



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:
002-1209
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:

Jonathan Cody
a. First Name b. Last Name
Atlantis Investments, LLC
c. Organization
PO Box 6
d. Mailing Address
North Reading MA 01864
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Jonathan Dodge
a. First Name b. Last Name
5 Cleveland Street
c. Organization
d. Mailing Address
Amesbury MA 01913
e. City/Town f. State g. Zip Code

5. Project Location:

20 Pond St. Amesbury
a. Street Address b. City/Town
52 184
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



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:

002-1209

MassDEP File #

eDEP Transaction #

Amesbury

City/Town

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

40509

b. Certificate Number (if registered land)

354

c. Book

d. Page

7. Dates: 6.4.18 7.9.18 7.10.18 (extended
a. Date Notice of Intent Filed b. Date Public Hearing Closed 11.8.21)

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

Notice of Intent, 20 Pond Street

a. Plan Title

Cammett Engineering

Robert Blanchette, Jr. PE

b. Prepared By

c. Signed and Stamped by

6-25-18

d. Final Revision Date

e. Scale

Site Plan Parking Modification - 20 Pond Street (sheet C1.10)

5.5.22

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

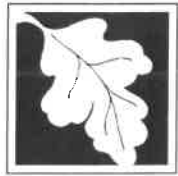
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

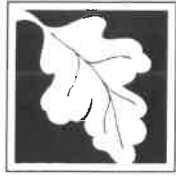
B. Findings (cont.)

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> 1, 605 a. total sq. feet	<u> </u> 1, 605 b. total sq. feet		
Sq ft within 100 ft	<u> </u> 1, 605 c. square feet	<u> </u> 1, 605 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



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. ☐ Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. ☐ Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. ☐ Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. ☐ Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. ☐ Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. ☐ Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. ☐ 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



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

B. Findings (cont.)

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



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 002-1209 "
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.



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:
002-1209

MassDEP File #

eDEP Transaction #

Amesbury

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;



**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:
002-1209

MassDEP File #

eDEP Transaction #

Amesbury

City/Town

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

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

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

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

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

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

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

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
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.



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

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):

1. Massachusetts Professional Engineer shall be present during demolition of existing structure to prevent debris discharge into Powow River.
2. No additional fill material in Bordering Land Subject to Flooding (BLSF) is authorized. As-built plan to be prepared by a Massachusetts Professional Engineer or Licensed Land Surveyor is to demonstrate the post-construction topographic conditions in BLSF See Attachment to Order of Conditions for additional conditions.



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:
002-1209
MassDEP File #

eDEP Transaction #
Amesbury
City/Town

E. Signatures

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

1. Date of Issuance

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

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

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Handwritten signatures]

[Handwritten signature]

☒ by hand delivery on

6.16.22

Date

☐ by certified mail, return receipt requested, on

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request 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:
002-1209
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:

20 Pond Street
Project Location

002-1209
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South
County

Book

Page

for: Jonathan Cody
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:

7.10.18 and extended on 11.8.21 to 7.10.24 with an Amended Order of Conditions issued 6.16.22.

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:

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

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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 <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

ATTACHMENT TO AMENDED ORDER OF CONDITIONS

Applicant & Owner: Jonathan Cody

Site Address: 20 Pond Street (Amesbury Assessor Map 52/Parcel 184)

DEP File: 002-1209

Conditions attached to the Amended Order of Conditions issued pursuant to the applicant pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and its implementing Regulation (310 CMR 10.00-10.60), and the Amesbury Wetlands Ordinance and its implementing regulations. This Amended Order of Conditions allows for the following: allows for a retaining wall that will support two parking spaces of nine feet by 20 feet each. This is in an area between the approved structure and the parking area of four feet one inch. This will allow for a landing and steps to access the lower parking spaces. The remainder of the space will be grass along with an infiltration trench to capture roof runoff. The parking spaces will be made of porous concrete pavers to infiltrate the stormwater. There is a five-foot bituminous apron along Dennett Street to transition the slope and to create a small berm to direct stormwater along Dennett Street and not into the parking area. There will be a guard rail and a pedestrian rail along the top of the retaining wall for safety. All other areas of the site are to be constructed in compliance with the original Order of Conditions and the approved plans.

Note: Order of Conditions # 002-1209 was extended on 11.8.21 to 7.10.24 by approval of the Amesbury Conservation Commission.

I. GENERAL CONDITIONS:

1. The work shall conform to the following material submitted by the Applicant: WPA Form 3 dated 4/19/18; and Notice of Intent, 20 Pond Street, Amesbury, MA Existing Conditions and Demolition (sheet 1 of 2) dated 6.25.18; and Notice of Intent, 20 Pond Street, Amesbury, MA Site Plan, Details and Legend (sheet 2 of 2) dated 6.25.18 and Request for an Amended Order of Conditions dated 6.9.22 with revised plan titled Site Plan Parking Modification, 20 Pond Street, sheet C1.10, dated 5.5.22.
2. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including, but not limited to additional or modified erosion / siltation controls during construction if it deems that site conditions warrant additional measures to mitigate potential impacts.
3. References herein to reports being submitted to, or actions being taken by, the Amesbury Conservation Commission may include the Conservation Agent and/or a selected outside third-party consultant as may be determined by the Amesbury Conservation Commission.
4. The proposed project may be still under review by other local or state boards or agencies. This review may result in changes to the project plans or wetland impacts. If any such

changes occur a revised plan and an explanation of the revisions shall be submitted to the ACC for review and approval prior to the start of construction. Any changes in the submitted plans and accompanying submitted material caused by the applicant, a government agency, or resulting from this Order of Conditions must be submitted to the ACC for approval prior to implementation. Any errors found in the plans or information submitted by the applicant shall be considered as changes.

