



**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:  
 #33-1598  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
 Haverhill  
 City/Town

### A. General Information

**Please note:** this form has been modified with added space to accommodate the Registry of Deeds Requirements

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



1. From: Haverhill  
 Conservation Commission

2. This issuance is for (check one):  
 a.  Order of Conditions      b.  Amended Order of Conditions

3. To: Applicant:

<u>Judson and Susan</u>	<u>Van Cor</u>	
a. First Name	b. Last Name	
c. Organization		
<u>14 Fairway Drive</u>		
d. Mailing Address		
<u>Haverhill</u>	<u>MA</u>	<u>01835</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

<u>Same as Applicant and</u>	<u>Evan Sheehan</u>	
a. First Name	b. Last Name	
c. Organization		
<u>18 Fairway Drive</u>		
d. Mailing Address		
<u>Haverhill</u>	<u>MA</u>	<u>01835</u>
e. City/Town	f. State	g. Zip Code

5. Project Location:

<u>14 &amp; 18 Fairway Drive</u>	<u>Haverhill</u>
a. Street Address	b. City/Town
<u>Map 778, Block 1</u>	<u>Lot C26 &amp; C25, respectively</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u>42.75315</u>	<u>-71.06890</u>
d. Latitude	e. Longitude



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**A. General Information (cont.)**

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

Southern Essex District  
 \_\_\_\_\_  
 a. County  
 Bk 17966, Pg 368 – 14 Fairway Drive  
 \_\_\_\_\_  
 c. Book  
 b. Certificate Number (if registered land)  
 Bk 39575, Pg 528 – 18 Fairway Drive  
 \_\_\_\_\_  
 d. Page

7. Dates: 5/22/2026 6/11/2026 6/26/2026  
 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):  
 See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.

b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
 d. Final Revision Date \_\_\_\_\_ 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.





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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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**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            #33 - 1598            "
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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**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.



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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 Attachment "A", "Special 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.





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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.

June 26, 2026

1. Date of Issuance

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

five

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.

Pursuant to the vote taken by the Conservation Commission on May 7, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's electronic signature authorization vote recorded on May 21, 2020, with the Southern Essex District Registry of Deeds in Book 38538, Page 455.

/Oliver Aguilo/  
Signature

/Evan Barman/  
Signature

/Ted Becker/  
Signature

/Frederick Clark/  
Signature

/Thomas Wylie/  
Signature

Oliver Aguilo  
Printed Name

Evan Barman  
Printed Name

Ted Becker  
Printed Name

Frederick Clark  
Printed Name

Thomas Wylie  
Printed Name

by hand delivery on

by certified mail, return receipt requested, on

\_\_\_\_\_  
Date

June 26, 2026  
Date



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## 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.



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**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.

Haverhill  
 Conservation Commission

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

To:  
 Haverhill  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:  
 14 & 18 Fairway Drive  
 Parcel IDs: 778-1-C26 & 778-1-C25  
 33-1598  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:  
 Southern Essex District  
 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



# Haverhill

Conservation Department  
Phone: 978-374-2334 Fax: 978-374-2366  
[conservation@haverhillma.gov](mailto:conservation@haverhillma.gov)

## ATTACHMENT A: SPECIAL CONDITIONS

**MassDEP FILE #33-1598**

**ISSUING AUTHORITY:** Haverhill Conservation Commission (“HCC”)

**APPLICANT:** Judson and Susan Van Cor

**PROJECT LOCATION:** 14 and 18 Fairway Drive – Parcel IDs: 778-1-C26 and 778-1-C25

### PROJECT DESCRIPTION

The Applicant proposes to construct an inground pool, cabana, patio, vinyl fence, retaining wall, and appurtenant activities within the existing back yard lawn in the 100’ Buffer Zone of a Bordering Vegetated Wetland. The pool will be equipped with a non-backwash filter system to protect the wetland from illicit discharges. An infiltration trench will be installed around the perimeter of the patio. The fence will be incorporated with buffer zone demarcations required by the Commission under an Enforcement Order voted to be issued at its May 21, 2026, meeting to resolve the matter of unpermitted vegetation removal within the No Disturbance Zone.

### RESOURCE AREA FINDINGS

The Commission finds this site to contain the following resource areas: bordering vegetated wetland and 100’-buffer zone.

### EXPIRATION DATE

Unless extended, this Order of Conditions will expire June 26, 2029.

### PLANS AND DOCUMENTS

Work on this project site shall be performed according to the following listed plans and documents on file with the HCC. Should any conflicts be found to exist between these plans and documents and the conditions of this Order, the HCC shall be contacted for a clarification.

- a) “Plan to Accompany a Notice of Intent, 14 Fairway Drive, Haverhill, MA” (1 Sheet), site plan prepared by Williams & Sparages (189 North Main Street, Suite 101, Middleton, MA 01949), dated 05-20-2026.

