPROVEMENT DESIGN

15 CEDAR ST,
AMESBURY MA 01913

JULY 2025

PREPARED FOR:

LOFT'S AT CLARK'S POND
HOMEOWNER ASSOCIATION
15 CEDAR STREET
AMESBURY, MA 01913

DESIGNED BY:



GZA GEOWIRNMENTAL, INC.
188 VALLEY STREET, SUITE 300
PROVIDENCE, RI 02809



PROJECT VICINITY MAP

1" = 100' (Horizontal)
1" = 20' (Vertical)
SOURCE: BASE MAP FROM MASSACHUSETTS MASSMAPPER
GMA



PROJECT LOCUS MAP

1" = 100' (Horizontal)
1" = 20' (Vertical)
SOURCE: BASE MAP FROM USGS 7.5-MINUTE SERIES
DEMARCATION OF 100' HORIZONTAL DISTANCE
CONTAINING ELEVATION DATA FROM 1910
POST INTERVALS

SHEET LIST TABLE	
SHEET #	SHEET TITLE
-	COVER AND INDEX OF DRAWINGS
1	EXISTING CONDITIONS PLAN
2	EXISTING WATERSHED PLAN
3	PROPOSED CONDITIONS PLAN
4	PROPOSED WATERWASH PLAN
5	DETAILS

STORMWATER MANAGEMENT & DRAINAGE IMPROVEMENT DESIGN 15 CEDAR ST, AMESBURY MA 01913	
OWNER AND INDEX OF DRAWINGS	
GZA GEOWIRNMENTAL, INC. 188 VALLEY STREET, SUITE 300 PROVIDENCE, RI 02809 WWW.GZA.COM	
DATE: 07/2025	PROJECT NO: 0120250400
SCALE: AS SHOWN	SHEET NO: 1
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	
APPROVED BY: [Signature]	



[illegible]

LEGEND

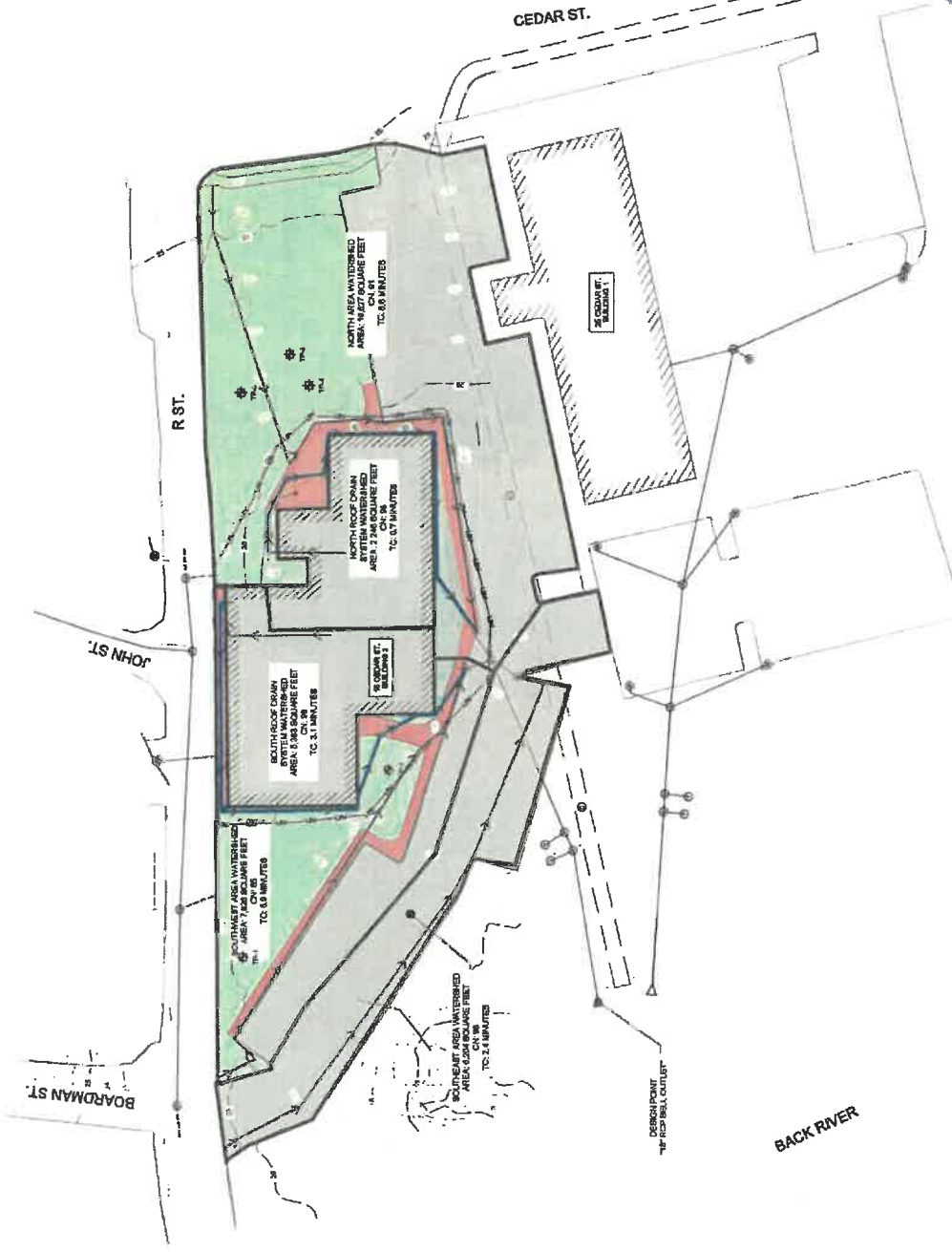
- WATER SHED BOUNDARY
- TIME OF CONCENTRATION (TC)
- IMPERVIOUS LAND COVER (PAVED ROAD, ROOFS)
- PERVIOUS LAND COVER (GRASS COVER, BRICK PAVEMENT)
- PROPOSED STORMWATER FEATURES