5. In conjunction with the sale of this property 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 also received a copy of said Order.
6. Site monitoring may be performed by the ACC as needed to assure compliance with this Order. Should the ACC select an outside consultant to perform the site monitoring service, selection of said consultant shall be acceptable to both the Applicant and the ACC. Funds to cover anticipated costs associated with this work may be required to be borne by the Applicant and provided to the ACC.
7. Any Order not recorded by the applicant before work commences may be recorded by the ACC at the applicant's expense.
8. The Applicant has indicated the proposed house addition size and location will be as shown on the submitted materials. No deviation from this will be acceptable without a hearing before the ACC.
9. Massachusetts Professional Engineer shall be present during demolition of existing structure to prevent debris discharge into Powow River.
10. No additional fill material in Bordering Land Subject to Flooding (BLSF) is authorized. As-built plan to be prepared by a Massachusetts Professional Engineer or Licensed Land Surveyor is to demonstrate the post-construction topographic conditions in BLSF

II. PRIOR TO SITE DISTURBING ACTIVITIES:

1. Project contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction. A copy of this Order of Conditions and the approved plans and accompanying submitted material shall be available on site at all times when work is in progress and all contractors and subcontractors should be apprised of the conditions and provisions of this Order. Reference to this Order shall be included in all construction contracts and subcontracts dealing with the project.
2. 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 **"MA DEP, File Number 002-1209"**
3. An Environmental Monitor shall be selected by the Applicant to oversee compliance with this Order. The name and phone number of this person must be submitted to the ACC prior to the start of work and should include after-hours contact information in the event that this

person has to be contacted due to an emergency at this site. This person shall be given the authority to stop site construction activity should there deviation from the Order.

4. Once the above-mentioned pre-construction requirements are complete, the applicant shall contact the ACC to arrange an on-site pre-construction meeting. Contact the ACC at least seventy-two (72) hours in advance of desired meeting. Topics for the pre-construction meeting shall include, but not be limited to: construction sequence and schedules, the project supervisor, the Environmental Monitor's scope of responsibilities, contact information for construction site supervisors/monitors, and maintenance and monitoring needed. Pre-construction meeting to be attended by Environmental Monitor and excavation contractor (if different).
5. All applicable state and local permits must be secured at the time of the pre-construction site visit.

III. DURING SITE DISTURBING ACTIVITIES:

1. All waste generated by, or associated with the construction activity shall be contained within the area identified as the silt fence line. Dumpster and stockpile location shall be as depicted or as may be amended by approval of the ACC. There shall be no burying of stumps or construction material onsite.
2. Foundation dewatering is not authorized. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the ACC for approval. The plan shall identify how the pump water will be contained in a settling basin to reduce turbidity prior to discharge into the resource area.
3. The applicant shall have on hand at the start of any soil disturbance a minimum of 25' of additional siltation control barrier and sufficient stakes for securing. Said siltation control barrier shall be used only for the control of emergency erosion problems and shall not be used for the normal control of erosion.
4. Siltation control barrier shall be inspected weekly, and immediately after 0.5 inches of precipitation. Additionally, siltation control barrier shall be replaced as necessary when deteriorated due to normal degradation.
5. The Environmental Monitor is to submit an emailed report to the ACC weekly during the demolition and construction phase of work and monthly thereafter, until a Certificate of Compliance is obtained. Weekly reports shall be provided no later than noon on the Monday (or next work day if the Monday is a holiday where Amesbury municipal offices are closed) describing activities and conditions for the preceding week, and the monthly reports shall be submitted by the 5th of each month describing activities and conditions for the preceding month. The Environmental Monitor must visually inspect all sedimentation/erosion control measures. The Environmental Monitor must certify in the weekly or monthly reports 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 or explain the deviations thereto. Photographs of the erosion control devices shall be provided with each report.

IV. UPON COMPLETION OF SITE DISTURBANCE ACTIVITIES:

1. All exposed soil at finished grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded and mulched with a layer of hay. All disturbed areas must be graded, loamed, seeded and hay mulched prior to November 1st of each year until issuance of a Certificate of Compliance. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch until climate conditions allow for seed germination.
2. Erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with a vegetative cover and the ACC has authorized removal or a Certificate of Compliance has been issued.
3. Plants are to be established in the size and location proposed or as may be amended with approval of the ACC.
4. Plantings are to be monitored for a one-year period. In the case of mortality, plantings are to be replaced at the appropriate time of the growing season. Replacement plantings are to be of the same variety and reestablished at the same location. At the end of the one-year monitoring period a written planting monitoring report including photographs is to be submitted to the ACC which inventories and documents the number and condition of plantings. Any deviations from the approved plan are to be noted.
5. Upon the completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to request a Certificate of Compliance:
 - a. WPA Form 8A- Request for Certificate of Compliance
 - b. A letter from the applicant or their representative requesting the Certificate of Compliance with the following information:
 - i. Name and address of the current landowner(s);
 - ii. The name and address of the individual(s) or other entity to whom the Certificate of Compliance(s) is to be issued;
 - iii. The street address and lot number for the project and the DEP File #;
 - c. A statement indicating aspects of the project which differed from the Order of Conditions and the materials which were submitted as part of the Notice of Intent.
 - d. "As-built" plan(s) prepared, stamped and signed by a Massachusetts Registered Professional Civil Engineer (P.E.) or a Massachusetts Registered Professional Land Surveyor (P.L.S). Said plans are to depict the house location and dimensions, plants, walkways and driveways in addition to other relevant features of the site.

V. PERPETUAL CONDITIONS:

1. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%).
2. Water conditions shall not differ following post construction.

Appendix

Approved Work

Description and Plans