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**Pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40), its Regulations (310 CMR 10.00), and Haverhill City Code Chapter 253 (“An Ordinance to Protect the Wetlands, Related Water Resources and Adjoining Land Areas”), the Commission orders that all work shall be performed in accordance with the following additional, special conditions:**

### GENERAL CONSTRUCTION

21. The HCC may designate one or more Conservation Department Officials as its agent (“HCC Official”), with full powers to act on its behalf in administering and enforcing this OOC.

22. Work on this project shall be performed in accordance with Haverhill Municipal Ordinances Chapter 253 – “An Ordinance to Protect the Wetlands, Related Water Resources, and Adjoining Land Areas”.
23. In accordance with Haverhill Municipal Ordinance Chapter 253, there shall be no activities allowed within 25’ of the delineated wetland resource areas and no building construction within 50’ of these same areas, except as shown on the approved plans referenced above.
24. All wetland resource areas shall be visibly flagged and/or staked every 25 feet along the resource area boundaries to assure that no intrusion into these areas occur. Flagging and staking used to identify wetland resource areas shall be of a color different from any others used on the site and shall be maintained until the work is complete.
25. The rows of erosion control devices, as shown on the site plan, shall also act as a limit of site activity.
26. The MassDEP File Number sign shall not be attached to a live tree.
27. Any changes proposed under this OOC might require the Applicant to file a “Request for a Modification to the Order of Conditions” with the HCC.
28. While all activities regulated by this Order are being performed and during the construction phase of this project, an on-site foreman, directing engineer, or designated construction manager, shall have a copy of this permit and its associated plans and documents at the site, familiarize him or herself with the conditions of this permit, and adhere to such conditions. This Order of Conditions shall be made part of all construction-related documents for this project. All contractors working at the site shall be made aware of the provisions contained within this Order of Conditions and adhere to them.

### **CONSTRUCTION SEQUENCING**

29. A minimum of two (2) business days in advance, the Applicant shall provide the HCC with written notification of the commencement of work on site. At this time, the Applicant shall also supply the HCC with a list of names, addresses, and emergency phone numbers (including evenings and weekends) for those parties responsible for compliance with this OOC on the site, including the Pollution Prevention and Erosion and Sedimentation Control (“PPESC”) Monitor.
30. Prior to the commencement of work on this site, the applicant shall provide a detailed construction sequencing for this project to the HCC. Should any conflicts arise between this sequencing, the conditions of this Order, and/or the general construction practices of the site contractor, a Conservation Department Official shall be contacted for a clarification.
31. Prior to the commencement of work on this site, the Applicant shall schedule a pre-construction meeting with the site contractor, the Applicant’s engineers/consultants, the PPESC Monitor, and the HCC. The purpose of the meeting is to review this OOC and resolve any outstanding issues at that time.
32. Immediately upon completion of construction, the applicant shall submit an as-built grading plan showing, at a minimum, the foundations, grading, recharge areas, limits of work, buffer zone fence, and all resource areas. This plan shall be prepared in accordance with the "Plot Plan Standards" of the HCC Policy -

P2000-02 "Occupancy Permit Checklist Endorsement". This plan shall be reviewed for approval by HCC to ensure compliance with this Order and its referenced plans and documents.

33. Immediately upon completion of construction, the applicant shall effectively stabilize the site to the approval of the HCC. At this time, the applicant shall also collect and remove, by hand, all trash, compost, and loose man-made debris from the site's resource areas and buffer zones.

### **CONSTRUCTION PERIOD EROSION, SEDIMENTATION, AND POLLUTION PREVENTION**

34. The Applicant, site contractor, and their assigns shall implement Construction Period Pollution Prevention and Erosion and Sedimentation Control ("PPESC") measures from the commencement of work until the site is fully and permanently stabilized and the temporary erosion and sedimentation controls are removed, upon HCC approval.

35. The Applicant shall designate a PPESC Monitor for the site. This Monitor shall be a professional with experiences in PPESC practices. This Monitor shall inspect PPESC devices daily for proper function and maintenance, including the proper disposal of waste products. This Monitor shall immediately arrange for the maintenance, replacement, augmentation, emergency placement, and any other corrective action of PPESC devices on site. Areas of construction shall remain in a stable condition at the close of each day. The Applicant shall give this Monitor authority to stop construction for PPESC purposes.

36. All vegetation cutting associated with the construction of this project shall be subject to the prior review and approval of the HCC. Prior to the commencement of work, the Applicant's surveyor shall stake out, flag, or mark by other appropriate means, the locations of the approved limits of cutting and the locations of the proposed PPESC devices for inspection by the site contractor, PPESC Monitor, and the HCC. The commencement of vegetation cutting work shall be contingent upon the approval of the HCC at that time.

