

Michael Monkiewicz

04/15/21

18 Temple Road

Lynnfield MA 01940

Lynnfield Conservation Commission

55 Summer Street

Lynnfield MA 01940

Dear Commission,

I would like to file for an extension of my Order of Conditions # Mass Dep 209-0616. I would greatly appreciate your help in this matter.

Thank you


Michael Monkiewicz

Town of Lynnfield, Massachusetts

CONSERVATION COMMISSION



55 SUMMER STREET
LYNNFIELD, MA 01940
781-334-9495
FAX 781-334-9509

HAND DELIVERY

February 12, 2018

Mr. Michael Monkiewicz
18 Temple Road
Lynnfield, MA 01940

RE: ORDER OF CONDITIONS, 18 TEMPLE ROAD, DEP 209-0616

Dear Mr. Monkiewicz,

Enclosed please find the original Order of Conditions for your pool project at 18 Temple Road, as well as a copy for your files. The original must be recorded at the **Registry of Deeds** with proof of recording bearing the Registry stamp submitted to the Conservation Commission for the files. There is a ten day appeal period from the date of issuance. This permit **expires on January 15, 2021**, three years from the date of issuance.

It is your responsibility to be aware of all the conditions and requirements contained in this permit. The approved work has been conditioned to prevent adverse impacts to the values of wetland resource areas. The Conservation Administrator will work together with those involved in the project to help ensure that it is completed successfully in compliance with the permit.

Please contact me to schedule the pre-construction meeting **per Condition #34**. As discussed at the Commission meeting on January 16, prior to the site visit please mark the intended trees to be included in the vista pruning work. This permit must be recorded prior to any activity on the project. Any questions, please contact me at (781) 334-9495.

Sincerely,

Emilie Cademartori
Conservation Administrator
Enclosure

cc: DEP, NERO, 205B Lowell Street, Wilmington, MA 01887
Building Inspector, Board of Health



**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:

209-0616

MassDEP File #

eDEP Transaction #

Lynnfield

City/Town

A. General Information (cont.)

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

Essex

a. County

12798

c. Book

b. Certificate Number (if registered land)

263

d. Page

7. Dates: December 12, 2017 January 16, 2018 January 31, 2018
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

Proposed Addition and Pool

a. Plan Title

James M. Kavanaugh

b. Prepared By

July 17, 2017

d. Final Revision Date

James M. Kavanaugh, P.E.

c. Signed and Stamped by

1"=20'

e. Scale

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
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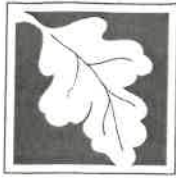
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 55 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. <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		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

 a. square feet of BVW _____ b. square feet of salt marsh _____
24. Stream Crossing(s):

 a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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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 209-0616 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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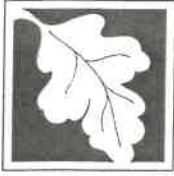
City/Town

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

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

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

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



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

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

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

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

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

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

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

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

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



**Massachusetts Department of Environmental Protection
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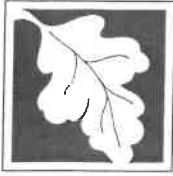
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission (“Commission”) upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attached Special Conditions #21 thru , pages 1 through 6

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ 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:

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):



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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

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E. Signatures

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

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.

1-16-2018

1. Date of Issuance

2. Number of Signers

Signatures:

[Handwritten signature] Chair
[Handwritten signature]
[Handwritten signature] Judge

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

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 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

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

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



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <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.

