



150 Newburyport Turnpike  
Suite C-9  
Rowley, MA  
01969

978.948.7717 Office

[derosaenvironmental.com](http://derosaenvironmental.com)

November 29, 2023

**BY HAND DELIVERY & ELECTRONIC MAIL**

Town of Rowley Conservation Commission  
Town Hall Annex Room #4  
39 Central Street  
Rowley, MA 01969

Mr. Brent Baeslack, Conservation Agent  
Phone: (978) 948-2330  
Fax: (978) 948-7196  
[conservation@TownofRowley.org](mailto:conservation@TownofRowley.org)

**RE: Request for a Certificate of Compliance:  
929 Haverhill Street | Rowley, MA**

**MassDEP File Number: 63-0716  
Book: 39960 Page: 245**

Dear Mr. Baeslack & Members of the Commission,

Our office has prepared the following Request for a Certificate of Compliance (COC) application to meet the requirements of the Massachusetts Wetlands Protection Act (MGL Ch. 131 Sec. 40) and its Regulations (310 CMR 10.00, et seq) as well as the Town of Rowley Wetlands Protection Bylaw (the "Bylaw"). We were authorized to prepare this filing at the request of Nathaniel White, owner of the project located at 929 Haverhill Street in the Town of Rowley, Massachusetts, known as Assessor's Map 4, Lot 32 (the "Site"). We have reviewed the requirements and attached the appropriate forms, plans, and fee checks.

## Project Summary

All work proposed at the Site was described in a Notice of Intent (NOI) Application dated March 4, 2021. The Order of Conditions was issued by the Rowley Conservation Commission on April 6, 2021 and was recorded at the Southern Essex County Registry of Deeds (Book: 39960 Page: 245).

Project elements that were approved and implemented include the following:

1. **Removal of Asphalt/Debris** – asphalt and debris cleanup was completed prior to the issuance of the Order of Conditions and was reviewed in the field by the Conservation Agetet at that time.
2. **Invasive Species Management** - management of invasive Japanese knotweed and bittersweet began at the Site in the summer of 2021 and continued through the 2023 growing season. The populations of the invasive species have been greatly reduced and invasive species are being outcompeted by native species. A final annual monitoring report was submitted for the restoration work on September 29, 2023, confirming all restoration activities were completed as proposed. The site has been monitored for two (2) growing seasons and the native species in the area exceed the 60% coverage required by the Order of Conditions.

## Request for a Certificate of Compliance

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In our professional opinion, the project has been implemented in substantial compliance with the designed plans and the conditions associated with the permit issued by the Rowley Conservation Commission. We request that the Commission issue a Certificate of Compliance for the Order of Conditions associated with this project.

Should you have any questions, please call any time at (978) 948-7717.

Respectfully submitted,

**DeRosa Environmental Consulting, Inc.**



Abigail Manzi  
Environmental Scientist

MJD/aem



Michael J. DeRosa, Principal  
Professional Wetland Scientist (PWS)



## Forms

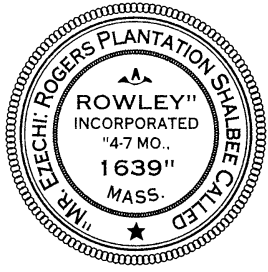
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[Rowley Request for Certificate of Compliance Checklist](#)

[Wetland Bylaw Fee Calculation Form](#)

[Copy of Filing Fee Check](#)

[Request for Certificate of Compliance Form 8A](#)



# Town of Rowley

Conservation Commission

Phone: (978) 948-2330 Fax: (978) 948-7196

Conservation@townofrowley.org

## REQUEST FOR CERTIFICATE OF COMPLIANCE CHECKLIST Under the Wetlands Protection Act and Rowley's Wetlands Bylaw

Submit two (2) copies of the following to request a Certificate of Compliance:

- Completed WPA Form 8A – Request for Certificate of Compliance.
- Wetland Bylaw Fee Calculation Form (see Forms & Checklists on webpage).
- Check for appropriate fee (made out to Town of Rowley).
- A written statement signed (submit original signature), wet stamped and dated from a Registered Professional Engineer of the Commonwealth certifying that the work has been completed in compliance with the Order of Conditions, documents, and the final approved plans (or approved revisions). Any discrepancies or deviations between the proposed plan and post-construction conditions shall be noted and explained.
- An as-built topographic plan of the same scale as the approved plan, wet stamped and signed with original signature and date by a Registered Professional Engineer or Land Surveyor of the Commonwealth, showing post-construction conditions for the public record. This plan will include as built elevations of all drainage ways constructed within 100' of any wetland or 200' of a perennial stream, distances to all structures, and all elevations within 100' of wetlands and 200' of perennial streams. The as-built plan must show all wetland resource area boundaries with associated buffer zones and any No Cut/No Disturbance Zones taken from the plan(s) approved in this OC. The as built plan must show elevations of all filled, altered, or replicated wetlands.
- Email an electronic PDF copy of all documents to [conservation@townofrowley.org](mailto:conservation@townofrowley.org). All documents and plans will be provided as separate electronic files for record management purposes.
- Any additional materials which may be required under the Order of Conditions. Please read the Order of Conditions to determine **all** requirements to obtain a Certificate of Compliance.

