

NE
12
MS

JU-9



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

A. General Information

1. Conservation Commission PEABODY
2. Issuance a. ☒ OOC b. ☐ Amended OOC
3. Applicant Details
a. First Name b. Last Name
c. Organization TANNIN CORPORATION
d. Mailing Address 65 WALNUT STREET
e. City/Town PEABODY f. State MA g. Zip Code 01960
4. Property Owner
a. First Name b. Last Name
c. Organization 60 PULASKI STREET LLC
d. Mailing Address 65 WALNUT STREET
e. City/Town PEABODY f. State MA g. Zip Code 01960
5. Project Location
a. Street Address 60 PULASKI STREET
b. City/Town PEABODY c. Zip Code 01960
d. Assessors Map/Plat# 53 e. Parcel/Lot# 85
f. Latitude 42.54274N g. Longitude 70.92359W
6. Property recorded at the Registry of Deed for:
a. County SOUTHERN ESSEX b. Certificate c. Book 22470 d. Page 164

CITY OF PEABODY
CITY CLERK
2010 MAY 19 PM 12:41

7. Dates

a. Date NOI Filed : 3/29/2010 b. Date Public Hearing Closed: 4/14/2010 c. Date Of Issuance: 4/22/2010

8. Final Approved Plans and Other Documents

a. Plan Title: SEE PAGE 6 A FOR ATTACHEMENT OF PLANS AND DOCUMENTS.
b. Plan Prepared by:
c. Plan Signed/Stamped by:
d. Revised Final Date:
e. Scale:

B. Findings

ATTEST: A true copy from the records
on file in the City Clerk's Office of the
City of Peabody, Massachusetts

Timothy E. Spinas
City Clerk

DATE:

MAY 19 2010



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

1 Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the 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.

Check all that apply:

- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

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.

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 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 interests of the Act, 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 Bank or Bordering Vegetated Wetland boundary

a. linear feet

Inland Resource Area Impacts: (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		



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:
MassDEP File #:055-0734
cDEP Transaction #:301617
City/Town:PEABODY

7. ☐ Bordering Land Subject to Flooding

Cubic Feet Flood Storage

a. square feet	b. square feet	c. square feet	d. square feet
e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet

8. ☐ Isolated Land Subject to Flooding

Cubic Feet Flood Storage

a. square feet	b. square feet		
c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet

9. ☒ Riverfront Area

Sq ft within 100 ft

Sq ft between 100-200 ft

0	0		
a. total sq. feet	b. total sq. feet		
0	0	0	0
c. square feet	d. square feet	e. square feet	f. square feet
0	0	0	0
g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area

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. c/y nourishment	d. c/y nourishment
----------------	----------------	--------------------	--------------------

14. ☐ Coastal Dunes

a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
----------------	----------------	--------------------	--------------------

15. ☐ Coastal Banks

a. linear feet	b. linear feet
----------------	----------------

16. ☐ Rocky Intertidal Shores

a. square feet	b. square feet
----------------	----------------

17. ☐ Salt Marshes

a. square feet	b. square feet	c. square feet	d. square feet
----------------	----------------	----------------	----------------

18. ☐ Land Under Salt Ponds

a. square feet	b. square feet		
c. c/y dredged	d. c/y dredged		

19. ☐ Land Containing Shellfish



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

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:

c. c/y dredged d. c/y dredged

21. ☐ Land Subject to Coastal Storm Flowage

a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

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 & d or B.17.c & d above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

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.
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.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
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.
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.



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:
MassDEP File #:055-0734
cDEP Transaction #:301617
City/Town:PEABODY

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 : "055-0734"
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 Mass DEP.
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.
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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to 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 Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 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



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

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; *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 19(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 Pollutant 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.
- 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.