SPECIAL CONDITIONS
GENERAL

- 1-20. See DEP General Conditions pages 5 – 9 of 12 on Form 5, Order of Conditions.
21. When used in this Order of Conditions, the terms below shall have meanings as follows:
- a. The property is defined as the entire parcel of land at **18 Temple Road**, Lynnfield, Massachusetts, Assessor's map **41 Parcel 363** containing approximately 35,690 square feet of land.
 - b. The activity, is defined as the removal of an existing sunroom, pool and patio; the installation of a new retaining wall, in ground pool, pool enclosure and patio; the construction of a 30' x 18' addition to the home and vista pruning in the 50 foot buffer. No tree removal is proposed.
 - c. The activity is depicted on a plan entitled "Proposed Addition and Pool Prepared for Michael Monkiewicz 18 Temple Road" dated July 17, 2017
22. The Conservation Commission has found as fact that this project is subject to the Wetlands Protection Act. DEP has issued file number 209-0616 for this project. Per General Condition 10 of this Order, 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 # **209-0616**".
23. No work shall commence on-site until all appeal periods have elapsed. After the expiration of all appeal periods in accordance with General Condition 8 on page 5 of this Order and prior to commencement of any work on the affected property, this Order of Conditions must be recorded at the Southern Registry District of the Essex County Registry of Deeds. Failure to record this Order of Conditions will result in automatic revocation of this Order as provided by General Condition 1 of this Order of Conditions.
24. The Commission shall be notified in writing within 30 days of all transfers of title that take place prior to the issuance of the Certificate of Compliance for the project. In conjunction with the transfer of ownership, interest, or control of the property subject to this Order and/or transfer of contract to perform the work conditioned by this Order, the applicant shall submit to the Conservation Commission a statement signed by the successor(s) in ownership, interest or control of the property or contract to perform the work that she/he is aware of an Outstanding Order of Conditions and has accepted responsibility required by General Condition 16 of this Order of Conditions.
25. This Order shall be made part of all construction contracts and subcontracts dealing with the work proposed, and the requirements of this Order of Conditions shall supersede any conflicting contract requirements. The contractor responsible for the project's completion shall be notified and understand the requirements of this Order of Conditions. Any person performing work on the activity that is the subject of this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order of Conditions. The contractor shall have a copy of this Order of Conditions, as well as all approved plans and documents referenced in Section A 8 of this Order available on-site upon commencement of any site work and shall make the plans and documents available to any person doing work on the site at all times.
26. **Prior to any work being done on the project site**, the applicant shall inform the Conservation Commission in writing of the names, addresses, business, mobile and home telephone numbers of the contractor who will be responsible for ensuring on-site compliance with this Order. The

notification shall occur at least 48 hours prior to commencement of work on the site. The 48 hours shall not be over weekends or holidays. The applicant shall also notify the Commission in writing of any changes in this information.

27. All work shall be conducted in strict accordance with the Notice of Intent and above-referenced plans and supporting documentation unless otherwise specified in this Order of Conditions, which shall be the controlling document. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission.
28. If the Conservation Commission finds, by majority vote, changes as referenced in General Conditions 13 of this Order of Conditions to be significant and/or to deviate from the original plans, the Notice of Intent, or this Order of Conditions, the applicant shall provide written notice of the Conservation Commission for approval prior to implementing the change in the field. The Commission shall determine whether the change is significant enough to require a new Public Hearing and/or the filing of a new Notice of Intent within 21 days. If a new public hearing is required or a new Notice of Intent is required, these shall all be at the expense of the applicant in order to take testimony from all interested parties. Within 21 days of the close of said hearing, the Commission shall issue an amended or new Order of Conditions.
29. Any errors found in the plans or information submitted by the applicant shall be considered as changes, and the procedures outlined in Special Condition 28 above shall be followed.
30. No on-site wells for irrigation shall be constructed within 100 feet of any wetland resource without the filing of a new Notice of Intent with the Conservation Commission.
31. The applicant agrees with the Conservation Commission's position that the Order of Conditions as written, individually or as a group, protects the Interests of the Act. In the event that an Enforcement Order is issued to the applicant and/or the property owner and the applicant and/or the property owner fails to act after ten business days from the receipt of said Enforcement Order, the Commission may satisfy the requirements of the Enforcement Order and the applicant agrees to reimburse the Commission for all administrative costs and other expenses required to satisfy the Enforcement Order including but not limited to all costs incurred by the Town due to the use of its own resources or the use of outside resources including the employment of experts, specialized contractors or any other individual or organization it deems necessary to satisfy the requirements of the Enforcement Order.
32. The Administrator or members of the Conservation Commission or their designees may enter and inspect the property and the project pursuant to Condition 15, with or without probable cause or prior notice, and until a Certificate of Compliance is issued. The Commission or its designee will follow on-site check-in and safety procedures.
33. It is the responsibility of the applicant to satisfy all procedural requirements of all agencies having jurisdiction over the activity that is the subject of this Order, and to obtain all required licenses, permits, or authorizations. These include but are not limited to the following: a) Massachusetts Department of Environmental Protection b) Permits from the Town of Lynnfield Building Inspector and other applicable Lynnfield Boards/Commissions.

PRIOR TO CONSTRUCTION

34. Prior to the commencement of any construction or activity on the project site, an **on-site Preconstruction Meeting** will be held with the contractor, designated agent, and Conservation

Administrator to review this Order of Conditions to ensure that all the conditions of this Order are understood and review the construction sequencing.