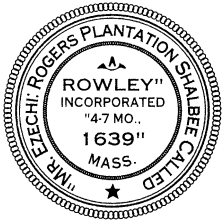
Send hard copies by mail or hand deliver to:

Rowley Conservation Commission

P.O. Box 24

39 Central Street, Room #4

Rowley, MA 01969



# Town of Rowley Conservation Department

Town Hall Annex – Room 4  
 39 Central St, P.O. Box 24, Rowley, MA 01969  
 Phone: 978-948-2330 Fax: 978-948-7196  
[conservation@townofrowley.org](mailto:conservation@townofrowley.org)

## WETLAND BYLAW FEE CALCULATION FORM

Property Address:	Map:	Parcel:	Lot:
APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
<b>Request for a Determination of Applicability (RDA)</b>	\$75		
<b>Abbrev. Notice of Resource Area Delineation (ANRAD)</b>			
Single Family House Project	\$1/linear foot, first 100'; \$0.50/lf, second 100'; \$0.10/lf, each additional foot		
All Other Projects	*\$1/linear foot, first 1000'; \$0.50/lf, second 1000'; \$0.10/lf, each additional foot		
<b>Notices of Intent (NOI)</b>			
Category 1 Activity	\$100		
Category 2 Activity	\$250		
Category 3 Activity	\$525		
Category 4 Activity	\$725		
Category 5 Activity	\$2/foot		
Category 6 Activity - If no ANRAD was filed for the project site, then a local Cat. 6 fee must be paid in accordance with the ANRAD fee schedule	See ANRAD fee schedule		
<b>Request to Amend an OOC (RAOC)</b>	\$100		
<b>Resource Area Alterations (for NOI &amp; RAOC)</b>			
Buffer Zone, 50'-100' from resource area boundary	\$0.05 / square foot		
Buffer Zone, 25'-50' from resource area boundary	\$0.10 / square foot		
Buffer Zone, 0'-25' from resource area boundary	\$0.25 / square foot		
Bordering Vegetated Wetlands & Salt Marsh	\$0.35 / square foot		
Bank	\$5 / linear foot		
Land Under Water & Waterways	\$0.35 / square foot		
Bordering Land Subject to Flooding & CLSSF**	\$0.05 / square foot		
***Riverfront Area only	\$0.05 / square foot		
Isolated Vegetated Wetlands	\$0.35 / square foot		
Land within Groundwater Protection Area Zone I	\$0.25 / square foot		
Land within Groundwater Protection Area Zone II	\$0.05 / square foot		
Other Local-only Jurisdictional Resource Areas	\$0.05 / square foot		
<b>Extension Permit</b>	\$100		
<b>Certificate of Compliance</b>	Projects under one acre in size: \$100 - over an acre in size \$250		\$100
<b>For filings resulting from enforcement action, double the Local Bylaw Fee Total</b>			
<b>LOCAL BYLAW FEE TOTAL</b>			\$100
<b>As Determined by the Commission, Fee Total not to exceed \$15,000 except Enforcement</b>			
<b>NOTES:</b>			
*Local Bylaw Fee maximum of \$100, if, when determined necessary by Commission, applicant agrees to ANRAD review by outside consultant under M.G.L. Ch. 44, sec. 53G			
**Coastal Land Subject to Storm Flowage			
***Local Bylaw Fees for RDA, NOI, & RAOC increase 50% when project is also proposed within a Riverfront Area			
Local Bylaw Fees passed by a Unanimous vote of the Commission on 10/1/2019, effective 10/2/2019			

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

INSTITUTION FOR SAVINGS

11496

53-7094/2113

04 CHECK ARMOR  
FRAY PROTECTION

11/29/2023

**DEROSA ENVIRONMENTAL CONSULTING, INC**  
PO BOX 716  
167 MAIN STREET  
ROWLEY, MA 01969

PAY TO THE  
ORDER OF

Town of Rowley  
One hundred and <sup>00</sup>/<sub>100</sub>

\$ 100.00

DOLLARS

MEMO

909 Haverhill St - COC fee



AUTHORIZED SIGNATURE

*[Handwritten Signature]*

HEAT SENSITIVE MP



Details on Back. Security Features Included





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 8A – Request for Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

63-0716  
 Provided by DEP

**A. Project Information**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Nathaniel White  
 Name  
929 Haverhill Street  
 Mailing Address  
Rowley MA 01969  
 City/Town State Zip Code  
 \_\_\_\_\_  
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

William Mandell  
 Applicant  
April 6, 2021 63-0716  
 Dated DEP File Number

3. The project site is located at:

929 Haverhill Street Rowley  
 Street Address City/Town  
4 32  
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

William Mandell  
 Property Owner (if different)  
Essex 39960 245  
 County Book Page  
 \_\_\_\_\_  
 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



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## A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No    \*Project limited to restoration elements. No construction occurred.

