

PEABODY CONSERVATION COMMISSION
GENERAL, STANDARD, AND SPECIAL CONDITIONS

(Approved/updated at the meeting of March 7th, 2001)



DETERMINATION OF APPLICABILITY (DOA)

STANDARD CONDITIONS (BOILERPLATE):

1. This Determination of Applicability also constitutes a special Determination of Applicability 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 Determination of Applicability pursuant to the Wetlands and Rivers Protection Regulations, Chapter 32 of the Code of the City of Peabody.

ORDER OF CONDITIONS (OC)

GENERAL CONDITIONS (DEP):

- 1-17. (As provided on WPA Form 5 – Order of Conditions.)

STANDARD CONDITIONS (BOILERPLATE):

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:

SPECIAL CONDITIONS:

Checklist A - Subdivisions

1. No cutting of vegetation is permitted in the resource area or in the 100 foot buffer zone except as defined in these conditions and noted on the plan.
2. Lots numbered ____ as shown on the plan are not subject to action under this Order of Conditions by the Peabody Conservation Commission.
3. Before construction of any buildings on lots numbered ____ all grading and other site preparation shall be completed to the satisfaction of the Peabody Conservation Commission.
4. The Peabody Conservation Commission shall be notified in writing of any lot line or lot number changes with a copy of the plan showing these changes prior to work on said lots.

Checklist B – Flood Zone

1. If a parking lot is approved within the Flood Zone, signage shall be posted, and maintained in perpetuity, identifying the location of said Flood Zone and shall read "This is a Flood Zone – Vehicles may be towed in the event of a flood."

Checklist C – Storm Water Management

1. No construction of buildings shall take place until such time as the stormwater management facility is built. Said facility shall be constructed in accordance with all approved and attached plans, and maintained in accordance with the Operation and Maintenance Plan.
2. All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission.

Checklist D – North River & Goldthwaite, Proctor, Strongwater Brook - Channel/Culvert

1. Unless submitted with the Notice of Intent, a report, prepared by a Massachusetts Registered Professional Structural Engineer, shall be submitted to the Commission, for review and approval prior to construction. The report shall include but not be limited to the following:
 - Any recommended work to repair and/or maintain the structural integrity of the channel/culvert;
 - Structural Building Requirements over the culvert (foundation design, grade beams, etc.);
 - Structural requirements where buildings, roadways, drives, or parking lots cross the culvert;
 - Recommendations for debris removal within the channel/culvert on site;
 - Results of Geotechnical Exploration.

Checklist E – Performance Bond

1. Prior to commencement of demolition or work on site, a bond shall be posted with the Commission in the amount of \$____.

Checklist F – Commercial Projects - Administrative

1. Prior to construction, the applicant shall inform the Conservation Commission in writing of the name(s) address(es) and business and home numbers of the project supervisor(s) who will be responsible for insuring performance of all sedimentation and erosion control measures, wetland alteration and replication aspects of the project.
2. Commencing with the issuance of this Order and continuing through the existence of same the applicant shall submit to the Conservation Commission a written progress report every two months detailing what work has been done in or near the resource areas.

Checklist G – Large Commercial Projects – Erosion / Sedimentation Control

1. The drainage system, (replication area and compensatory storage areas if applicable), shall be constructed during the initial phase of the project so that they may be functional during construction. Said structures shall be kept free of silt and debris to ensure their proper operation. All drains shall be maintained until construction is completed.
2. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. Haybales shall be placed around the stockpiled material.
3. Stripping of vegetation, clearing and grubbing of trees, grading or other soil disturbance shall be done in a manner that will minimize soil erosion. To the extent practical, limited portions of the area should be cleared at one time to allow construction to proceed and the area to stabilize within the buffer zone.

4. Upon completion of construction and grading, all disturbed areas located outside resource areas shall be stabilized permanently against erosion. This shall be done either by sodding or by loaming, seeding and mulching according to Soil Conservation Service standards. If the latter course is chosen, stabilization will be considered once the surface shows complete vegetative cover has been established.

Checklist H – Large Commercial Projects – Fueling /Equipment Storage

1. Servicing and storage of equipment (including, but not limited to refueling, changing, adding, or applying lubricants or hydraulic fluids) shall be done in areas in excess of one hundred (100) feet from all resource areas, as shown on the plans. Such equipment must be maintained to prevent leakage or discharge of pollutants. Overnight storage of equipment must be a minimum of fifty (50) feet from such delineated resource areas.
2. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed off-site. No on-site disposal of these items is allowed.
3. During and after the work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area.

Checklist I – Large Commercial Projects – Drainage System & Roads

1. All effluent catch basins shall contain oil/gasoline traps and it shall be a continuing Condition of this Order, even after a Certificate of Compliance has been issued, that the oil/gasoline traps in the catch basin be maintained.
2. All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission.
3. All streets and drives shall be kept clear of debris and dirt.
4. No road salt, sodium chloride, or other de-icing chemicals shall be used on paved surfaces, and any arrangement for snow removal shall so stipulate due to the importance of the site and wetlands to the groundwater supply. Permanent signs designating the “No-salt Zone” shall be displayed in prominent locations.

Checklist J – Dewatering

1. Any dewatering activities on the project site in which water will be released to Resource Areas shall make use of a settling pond or similar device to remove sediment before water is released.

Checklist K – Projects Which Alter Bordering Land Subject to Flooding (BLSF)

1. The compensatory flood storage area shall be constructed prior to any filling of land subject to flooding.

Checklist L – Projects Which Alter Bordering Vegetated Wetlands (BVWs)

1. The compensatory Bordering Vegetated Wetland shall be constructed prior to any filling of Bordering Vegetated Wetland.
2. All revegetation of Resource Areas shall be performed according to the replication plan on file and dated _____. The proposed replacement area shall meet or exceed the General Performance Standards outlined in Section 10.55(4)(b)-7 of 310CMR. Should the replacement area fail to meet any of these standards the Commission reserves the right to require measures necessary to achieve compliance.

3. A wetland specialist shall be on site during construction of the wetland replication area and shall supervise its construction. Two reports, prepared by the Wetland Specialist shall be submitted annually to the Commission by May 1st and September 1st of each year for two years. Each report shall include an observed species list, relative abundance of each species, percent cover of wetland and upland species, the visibility of the plantings and proposed remedial measures to ensure that at least 75% of the surface of the replication area be re-established with indigenous wetland plant species within two growing seasons. Said report shall include enough photographs for proper coverage of issues/points being addressed. If monitoring data indicates that this objective cannot be met, a corrective plan of action shall be submitted to the Commission for approval and implemented under the supervision of the wetland specialist. No certificate of compliance will be granted by the Commission until such time as the replacement area has been found to meet these standards.