35. **Prior to the Preconstruction Meeting**, the proposed limit of work and erosion control lines shall be clearly marked with stakes, flags, or fencing. These shall be approved by the Conservation Administrator at the preconstruction meeting. Such markers shall be maintained until all work on the site's perimeter is complete. All workers shall be informed that no activity is to occur beyond this line at this time. **All trees to be limbed shall be marked for approval by the Administrator.**
36. **At the Preconstruction Meeting**, the Applicant shall submit the construction sequencing plan and construction schedule.
37. No clearing of vegetation, including trees, or disturbance of soil on any areas within 100 feet of any wetland resource area shall occur prior to the Preconstruction Meeting, except such minimal disturbance required in order to stake the required erosion control lines.
38. **After the Preconstruction Meeting** and prior to any construction at the site, all erosion controls shall be installed along the approved staked line consisting of a staked straw wattle of adequate size. Erosion controls shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go around trees, shrubs, and other vegetation, on the uphill side. Upon installation, the Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed. No other work on the project may occur until the installed erosion controls have been inspected and approved.

DURING CONSTRUCTION

39. Accepted engineering and construction standards shall be followed in the completion of this project. This includes proper installation and maintenance of Erosion & Sediment Control (E&SC) Best Management Practices (BMPs) per applicable DEP, US Department of Agriculture Natural Resource Conservation Service (NRCS), and/or manufacturers' guidelines.
40. The erosion controls shall be maintained per General Condition 18 of this Order of Conditions until the referenced stabilization efforts are inspected and approved by the Conservation Administrator. Upon completion of the project, the applicant shall request permission from the Conservation Commission to remove and discard all E&SC materials determined to be detrimental to the resource areas and restore the soil and vegetation beneath the barriers to pre-disturbance condition.
41. The applicant shall have on hand at the start of any soil disturbance, removal of stockpiling, a minimum of 30 feet of straw wattle in good condition and sufficient stakes for securing the wattle. An emergency-use only reserve of products for other methods of E&SC, if approved by the Commission, may be substituted.
42. The owner must maintain erosion control devices and check on a weekly basis and after any rain event totaling more than 0.5" of precipitation over any 24-hour period. Accumulated sediment upgradient of erosion control devices shall be removed immediately if its depth exceeds six (6) inches or every two weeks during construction.
43. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project. Erosion control devices may be modified based upon experience at the site. Additional or modified erosion control

measures may be required by the Conservation Administrator at any time before, during and after construction. These will be maintained until the Applicant's Engineer and a member or agent of the Commission agree that they are not longer needed, at which time they will be removed, using mutually satisfactory removal procedures. The area where the erosion control devices are removed from shall be stabilized and seeded immediately after the devices are removed.

44. All equipment shall be operated and maintained so as to prohibit alterations of wetlands not allowed by this Order of Conditions and to minimize disturbance in buffer zones to those areas clearly identified on the plans, demarcated in the field, and permitted by this Order of Conditions. No equipment is to enter or cross any wetland resource area at any time.
45. After proper grading, all disturbed areas except those areas designated as compensatory wetlands, natural buffer zone and land under water, shall be brought to final finished grade and stabilized permanently against erosion. This shall be done either by sodding, or by loaming with a minimum of six (6) inches of topsoil, seeding, and mulching according to E&SC Guidelines for Urban and Suburban Areas (DEP & NRCS, 1997). If the latter course is chosen, achievement of stabilization is considered to be when the surface shows complete vegetative cover. This shall be measured by at least 80% coverage by established vegetation.
46. Subsequent to seeding, disturbed areas will be covered with salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching. Netting shall be required on all slopes 3:1 or steeper unless the slope is covered by stone riprap. As an alternate to the salt hay mulch, erosion control blanket or netting, biodegradable mulch incorporated into a hydro seed mixture is acceptable.
47. Grading shall be performed in accordance with the final approved plans for the project and shall not direct runoff to the property of others, unless such conditions already exist. This project shall not increase runoff, nor cause flood or storm damage to abutters or the property of others.
48. Site grading and construction in the buffer zone shall be scheduled to avoid periods of high water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and any siltation of the wetlands.
49. The area of construction shall remain in an environmentally stable condition at the close of each construction day.
50. Bare ground in the Buffer Zone that cannot be permanently stabilized within thirty (30) days shall be stabilized by a temporary cover of rye or other grass following U.S. Natural Resource Conservation Service (NRCS) procedures to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting, or other NRCS approved methods. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding.
51. All debris, fill and excavated material shall be stockpiled as far away from Resource Areas as possible and surrounded by a double row of staked straw bales to prevent sediment from surface runoff entering the resource areas. At no time shall any debris or other waste material be buried or disposed of within a Wetland Resource Area or Buffer Zone.
52. No unsuitable material of any kind (stumps, roots, trash, debris, etc.) may be buried, placed or dispersed within a Wetland Resource Area or Buffer Zone.