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## B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



# Appendix A

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## Order of Conditions





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
063-0716  
MassDEP File #

eDEP Transaction #  
Rowley  
City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Essex South
- |              |  |
|--------------|--|
| a. County    | b. Certificate Number (if registered land) |
| <u>37921</u> | <u>474</u>                                 |
| c. Book      | d. Page                                    |
7. Dates: 3/4/2021      3/30/2021      4/6/2021  
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):  
Mitigation Plan 929 Haverhill Street Rowley, Mass. 01969
- |                          |                      |                          |
|--------------------------|----------------------|--------------------------|
| a. Plan Title            | b. Prepared By       | c. Signed and Stamped by |
| <u>Hayes Engineering</u> | <u>March 4, 2021</u> | <u>Peter J. Ogren</u>    |
| d. Final Revision Date   | e. Scale             |                          |
| <u></u>                  | <u>1" = 20'</u>      |                          |
- |                                      |         |
|--------------------------------------|---------|
| f. Additional Plan or Document Title | g. Date |
| <u></u>                              | <u></u> |

### 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. <input type="checkbox"/> Public Water Supply           | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input 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"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
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**Rowley**  
 City/Town

**B. Findings (cont.)**

**Denied because:**

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  **Buffer Zone Impacts:** Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 1 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**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
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**Rowley**  
 City/Town

**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <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	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
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 checked="" type="checkbox"/> Riverfront Area	1600	1600		
Sq ft within 100 ft	a. total sq. feet 1600	b. total sq. feet 1600	1600	1600
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
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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 NA unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.







Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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

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

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

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



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

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

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

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

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

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

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

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

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



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
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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 Conditions incorporated herein and made part of this Order of Conditions**

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



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 063-0716  
 MassDEP File #  
 eDEP Transaction #  
 Rowley  
 City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

<u>Wetlands Protection Bylaw</u>	<u>III A 2,5,7&amp;8</u>
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):

A 25' minimum width No Cut/No Disturbance Zone, demarcated on the approved site plan (labeled "25' Buffer Zone Line") shall be maintained to protect the wetlands from the effects of development.



**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:  
 063-0716  
 MassDEP File #

eDEP Transaction #  
 Rowley  
 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.

April 6, 2021

1. Date of Issuance

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

7

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

2. Number of Signers

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

\*The names typed below represent the intent to sign the foregoing document electronically. Signatures are made in accordance with MGL c. 110G and pursuant to the Commission's electronic signature authorization vote on October 27, 2020 and recorded on October 30, 2020 in Book 39120 and Page 588 at the Essex South Registry of Deeds.

Signature	Printed Name
Signature	/s/ Daniel R. Shinnick, Chairman
Signature	Printed Name
Signature	/s/ Samuel D. Streiff, Vice Chairman
Signature	Printed Name
Signature	/s/ Robert W. Garner
Signature	Printed Name
Signature	/s/ Jennifer A. Haag
Signature	Printed Name
Signature	/s/ Howard R. Terrien
Signature	Printed Name
Signature	/s/ Howard J. Vogel
Signature	Printed Name
Signature	/s/ Ann s. Witzig
Signature	Printed Name

by hand delivery on

by certified mail, return receipt requested, on

April 6, 2021

Date

Date



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:  
 063-0716  
 MassDEP File #

eDEP Transaction #  
 Rowley  
 City/Town

## F. Appeals

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

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

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



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 063-0716  
 MassDEP File #

eDEP Transaction #  
 Rowley  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Rowley Conservation Commission  
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Rowley Conservation Commission  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South  
 County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



### State and Municipal Conditions

This Order of Conditions addresses proposed invasive plant species control and suppression with restoration possibly within 100' Buffer Zone of Bordering Vegetated Wetlands and 100' Riparian Zone of Muddy Brook. The dumped asphalt and debris was previously removed and the area had revegetated naturally.

The Rowley Conservation Commission (RCC) makes the following findings:

The property contains 100' Buffer Zone to Bordering Vegetated Wetlands, Bordering Vegetated Wetlands, 200' Riverfront Area of Muddy Brook, Bank, Bordering Land Subject to Flooding, Muddy Brook waterway, and Land Under Waterways.

This application submittal was the result for field investigations for the issued Determination of Applicability dated July 23, 2020 that revealed a dense discrete patch of Japanese Knotweed (*Polygonum cuspidatum*) occupying 1,200 square feet of Riparian Zone up to the edge of BVW bordering Muddy Brook as depicted on the accompanying plan and with an adjacent 400 sq. ft. area to the west. At the rear of the existing dwelling an eastern White Pine (since removed) was identified of being overgrown with Asiatic Bittersweet (*Celastrus orbiculatus*) which will also be subject to suppression methods.