37. Prior to the commencement of work, the Applicant shall install the initial PPESC devices. The Applicant shall schedule an inspection of the installed devices by the site contractor, PPESC Monitor, and the HCC. Should any of these devices be considered insufficient, the PPESC Monitor shall immediately propose augmentation or other corrective measures to address areas of concern. The continuation of on-site work shall be contingent upon HCC approval of the devices at that time.

38. An adequate stockpile of PPESC materials shall be always on site for emergency or routine replacement and shall include materials to repair silt fences, straw bales, stone-riprap, filter dikes or any other devices planned for use during construction.

39. PPESC devices may be modified based on experience at the site. Approval of the HCC must be obtained prior to any non-emergency modification of the approved PPESC measures.

40. The HCC reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion or any noticeable degradation of surface water quality discharging from the site.

41. The locations of long term (greater than 30 days) stockpiles and the locations and construction methods of temporary construction entrances, if not addressed in the Construction Period PPESC Plan, shall receive the prior approval of the PPESC monitor and the HCC.

42. During all phases of construction, all disturbed or exposed soil surfaces shall be brought to final finished grade and either a) covered with loam and seeded in accordance with the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas (or equivalent document) for permanent stabilization or b) stabilized in another way approved by the HCC. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized with mulch or any other protective covering and/or method approved by the USDA Soil Conservation Service.
43. Graded slopes shall not exceed a slope ratio of 2:1, unless approved by the City Engineer and HCC.
44. Upon completion of the project all disturbed areas shall be permanently stabilized with rapidly growing vegetative cover with sufficient topsoil to assure long term stabilization of disturbed areas. After seeding, disturbed areas shall be covered with straw mulch, netting, or other protective covering to provide a suitable surface cover until seed germination.
45. All dewatering activities shall be controlled by implementing Best Management Practices. Dewatered fluids shall be prevented from flowing directly into resource areas. Discharge structures, such as temporary sediment basins or other Best Management Practices shall be configured to maximize sediment removal. If discharge towards resource areas cannot be avoided, it shall be via a maximized distance of overland upland sheet flow unless the HCC approves an alternative in advance. The PPESC Monitor shall review and approve all dewatering methods prior to implementation.
46. Topsoil, other soils, stumps, slash, timber, construction materials, debris, or other waste products shall not be deposited, stored, or otherwise accumulated within 100' of a wetland resource area or within land subject to flooding, unless approved in advance by the HCC.
47. Covered dumpsters shall be maintained on site for appropriate materials. The Applicant shall conduct routine litter pick-ups throughout construction to prevent trash and loose, man-made debris from entering the resource areas and buffer zones.
48. All pumps, drilling machines, and their surrounding areas, whether used for dewatering or other purposes, shall be properly contained to limit the potential for environmental impacts due to fuel leakage, pump leakage, or other failures.
49. Refueling of equipment shall not be done within 100' of a wetland resource area. Fuel, oil, or other potential pollutants shall not be stored within 100' of a wetland resource area.
50. Equipment shall not be staged overnight within 100' of a wetland resource area.
51. Any spills of hazardous materials, including but not limited to diesel fuel and hydraulic oil, shall be appropriately and promptly cleaned up. The Applicant shall notify Federal, Commonwealth, and/or Local agencies of such spills as may be applicable by law. The Applicant or PPESC Monitor shall notify the HCC, within one hour, of any spills within wetland resource areas or buffer zones. Onsite emergency spill kits shall be always available.

52. The Applicant shall ensure a hazardous materials spill containment kit is always maintained on site throughout construction. The kit shall be appropriately sized for the cumulative volumetric capacity of hazardous fluids contained by equipment on site at any one time.

53. No planting of non-native or invasive plants, even if already found on this site, shall occur anywhere on this project site.

### **STORMWATER**

54. As shown on the referenced plan, the Applicant shall install an infiltration trench around the perimeter of the patio to collect and recharge runoff.

55. The final locations and discharge points of any necessary perimeter, under, trench, and/or curtain drains shall be subject to the approval of a Conservation Department Official. The applicant shall make every effort to apply such drains in a manner that shall mimic pre-construction groundwater flow patterns.

### **OTHER CONDITIONS**

56. If any unforeseen problem occurs during construction, which affects any of the eight statutory interests of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, upon discovery, the applicant shall notify the HCC and an immediate meeting shall be held between the Commission, 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.

57. Upon completion of the project, the applicant shall request a Certificate of Compliance from the Commission and shall submit the following information with the request:

- a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth deviations, if any exist.
- b) An as-built site plans prepared by a registered land surveyor or registered professional engineer showing grades, utilities, drainage systems, building footprint and detailed landscaping (i.e., all wetland resource areas, limits of work, etc.). These plans shall include the date(s) of fieldwork and shall be prepared in accordance with the "Plot Plan Standards" of the HCC Policy - P2000-02 "Occupancy Permit Checklist Endorsement".