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

Special Conditions:

SEE PAGE 7A FOR ADDITIONAL CONDITIONS AND PLANS. NOTE: TOTAL RIVERFRONT AREA IS 45,500 SF

PEABODY CONSERVATION COMMISSION
CONDITIONS – DEP FILE # 55-734
PROJECT TITLE: GEOCHEMICAL FIXATION TREATMENT 2010
ADDRESS: 60 PULASKI STREET
APPLICANT: TANNIN CORPORATION



ORDER OF CONDITIONS (OC)

GENERAL CONDITIONS (DEP): 1-17 – SEE ATTACHED

18. This Order of Conditions also constitutes a special Order of Conditions pursuant to the Wetlands and Rivers Protection Regulations, Chapter 32 of the Code of the City of Peabody. Appeal to the Massachusetts Department of Environmental Protection (DEP), pursuant to the State Wetlands Protection Act (G.L. Chapter 131, Section 40) shall not operate to terminate or affect any of the provisions of said special Order of Conditions pursuant to the Wetlands and Rivers Protection Regulations, Chapter 32 of the Code of the City of Peabody.
19. A copy of this Order shall be present on the site at all times until the completion of all work and receipt of a Final Certification of Compliance by the Commission.
20. A copy of this Order of Conditions shall be included in all construction contracting and subcontracting documents dealing with the work proposed and shall supercede other contract requirements.
21. When the applicant applies to the Building Inspectors office for a building and/or foundation permit (or for any construction permit), within the buffer zone, the applicant must submit a copy of this Order of Conditions and accompanying plans to said Building Inspector. Said Order of Conditions must be recorded at the Registry of Deeds and evidence of recording must be submitted to the Building Inspector and the Conservation Commission.
22. Prior to requesting an Occupancy Permit from the Building Inspector, the applicant shall obtain a Partial or Final Certificate of Compliance from this Order.
23. Upon completion of the work described in a Final Order of Conditions, the applicant shall request in writing the issuance of a Certificate of Compliance stating that the work has been satisfactorily completed. In order to receive a Partial or Final Certificate of Compliance upon completion of the project, the applicant must send to the Commission fourteen (14) copies of WPA Form 8A – Request for Certificate of Compliance (COC). If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, fourteen (14) copies of a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the order shall accompany the Request for Certificate of Compliance. In all other cases, the applicant shall provide the Commission with a signed letter stating that the work has been completed in accordance with the approved Order of Conditions. The Commission shall verify the substantial completion of the work by a site inspection, prior to issuance of a Certificate of Compliance. The applicant shall include fourteen (14) copies of a locus map of the area and recorded Order of Conditions, including the appropriate Book and Page reference.
24. Prior to construction commencement, the applicant shall:
 - A. Provide a copy of the recorded Order of Conditions to the Commission.
 - B. Notify the Conservation Commission in writing 48 hours prior to construction start-up that staked haybales and silt fences are in place and ready for inspection. (The staked hay-bales