Through a field visit and the public hearing process, the Commission decided to allow control of the Japanese Knotweed by digging for whole plant removal by a qualified and experience firm. The decision was made balancing the possible impact to adjacent resource areas as well as consideration of success within a growing season. The Asiatic Bittersweet will have herbicide applied to cut stems to effect the root system since the overhead vines were removed when the tree was cut since it was damaging the dwelling.

Unless extended this Order of Conditions (OC) DEP # 63-0716 will expire on April 6, 2021.

#### GENERAL CONDITIONS (Continued from page 7)

Please review the preceding General Conditions on the DEP WPA Form 5 Section C. 1 through 20, particularly Condition 1.

21. Work on this project site **shall be performed according to the following listed plans and documents**. Should any conflicts be found to exist between these plans and documents and the conditions of this OC, the RCC/staff shall be contacted for a clarification:
  - a. Notice of Intent prepared by Hayes Engineering, Inc. (603 Salem St, Wakefield, MA 01880), submitted 3/8/2021;
  - b. Plan entitled " Mitigation Plan 929 Haverhill Street Rowley, MA 01969 " (consisting of one sheet), prepared by Hayes Engineering, Inc. (603 Salem St, Wakefield, MA 01880), dated March 2, 2021;
22. **Proof of recording** this OC at the Registry of Deeds must be submitted to the RCC **within sixty (60) days** of permit issuance (proof may be a copy of the recorded document with Registry stamp showing date, book and page of recording).
23. The OC granted to the Applicant/Property Owner in this permit decision **does not imply consent or approval** of any other board, commission or legal authority of any kind. The Applicant is **responsible for obtaining** all other required consents and approvals.
24. This Order of Conditions **shall apply to any successor(s) in interest or successor(s) in control and shall survive the issuance of the Certificate of Compliance**. Within ten (10) calendar days after the transfer of ownership of the subject parcel, in whole or in part, including lots conveyed under individual deeds, the RCC shall be notified in writing by the seller of the name, address (if different from property address) and contact information including telephone number(s) and email address (if available) of the new Property Owner. Within ten (10) calendar days after such transfer, a notarized affidavit shall be filed with the RCC by the seller, signed by the seller and the buyer,

stating that the new Property Owner(s) has read and understood the Order of Conditions and all terms applicable to the purchased lot and intends to comply with all provisions of the Order of Conditions, including obtaining of a Certificate of Compliance if the seller has not already done so. In addition, this affidavit shall include the following sentence: "I, \_\_\_\_\_, the new Property Owner of \_\_\_\_\_, understand that any work within 100' of wetlands or within 200' of perennial streams requires approval by the RCC and that no dumping of yard waste, brush, or other materials is allowed in wetlands." This letter shall have attached a plan of the lot accurately indicating the wetland boundary, location of building(s), No Cut/No Disturbance Zone(s) and any other relevant features. All current and future tenants shall be provided with a copy of this Order of Conditions and an affidavit (or copy of the lease) acknowledging receipt of this Order of Conditions and signed by the Property Owner and the tenant shall be provided to the RCC within thirty (30) days of the commencement of the tenancy.

25. With appropriate notice, members and agents of the RCC, **shall have the right to enter at a reasonable hour and inspect the property to evaluate compliance** with this OC, the Wetlands Protection Act, Wetlands Protection Bylaw, and require submittal of any data deemed necessary by the RCC/staff for that evaluation.
26. The Applicant shall abide by the **Town of Rowley Wetlands Protection Bylaw, Stormwater Management And Erosion Control Bylaw, and all Protective-Zoning Bylaws** including Section 4.10: Floodplain District.
27. The on-site foreman, directing engineer or designated construction manager contractor **shall have a copy of this OC and the final approved plans at the site** and available for inspection during all phases of construction. It is the Applicant's responsibility to provide the contractors with a set of the approved documents, plans, and OC, and to ensure that the contractors are aware and follow the OC's provisions. This OC shall be made part of all project construction related documents. If the OC is not clear, the RCC/staff should be asked for clarification.
28. **Any change in the plans** approved under this OC, including those due to review by other boards or resulting from the aforementioned conditions, **must be submitted to the RCC in writing** for approval prior to implementation. The RCC/staff will decide whether the change is substantial enough to require a new Notice of Intent application or a request for an amendment to this OC. Any errors found in the plans or information submitted by the Applicant shall be considered as changes.
29. **Upon completion of this project and the issuance of an occupancy permit**, the Property Owner or his designee shall submit the following to the RCC to receive a Certificate of Compliance per Condition 11:
  - a. A **written request** from the Property Owner or his designee for a Certificate of Compliance (WPA Form 8A);
  - b. A **written statement from a Registered Professional Engineer of the Commonwealth** certifying that the work has been completed in compliance with this OC, documents, and the approved plans referenced herein (or approved revisions). Any discrepancies or deviations between the proposed plan and post-construction conditions shall be noted and explained.
  - c. An **as-built topographic plan** of the same scale as the approved plan, **signed and stamped by a Registered Professional Engineer or Land Surveyor of the Commonwealth**, showing post-construction conditions for the public record. This plan will include as-built elevations of all drainage ways constructed within 100' of any wetland or 200' of a perennial stream, distances to all structures, and all elevations within 100' of wetlands and 200' of perennial streams. The as-built plan must show all wetland resource area boundaries with associated buffer zones and any No Cut/No Disturbance Zones taken from the plan(s) approved in this OC. The as-built plan must show elevations of all filled, altered, or replicated wetlands. This as-built plan may be the originally