53. Concrete trucks and other vehicles shall not be washed out in any wetland resource area, riverfront area or buffer zone, or into any stormwater drainage system components. Any deposit of cement or concrete products into a buffer zone, riverfront area or wetland resource area shall be immediately removed.
54. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area or buffer zone. Also, there shall be no refueling of mechanical equipment within a wetland resource or within the 100 foot buffer zone. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
55. The Applicant shall install **4-5 quality markers** supplied by the Conservation Commission denoting the "No Disturb Protected Wetlands". These markers shall be mounted near the top of a cedar post or non-corrosive metal post at a minimum height of three feet off the ground and placed along the 25-foot buffer zone or closer to the proposed project at intervals determined by the Conservation Administrator in the field. These markers shall remain in **Perpetuity**.

CERTIFICATE OF COMPLIANCE

56. Upon completion of the work on the project, the applicant shall request in writing a Certificate of Compliance from the Conservation Commission and shall submit the following information with the request:
57. A written statement from the engineering firm certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth deviations, if any exist.
58. Two sets of field surveyed as-built site plans prepared, signed and stamped by a Massachusetts Registered Professional Land Surveyor or a Massachusetts Registered Professional (Civil) Engineer. The as-built plan shall include, at a minimum, and as applicable to the project, elevations of all pipe inverts and outlets, pipe sizes, materials, and slopes; all other drainage structures, limits of clearing, grading and fill; all structures, pavement and spot elevations and two foot contour elevations within 100 feet of wetlands boundaries; locations of wetland boundaries; all alterations within wetland resource areas; all wetland replication areas; and all dates of fieldwork.
59. Post-construction photographs demonstrating compliance with the Order of Conditions, including established vegetation where required.

60. PERPETUAL CONDITIONS

61. 59. Conditions 59 through 67 shall survive the expiration of this Order of Conditions and shall be included as continuing requirements in perpetuity on the Certificate of Compliance and the applicant shall be the party responsible for compliance with these conditions. These conditions shall survive the Order of Conditions and shall run with the title of the property in Perpetuity. The Conservation Commission or its agent shall have permanent rights of entry onto the property to check on compliance with these conditions.
62. There shall be no above ground or underground storage of fuel oils, gasoline or other hazardous substances or pollutants allowed within any wetland resource area, riverfront area or within the

100-foot buffer zone except for oil and fuel contained in tanks of vehicles. This condition shall survive this Order of Conditions, and shall run with the title of the property.

63. The use of de-icing chemicals (such as sodium chloride, potassium chloride, calcium chloride or any other chemicals) are to be limited to the amount necessary to maintain public safety.
64. The applicant and his successors in ownership shall not store or dump any landscape debris including leaves, grass clippings, brush, or other debris within a Wetland Resource or 100 foot Buffer Zone.
65. No fertilizers and/or pesticides, except lime, shall be used within 100 feet of the wetlands. Within the buffer zone, pesticides for ant and roach control may be administered only by a licensed professional.
66. Any new owner or successor in title shall, within 30 days of assuming ownership, provide a letter to the Conservation Commission acknowledging that they understand their obligations under this Order of Conditions. This requirement shall be recorded in the deed and on subsequent deeds for the property.
67. Any owner or successor in title or contractor must check with the Lynnfield Tree Warden before removing trees on the front of the property and the Conservation Administrator for trees in the wetland buffer zone.
68. No unsuitable material of any kind (stumps, roots, trash, debris, etc.) may be buried, placed or dispersed within a Wetland Resource Area or Buffer Zone.
69. The Applicant shall install **4-5 quality markers** supplied by the Conservation Commission denoting the "No Disturb Protected Wetlands". These markers shall be mounted near the top of a cedar post or non-corrosive metal post at a minimum height of three feet off the ground and placed along the 25-foot buffer zone or closer to the proposed project at intervals determined by the Conservation Administrator in the field. These markers shall remain in **Perpetuity**.