- shall be placed prior to any construction on-site. Said haybales shall be maintained and replaced as needed until a Certificate of Compliance is issued.)
25. Erosion control measures and barriers shall be kept in good repair, monitored daily and maintained or reinforced as necessary to ensure and prevent erosion and siltation of wetland resource areas until a Final Certificate of Compliance is issued.
 26. During construction, the Commission may require additional erosion and sediment controls to be installed in areas not currently noted on the plan to contain soil on-site and to prevent erosion and siltation of wetland resource areas.
 27. All debris, fill and excavated material shall be stockpiled as far away from resource areas and buffer zones as reasonably possible and surrounded by staked haybales to prevent sediment from surface runoff entering the wetlands. At no time shall any debris or other material be buried or disposed of within that line marked on plan as a Resource Area or No Disturb Zone.
 28. After proper grading, all disturbed areas located within a buffer zone, except those areas designated as compensatory wetlands, shall be loamed and seeded with not less than four (4) inches of good quality loam. The applicant shall:
 - A. Install all required erosion and sedimentation control (ESC) measures\devices;
 - B. Notify Commission that all ESC measures are in place and receive approval of said ESC measures from Commission Agent, said notification shall be in writing and occur at least 48 hours prior to anticipated commencement of project construction;
 - C. Clearly mark on the field the delineation of vegetated wetlands on the site by stakes placed at 25 feet intervals.
 29. The applicant shall affix the Order of Conditions to the DEP sign in a plastic envelope for review of same as needed. For Commercial projects the Order shall be available in the construction site trailer.
 30. Any siltation caused onto any wetland, waterway, or No Disturb Zone shall be reported promptly to the Commission and such areas shall be restored to the satisfaction of the Commission.
 31. Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed areas during prolonged construction or other disturbance.
 32. All final earth grading shall be permanently stabilized by the application of loam and seed or sod.
 33. After installation of new catch basins on site, the basins shall be enveloped with silt barriers until all tributary areas have been stabilized with permanent cover.
 34. Absorption batten pillows shall be used in all traps and catch basins.
 35. Fertilizers used for landscaping and lawn care shall be of low-nitrogen content and used in moderation. Pesticides and herbicides shall not be used for landscaping and lawn care within Buffer Zones, Resource Areas, or No Disturb Zones.
 36. Temporary seeding, mulching, or other suitable stabilization measures shall be used to protect exposed areas during prolonged construction or other disturbances.
 37. All re-vegetation of Resource Areas shall be performed according to approved and attached plans cited in this order. The proposed replacement area shall meet or exceed the General Performance Standards outlined in the Wetlands Protection Act (WPA) Regulations, 310 CMR, Section 10.55 (4) (b)-7. Should the replacement area fail to meet any of these standards the Commission reserves the right to require measures necessary to achieve compliance.
 38. No work shall proceed until the applicant has received all other permits required by law, including, but not limited to any permit required by the Planning Board, Zoning Board of Appeals, Board of Health, Department of Environmental Protection or the Army Corp of Engineers.
 39. Wetland flagging shall remain in place until the project has been completed and the Certificate of Compliance has been issued.
 40. Signs shall be posted at the limit of work, to read as follows: "Absolutely no work beyond this point." Such signs shall be placed in an amount satisfactory to the Commission or its agent, with at a minimum, one such sign every six feet along the limit of work. Said signs shall be of such quality to last the duration of the project until a Certificate of Compliance is issued.

41. After completion of the work, the applicant shall permanently mark the edge of the wetland to ensure no further encroachment into the wetland and further the applicant shall instruct all agents to explain these markers to buyers, landscapers, tenants and all persons taking over the property from the applicant.
42. Any debris of "dumped" material placed in the resource areas shall be removed by the applicant.
43. There shall be no increase in the volume or rate of runoff, and no siltation of downstream areas as a result of the work herein permitted.
44. The Commission reserves the right to impose additional conditions on portions of this project or this site, to mitigate any actual or potential impacts resulting from the work herein permitted.
45. No earthen embankment in the Buffer Zone shall have a slope steeper than 2:1.
46. In the event a swimming pool is placed on this lot, the following condition shall apply: The content of water in swimming pools can be detrimental to wetlands plant and animal species. To remove harmful chemicals it is the applicant's responsibility to leave the pool water standing without the addition of chlorine for a minimum of three (3) days before draining. In this way chlorine concentration will be significantly reduced due to volatilization. All pool water, wherever possible, shall be drained through a dry well, rather than allowed to spread over the surface of the land. The City of Peabody Conservation Commission Office shall be notified prior to draining and shall approve the method of draining.
47. Work and maintenance shall be done in accordance with the following plans and reports:
 - Revised Narrative Attachment 2 with a revision date of April 2010 drafted by Woodard and Curran (1.0-Existing conditions; 2.0- Proposed Activities; 3.0-Schedule; 4.0- Performance Standards) pages 1-4.
 - Revised Site Plan for 60 Pulaski street, Peabody MA-Notice of Intent- Figure 2 drafted by Woodard & Curran stamped by Catherine M. Rockwell Civil no. 46305. Final revision date of 4/15/2010.



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:
MassDEP File #:055-0734
eDEP Transaction #:301617
City/Town:PEABODY

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Conservation Commission hereby (check one that applies):
 - a. ☐ DENIES the proposed work which 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. Which are necessary to comply with a municipal ordinance or bylaw.
 - b. ☒ APPROVES the proposed work, subject to the following additional conditions.
 1. Municipal Ordinance or Bylaw CH 32
 2. Citation N/A
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:
SEE PAGE 7A FOR ADDITIONAL CONDITIONS, DOCUMENTS AND PLANS



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:

55-734

MassDEP File #

301617

eDEP Transaction #

Peabody

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.

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

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

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:

Michael W. Bess

Albert J. Blum
James R. Lee

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

F. Appeals

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

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

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