submitted final approved site plan with changes highlighted and explained. Note: Since no construction is contemplated by this Order, the Commission may waive this requirement.

- d. A **letter from a qualified wetland scientist certifying compliance** with state regulations and this OC regarding the invasive plant species mitigation including previous submittal of all required monitoring reports..
30. Failure of the Applicant to comply with one or more individual conditions set forth in this OC **does not exonerate the Property Owner, successor in control, or successor in interest** of the property described in the Notice of Intent in meeting or complying with the remaining conditions in this OC.

#### TIME LIMITS

31. All **disturbed areas in the Buffer Zone** will be stabilized by vegetation, heavy mulching, sodding, or matting **prior to November 1 each year**. No work within the Buffer Zone or resource areas may be done between **November 1 and March 15** of each year, unless given prior approval by the RCC/staff. After prior written request, approval shall be granted when the capacity to effectively manage disturbed soils, eliminate sedimentation and off-site transport of soils, and demonstrated ability to maintain site stability are verified to the satisfaction of the RCC/staff.

#### PROJECT SPECIAL CONDITIONS

32. The Applicant/Responsible Party **shall ensure a hazardous materials spill containment kit is maintained on site at all times** throughout mitigation activities. The kit **shall be appropriately sized** for the cumulative volumetric capacity of hazardous fluids contained by on-site equipment.

#### PRIOR TO CONSTRUCTION

Please review the preceding General Conditions 7, 8, and 9.

33. The Applicant shall **notify the RCC in writing** (by mail, fax or email) at least **48 hours before** any activity commences on site. At this time the Applicant **shall also supply the RCC with a list of names, addresses, emails, and emergency phone numbers of those parties responsible for compliance with this OC** on the site, including the EM, if there is one.
34. Prior to any work on site, the **wetland boundaries shall be clearly and prominently marked with flags or stakes** and **shall be confirmed** by the RCC/staff. These markers **shall be maintained until construction has been completed**. If markers disappear or are moved during construction, it will be the contractor, Property Owner, or responsible party's responsibility to have them replaced accurately, and to notify the RCC of this occurrence. While this OC is in effect, should any modification to the wetland delineations be found to be necessary by the RCC/staff, the Applicant **shall submit a revised plan** reflecting the modified delineations.
35. At the commencement of work, and again prior to completion of construction and finish site grading, the Applicant **shall collect and remove by hand all trash, compost, and loose man-made debris** from the site's resource areas and buffer zones.
36. Prior to the commencement of any on-site activity other than the placement of erosion control and/or limit-of-work marker-stakes, **the Applicant shall arrange with the RCC/staff to conduct a Pre-Activity Meeting** between the Applicant and/or the Applicant's representative, the person(s)/supervisor responsible for the work, and the RCC/staff.
37. **No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting**. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion control marker-stakes and to establish stakes designating the "limit of work" where required.

38. Prior to any work within 100' of wetland resource area(s) or within 200' of a perennial stream, **erosion control devices must be inspected and approved by the RCC/staff.** The Property Owner or his designee shall meet with the RCC/staff to review the proposed work and measures designed to mitigate any impact on the wetlands and ensure all of the conditions of this OC are understood.
39. It is the Applicant's responsibility to **ensure that the work to be performed hereunder will be properly supervised** by the design engineer and the wetlands biologist, or by persons of equivalent qualifications. Upon written request by the RCC/staff, within fourteen (14) days of the receipt of the request, the Applicant shall submit a report from the design engineer or wetlands biologist, or other qualified person, describing the project's compliance with this OC, and addressing any other concerns identified in the request relative to compliance to the Wetlands Protection Bylaw and the Wetlands Protection Act.
40. **No additional clearing or grading** in the 100' Buffer Zone to wetlands, other than what is shown on the approved plans, may be done without written approval of the RCC/staff.