### **ONGOING CONDITIONS**

Certain conditions are ongoing and do not expire upon the completion of the project or the issuance of a Certificate of Compliance. These conditions shall remain in effect after the issuance of a Certificate of Compliance for the project and shall be referenced in the chain of title for the property. These conditions are:

58. The property owner shall ensure that at least one copy of all the plans and documents referenced in this Order of Conditions, the subsequent Certificate of Compliance, all Modifications to the Order and their relevant revised plans and/or documents is always maintained on site. This information shall be made available for use by the owner in its implementation of the activities discussed within and by the HCC during any inspections that may be necessary.

59. The City of Haverhill reserves the right to schedule an annual inspection with the property owner as part of an operation and maintenance program to inspect the infiltration trench and pool filtration system for proper function and maintenance and to ensure there are no illicit discharges of pool water to the resource area.
60. The Haverhill Conservation Commission reserves the right to enforce all restrictions and/or requirements established for this property within this Order of Conditions under the enforcement powers of the City's wetlands protection ordinance, Municipal Ordinance Chapter 253.
61. Pesticides, herbicides, and fungicides shall not be used within 100' of any wetland resource area for the purpose of lawn maintenance.
62. Fertilizers utilized for landscaping and lawn care within this property shall be slow-release, low-nitrogen types and shall not be used within 30' of any wetland resource area.
63. There shall be no unprotected storage of deleterious or hazardous materials (such as auto parts, debris, oil drums, batteries, car washing fluid, etc.) allowed within the 100'-buffer zone on this property. Pool chemicals shall be safely stored indoors or under cover, where they will not be subjected to rain events.
64. Should the need arise to drawdown the water level in the pool for maintenance or other purposes:
- a) The pool owner shall seek permission from the City of Haverhill Wastewater Division to discharge the water to the sanitary sewer system.
  - b) Drawdown shall not occur within two weeks of chlorination.
  - c) The chlorine level in the water shall be measured prior to discharge. There shall not be any detectable levels of chlorine. A longer holding period may be necessary if chlorine levels continue to remain at detectable levels at the end of two weeks. Chlorine measurements can be made with a chlorine test kit.
  - d) The pH level in the water shall be between 6.5 and 8.5, the normal pH range of surface and ground waters.
  - e) Cleaning wastewaters that contain muriatic acid, chlorine, or other cleaning agents shall be neutralized to a pH between 6.5 and 8.5 prior to discharge.

When sanitary sewer system access is not available, overland discharge may occur; however, the same chemical conditions apply. Pool water shall not be drained within 100' of the wetland resource area. Water shall be allowed to flow over grassy or landscaped areas to infiltrate to the maximum extent possible. The discharge shall be at a rate which prevents erosion. At no time shall pool water be discharged directly into a water body, stream, or storm sewer system. Water shall be discharged in a manner that will prevent nuisance conditions (such as the creation of odors or fly and mosquito breeding conditions). Nuisance conditions often occur when water is ponded for a prolonged period.

65. As proposed by the Applicant, the pool filtration system shall be equipped with a non-backwash filter system.
66. Standing water or accumulated rain and/or pool water from the previous season shall be pumped from the pool cover so as not to disturb settled solids. Solids on the pool bottom shall not be discharged. After the water has been pumped, solids shall be cleaned out manually. Likewise, spent filter media shall be properly collected and disposed of and shall not be discharged.

67. Pool chemicals shall be safely stored indoors or under cover, where they will not be subjected to rain events.
68. Any spills of pool chemicals shall be promptly reported to the HCC or an inspection to determine whether any impacts have occurred to the resource areas.
69. Prior to the completion of work on this project, the Applicant shall install the proposed vinyl fencing to prevent encroachment into the restored No Disturbance Zone and protect the wetland. The Applicant shall additionally install "Protected Resource Area" signage on durable posts at 25'-intervals along what is shown as the "edge of lawn" on the referenced site plan. The Property Owners shall maintain all fencing and signage to ensure their continued functions.

**---END---**



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

\_\_\_\_\_  
Provided by DEP

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

**A. Request Information**

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

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

\_\_\_\_\_

Name

\_\_\_\_\_

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

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

\_\_\_\_\_

Name

\_\_\_\_\_

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

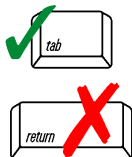
4. DEP File Number:

\_\_\_\_\_

**B. Instructions**

1. When the Departmental action request is for (check one):
- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
  - Superseding Determination of Applicability – Fee: \$120
  - Superseding Order of Resource Area Delineation – Fee: \$120

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





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

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

\_\_\_\_\_  
Provided by DEP

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

**B. Instructions (cont.)**

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

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