GENERAL NOTES

1. HYDROLOGICAL DATA: MAINEHARRIS STATE LANE, MAINE, US
2. THE DATA ARE IN FEET AND ARE SUBJECT TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD 83).
3. LIMITED TOPOGRAPHIC SURVEY PERFORMED BY GDA
4. APPROXIMATE PROPERTY LINES AND AERIAL IMAGERY
5. APPROXIMATE PROPERTY LINES AND AERIAL IMAGERY
6. STORMWATER SYSTEM INFORMATION PROVIDED FROM DIGITAL
7. THE DATA ARE NOT CONSIDERED A LAND SURVEY.
8. TEST PITS WERE PERFORMED BY A.T. HAYD CORPORATION ON
9. JULY 1, 2004 AND OBSERVED BY GDA.
10. TOP OF BANK DESCRIPTIONS WERE PERFORMED BY GDA ON JULY 1, 2004.

Scale in Feet

PROJECT INFORMATION	
PROJECT NAME	STORMWATER MANAGEMENT ALTERNATIVE DESIGN
LOCATION	LOCATED AT CLARKSON ROAD
PROPOSED WATERSHED PLAN	
MAINEHARRIS STATE LANE, MAINE, US STORMWATER MANAGEMENT ALTERNATIVE DESIGN LOCATED AT CLARKSON ROAD	
DESIGNED BY: GDA DATE: JULY 1, 2004 SCALE: AS SHOWN PROJECT NO.: 04-0000-000 4	





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[illegible]



Proactive by Design



STORMWATER MANAGEMENT SYSTEMS: OPERATION AND MAINTENANCE (O&M) PLAN

**Loft's at Clark's Pond Homeowner Association
25 Cedar Street
Amesbury, MA 01913**

July 11, 2025

GZA File No.: 03.0035466.00

PREPARED FOR:

**Loft's at Clark's Pond Homeowner Association
Amesbury, Massachusetts**

GZA GeoEnvironmental, Inc.

188 Valley Street Suite 300 | Providence, RI 02909
401-421-4140



1.0 INTRODUCTION1

2.0 ROOF DRAINS1

3.0 CATCH BASINS AND VORTEX CATCH BASINS1

4.0 FUNDING SOURCES1

ATTACHMENT:

STORMWATER MANAGEMENT SYSTEM INSPECTION SHEET



1.0 INTRODUCTION

Standard 9 of the *Massachusetts Stormwater Handbook and Stormwater Standards* requires that an operations and maintenance plan is developed to ensure that stormwater management systems function properly for the lifetime of the system.

The Site is located at 25 Cedar Street, Amesbury, Massachusetts. The project includes the installation and replacement of drainage pipes along the building and then connected into the existing stormwater management system. The stormwater management system for the project consists of roof drains, catch basins and vortex catch basins. A stormwater management system inspection sheet is attached, and inspection activities are described herein.

The Loft's at Clark's Pond Homeowner Association are the owners of the stormwater management systems and will be responsible for its operation and maintenance.

2.0 ROOF DRAINS

Roof drains and downspouts shall be inspected at least once a year to ensure no clogging of accumulation of debris or sediment has occurred.

3.0 CATCH BASINS AND VORTEX CATCH BASINS

Catch basins and Vortex catch basins shall be inspected per the manufacturer's schedule but at a minimum be once a year. This is to ensure that it is operating as intended and for the accumulation of sediment, trash and debris. The accumulation of sediment, trash and debris will be removed and be lawfully disposed of.

4.0 FUNDING SOURCES

Funding for routine inspections and maintenance of the stormwater management system will be provided by the Loft's at Clark's Pond Homeowner Association.

STORMWATER MANAGEMENT SYSTEM INSPECTION SHEET**Loft's at Clark's Pond Homeowner Association****25 Cedar Street****Amesbury, MA 01913**

DATE:**TIME:****INSPECTOR:****REASON FOR INSPECTION:****ANNUAL****CORRECTIVE**

Maintenance Item	Condition	Corrective action needed
Roof Drains		
Inspect to ensure that roof drains are operating as designed		
Check for accumulated sediment, trash, and debris		

Maintenance Item	Condition	Corrective action needed
Catch Basins and Vortex Catch Basins		
Inspect to ensure that catch basins are operating as designed		
Check for accumulated sediment, trash, and debris		