#### SEDIMENT AND EROSION CONTROLS

41. Accepted and usual methods for controlling sedimentation and erosion (e.g., straw wattles, bark mulch/compost filter sock, silt fence, staked hay bales, etc.) shall be used during all phases of construction to prevent material from entering wetlands and surface waters. **There shall be no erosion or sedimentation into wetlands and surface waters during any phase of construction or after completion of the project.** Installed erosion control shall be **properly maintained and kept in effective functioning condition** at all times.
42. **Work shall be sequenced and conducted to avoid or minimize problems from erosion and sedimentation** due to stripped slopes and grade changes over large areas. **Best Management Practices, such as outlined in the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, shall be employed to maintain control over the site.** Should any of the proposed measures fail, the contractor and Property Owner shall immediately consult with the RCC/staff and design engineer to devise and implement protective measures so that the wetland resource areas are in no way damaged by erosion, siltation, or pollution.
43. Erosion controls placement has been modified from the final approved plan(s) referenced in Condition 21 above. **The erosion controls placement will be at the direction of the Conservation Agent and shall be deployed prior to any activity on site.** If, during construction, **additional temporary erosion control (TEC)** is needed in the opinion of the RCC/staff or the erosion control monitor, **it shall be placed according to their direction.**
44. Temporary erosion control shall consist of 8" to 9" straw wattle or bark mulch/compost filter sock correctly installed with bare ground contact, overlapped ends, and anchored in place with wooden stakes not breaking the mesh as per manufacturer specifications (plan detail) non-destructive staking.
45. The erosion controls **shall function throughout the project to prevent erosion and sedimentation.** They will be **inspected and maintained routinely** by the Applicant or his contractor throughout the duration of the project and after every storm event of one half inch of precipitation or more within 24 hours. **Breaks in the line shall be immediately repaired** to prevent siltation into the wetlands. **An adequate stockpile of additional erosion control devices will be available** on site at all times for emergency or routine replacement and shall include materials to repair silt fences, filter sock, stone-riprap, filter dikes or other devices planned for use during construction.
46. **The limit of work shall be the erosion control devices beyond which no work may occur.** The RCC reserves the right to require additional erosion control and storm damage prevention measures at any time if it deems necessary. **Erosion control devices shall be inspected regularly and after any major storm event (one-half inch of precipitation or more within 24**

- hours). Any entrapped silt or other materials shall be removed to an area outside the 100' Buffer Zone. Erosion control devices shall be replaced as necessary.
47. The Property Owner or his designee **shall report any problems with erosion control immediately** to the RCC office at 978 948-2330.
  48. **Erosion control devices and wetland flags shall remain in place until all disturbed surfaces have been stabilized with final vegetative cover.** Only upon inspection by the RCC/staff to verify establishment of full vegetative cover may authorization to remove the erosion control line be given.
  49. **The contractor shall be responsible for erosion and sedimentation control on-site.** The contractor shall use a method of operation and construction and all necessary erosion and sedimentation control measures, even if not specified herein or on the plans, to minimize erosion damage on and off-site. *DEP/MCZM Stormwater Technical Handbook Volume II Best Management Practices* should be used as a guide for erosion and sedimentation control, but they do not replace good judgment, common sense and thoughtful, environmentally sensitive construction practices.
  50. **The RCC/staff reserves the right to impose additional conditions on portions of this project to mitigate any impacts** pursuant to applicable law which could result from site erosion or any noticeable degradation of surface water quality discharging from the site.

#### LAND SUBJECT TO FLOODING

51. **There shall be no filling within the 100-year floodplain without provision of compensatory flood storage.** Such storage is to be provided prior to deposition of fill within the floodplain and prior to other development.

#### STORMWATER MANAGEMENT

52. **There shall be no direct discharge of runoff into streams or wetlands.** Runoff from the site shall be directed overland to maximize groundwater recharge and cleansing of the runoff through contact with natural soils and vegetation. Discharges from detention basins shall be offset from any wetland resource areas. All discharges shall be rip rapped to minimize erosion.

#### OTHER CONDITIONS

53. **If any unforeseen problem occurs during construction,** which affects any of the eight (8) statutory interests of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, upon discovery, the Applicant shall notify the RCC and an immediate meeting **shall be held between the RCC/staff, the Applicant, the engineer, contractor, and other concerned parties** to determine the corrective measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon.
54. Equipment fuel storage, refueling, and lubrication operations **shall be situated in an upland area at least 50' from any wetland resource area and outside the 100' Riparian Zone.**
55. Heavy equipment **shall be stored in an upland area at least 50' from any wetland resource area** when not in use or overnight.
56. **All grubbed stumps, brush, slash, waste products, and construction debris shall be removed from the site.** This material **shall be disposed of promptly and properly** at an off-site facility licensed to receive the material. **Covered dumpsters shall be maintained on-site** for appropriate materials. **Records as to the destination** of all materials including stumps, brush, and excess fill shall be kept and supplied to the RCC if requested.

57. If weather conditions cause the terrain to be excessively soft, the RCC/staff may halt work until dry conditions permit work to proceed and continued site work no longer threatens the integrity of installed erosion controls and site stability.
58. Any new plantings utilized in the landscaping of this project shall not be a plant species (listed at the time of intended planting) on the published MIPAG list of plant species designated as "invasive", "likely invasive", or "potentially invasive" as listed by the Department of Agricultural Resources.
59. Pesticides and herbicides shall not be used within the restricted 25' No Cut/No Disturbance Zone and adjacent undeveloped wetland resource area(s). This condition shall survive the expiration of this OC, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
60. Any fertilizer for landscaping or lawn care used within the developed portion of the property within 100' of a wetland resource area or within the 200' Riverfront Area shall be slow-release organic granular type fertilizers, low in nitrogen content. This condition shall survive the expiration of this OC, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

#### NO CUT/NO DISTURBANCE ZONE

61. A 25' minimum width No Cut/No Disturbance Zone, demarcated on the approved site plan (labeled "25' Buffer Zone Line") shall be maintained to protect the wetlands from the effects of development. The appropriate No Cut/No Disturbance Zone line shall be labeled and depicted on the final approved plan. The approved No Cut/No Disturbance Zone shall be kept in a natural state in perpetuity. A site specific exception shall be that Conservation Dept. approved invasive plant species control methods may be implemented upon written approval. And specific planting of native species to enhance the 25' No Cut /No Disturbance Zone may be allowed by the Conservation Dept. This condition shall survive the expiration of this OC and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

#### INVASIVE PLANT SPECIES MITIGATION

62. Invasive Plant Species mitigation activities shall be supervised and monitored by a qualified wetlands biologist or scientist, at all times. The RCC may request validation of credentials and shall have final say in implementing this qualification process.
63. The mitigation area shall be excavated to remove the Japanese Knotweed (*Polygonum cuspidatum*). At the direction of the designated qualified wetlands biologist or scientist, recommended steps shall be taken to replace the soils and maintain stable surface topography, removal of the Japanese Knotweed. The area shall be replanted and seeded to establish a native vertical plant community to achieve restoration of the area. The RCC reserves the right to require additional plantings to ensure good cover density with native indigenous plant species if initial planting is not successful.
64. The goal is to establish the mitigation area with approximately 60% coverage of a native plant community within one full growing season. One growing season is considered from approximately March 15 to October 15. Reports at the beginning and end of the growing seasons (by June 30th and September 30th) must be submitted to the RCC (minimum two reports). Photographic/digital images to record the pre-planting conditions and subsequent mitigation conditions shall be included with the reports. The reports shall document the percentage of the surface re-established with native vegetation, the species diversity within the replication area, the vitality of the vegetation, and the presence/absence of non-native vegetation. Monitoring shall continue until the area is successfully revegetated at 60% per the RCC.

# Appendix B

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## Professional Qualifications

*Abigail Manzi*

*Michael DeRosa*





## REPRESENTATIVE PROJECTS

**Private Residence | Dune Grass Restoration**  
Manchester, MA

**Commercial Property | Wetland Restoration**  
Rowley, MA

**Willowdale State Forest | Culvert Repair**  
Ipswich, MA

**Saint Joseph's School | Well Monitoring**  
Salem, MA

**Private Residence | Reconstruction of a Single Family Home**  
Ipswich, MA

**Ipswich River Watershed Association | River Culvert Survey**  
North Shore, MA

**Invasive Plant Management | Restoration Project**  
Ipswich, MA

**Sally's Pond | Trail Restoration Grant**  
Ipswich, MA

## Abigail Manzi, BA

*Environmental Scientist*

Abby graduated with a bachelor's degree in Environmental Studies and Biology from Guilford College in Greensboro, North Carolina. Her studies focused on sustainable practices and ecology with courses including Sustainable Business, Animal Behavior, Rainforest Ecology and Environmental Policy.

Abby joined DeRosa Environmental Consulting in the fall of 2015. She is currently working at DeRosa Environmental as an Environmental Scientist.

While in college Abby spent a semester abroad in the rainforest in Australia studying Rainforest Ecology, Forestry Management and Socioeconomics. She also spent a month of her time there researching Lumholtz's Tree Kangaroos.

Prior to working at DeRosa Environmental Abby traveled to Hawaii to work on farms and learn about organic farming practices through World Wide Opportunities on Organic Farms (WWOOF).

Abby grew up with a love for the wildlife and nature taking trips every spring out to the vernal pools with her mom to check out the amphibians and camping every summer. She loves anything outdoors including hiking, diving, snowboarding and swimming. She travels as much as possible, especially to new places with animals she has never seen.

## EDUCATION

**BA, Biology and Environmental Studies | 2014**  
Guilford College, Greensboro, NC

## PROFESSIONAL EXPERIENCE

Environmental Scientist | 2015 – Present  
DeRosa Environmental Consulting Inc  
Intern | Summer 2013  
Ipswich River Watershed Association

Student Researcher | August-December 2012  
Center for Rainforest Studies, Queensland, Australia

## PROFESSIONAL MEMBERSHIPS/AFFILIATIONS

AMWS | Association of Massachusetts Wetland Scientists

## CERTIFICATION

40 Hour Hazardous Waste Site Worker (OSHA)

PADI Open Water Diver | 2015

Adult First Aid/CPR/AED | Exp. 8/7/2020

## LICENSE

Unmanned Aircraft License | FAA | Exp. 2/19/2021



## Michael J. DeRosa

Principal, LSP, LEED AP BC&D

Michael J. DeRosa, Principal and project manager specializing in habitat restoration and wetland restoration projects. He has more than 24 years experience working with ecological systems focused on restoration and rehabilitation of damaged landscapes. Ecological principles inform his design and restoration practices.

Mike was the principal wetland permitting leader for the Turner Hill Resort Center in Ipswich Massachusetts. He has consulted with the Archdiocese of Boston since 1989 in all environmental areas. His firm is known for their expertise in wetland and wildlife habitat restoration and rehabilitation and invasive species control and management.

Mike incorporated DeRosa Environmental Consulting, Inc., in May 1994 after spending 8 years working in the environmental consulting industry as technical director and project manager. Prior to his consulting career he was a researcher at the Harvard School of Tropical Public Health working with infectious diseases and tick transmitted Lyme disease, in particular.

Mike has been involved with many projects associated with MGL Ch. 21e and Massachusetts Contingency Plan (MCP) projects. He received his Licensed Site Professional (LSP Lic. 3452) registration in 1993. Mike is uniquely credentialed in hazardous waste site assessment and remediation and has over 24 years experience in wetland permitting, habitat restoration and mitigation. Mike has permitted projects with all federal, state and local environmental agencies. Mike is on the Practice Faculty at The Boston Architectural College. His new passion is the incorporation of urban agriculture and food justice initiatives in mixed use community based projects.

## EDUCATION

MA, Boston University, 1993

North Carolina State University, 1986

Harvard University, 1985

BA, University of Denver, 1982

## REPRESENTATIVE PROJECTS

**Ipswich River Watershed Association**  
Ipswich MA

**Miles River Task Force |  
Watershed Restoration**  
Beverly Wenham Hamilton Ipswich MA

**Paumier Residence |  
Dune Restoration**  
Manchester MA

**Matignon High School Athletic Fields |  
Landfill Cap Remediation**  
Cambridge/Somerville MA

**Turner Hill Golf Course |  
Wetland Mitigation & Pond Design**  
Ipswich MA

**Saint Aidan's Church |  
UST Remediation**  
Brookline MA

**Saint Kevin's School |  
AST Remediation**  
Dorchester MA

**Saint Joseph's School |  
UST Remediation**  
Salem MA

**Ipswich Country Club |  
Wetland Restoration**  
Ipswich MA

**Ould Newbury Golf Club |  
LID Runoff Design**  
Newbury MA

**Ferncroft Country Club |  
Pond Restoration**  
Topsfield/Middleton MA

## **PROFESSIONAL EXPERIENCES**

Principal, LSP, LEED AP BC&D

DeRosa Environmental Consulting, Inc. | 1994-Present

Technical director, Environmental Engineering Division

Web Engineering Associates, Inc. | 1990-1994

Project manager/Environmental Scientist,

Dennison Environmental, Inc. | 1988-1989

Population Ecologist & Wetlands Specialist,

Lelito Environmental Consultants, LLC | 1987-1988

Research Assistant,

North Carolina State University | 1985-1987

Air Pollution Analyst

Entropy Environmentalists, Inc. | 1985-1987

Senior Research Assistant

Harvard University | 1983-1985

Naturalist

The Trustees of Reservations | 1983-1985

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

New England Wildflower Society

USGBC | United States Green Building Council

NGWA | National Ground Water Association

AMWS | Association of Massachusetts Wetland Scientists

LSPA | Licensed Site Professional Association

SWS | Society of Wetland Scientists

MACC | Massachusetts Association of Conversation Commissioners

## **CERTIFICATIONS AND SPECIAL TRAINING**

Licensed Site Professional (LSP), Lic. No. 3452

Professional Wetland Scientist (PWS)

LEED Accredited Professional | 10342989

Certified Ecologist, The Ecological Society of America |

June 2002 – May 2007

CERCLA 40 Hour Hazardous Materials Safety Training |

OSHA 29 CFR 1910.120

Confined Space Entry Training | OSHA 29 CFR 1910.146

Management Training Workshop | Dun and Bradstreet

Hazardous Materials Chemistry Seminar | University of Toledo

Unmanned Aircraft License | FAA | Exp. 2/28/2019