



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:
 33-1588
 MassDEP File #

 eDEP Transaction #
 Haverhill
 City/Town

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 b. Certificate Number (if registered land)
 33514 283

 c. Book d. Page

7. Dates: 05/18/2022 05/21/2026 06/16/2026
 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 #33-1588 ”
- 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 16, 2026

1. Date of Issuance

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

5

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

Oliver Aguilo

Printed Name

/Evan Barman/

Signature

Evan Barman

Printed Name

/Ted Becker/

Signature

Ted Becker

Printed Name

/Harmony Wilson/

Signature

Harmony Wilson

Printed Name

/Thomas Wylie/

Signature

Thomas Wylie

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

June 16, 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:

483 East Broadway (Parcel ID: 461-3-5G) #33-1588
 Project Location 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

ATTACHMENT A: SPECIAL CONDITIONS

MassDEP FILE #33-1588

ISSUING AUTHORITY: Haverhill Conservation Commission (“HCC”)

APPLICANT: Adam and Kara Sotirakopoulos

PROJECT LOCATION: 483 East Broadway - Parcel ID: 461-3-5G

PROJECT DESCRIPTION

The project consists of the construction of a seasonal dock system on the left bank of the Merrimack River, with the construction of a 4’-wide gravel access drive from near the existing home to the dock. The access ramp will be installed on-grade and will include three small wetland crossings. Two of the crossings will be installed with embedded 12” culverts to mimic existing runoff patterns. At the third crossing, an elevated wooden boardwalk will be constructed to ensure passage of water at this lowest of the three floodplain locations. The dock system shall be constructed with float stops to maintain minimum clearances above Land Under Water during all tides. All floats will be anchored with conservation moorings and rodes.

RESOURCE AREA FINDINGS

The Haverhill Conservation Commission finds this site to contain, at a minimum, the following resource areas: bordering vegetated wetlands, land under water, riverbank, 200’ riverfront area, and bordering land subject to flooding associated with the Merrimack River. Work is also partially located within estimated and priority habitats mapped by the MA Natural Heritage and Endangered Species Program.

EXPIRATION DATE

Unless extended, this Order of Conditions (“OOC”) will expire June 16, 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 OOC, the HCC shall be contacted for a clarification.

- a) “Conservation Plan – 483 East Broadway” (1 Sheet), site plan prepared by Winter GEC, LLC (44 Merrimac Street, Newburyport, MA 01950), dated April 22, 2026.
- b) “Project Narrative” (6 pages), document prepared by Applicant, dated revised April 2, 2026.
- c) Letter to the HCC from the MA Division of Fisheries & Wildlife (1 Rabbit Hill Rd, Westborough, MA 01581), 3 Pages, dated April 27, 2026.

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. **When filing for any new or amended Notice of Intent, Request for Determination of Applicability or associated renewal, extension, or amendment of this Orders of Conditions the Applicant shall contact the MA Division of Fisheries and Wildlife for written response regarding impacts to resource area habitat of state-listed wildlife. A renewal, extension or amendment of any Order of Conditions or other permit under the MA Wetland Protection Act does not renew, extend, or amend the Division’s April 27, 2026, MESA authorization of this project.**
29. During the life of this Order, should any modifications to the wetland delineations be found to be necessary by the HCC, the applicant shall submit a modified plan reflecting these modifications.
30. 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 OOC 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 OOC and adhere to them.

CONSTRUCTION SEQUENCING

31. 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.
32. 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 EM, the PPESC Monitor, and the HCC. The purpose of the meeting is to review this OOC and resolve any outstanding issues at that time.
33. Immediately following installation of the dock system, the Applicant shall provide the HCC with an as-built grading plan showing, at a minimum, the following information as it pertains to the subject property. This plan shall be stamped by a MA-registered Professional Engineer. This plan shall be subject to the review and approval of the HCC.
 - a) Wetland resource areas subject to protection under this OOC and their approved delineations;
 - b) Limits of all Buffer Zones, including No-Disturbance and No-Build Zones;
 - c) Dock system components and ramp;
 - d) Topography at 2’ intervals and on North American Vertical Datum 1988;
 - e) Existing limits of lawn/landscaped, forest, and meadow areas;
 - f) Tree and shrub plantings;
 - g) Date(s) of survey fieldwork; and
 - h) A statement by the Professional Engineer certifying compliance with the approved plans and conditions of this OOC and setting forth deviations from same, if any exist.

CONSTRUCTION PERIOD EROSION, SEDIMENTATION, AND POLLUTION PREVENTION

34. All vegetation cutting associated with the construction of this project shall be subject to the prior review and approval of the HCC.
35. While the need for erosion and sedimentation control devices is not anticipated for this project, the Applicant shall be prepared to acquire these devices, such as silt fences, straw bales, and stone-riprap, for emergency use during construction.
36. 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.
37. Upon completion of the project all disturbed areas shall be permanently stabilized with rapidly growing vegetative cover with enough 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.
38. 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.

39. 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.
40. Equipment shall not be staged overnight within 100' of a wetland resource area.
41. 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 shall notify the HCC within one hour of any spills within wetland resource areas or buffer zones. Onsite emergency spill kits shall always be available.

RESOURCE AREA ACTIVITIES

42. All work proposed within state and/or local resource areas shall be performed according to the plans and documents submitted as part of the Notice of Intent filing, unless specified otherwise in this Order. These areas shall meet or exceed the General Performance Standards outlined in 310 CMR 10.00 and Haverhill Municipal Ordinances Chapter 253. Should these areas fail to meet any of these standards, the HCC reserves the right to require those measures necessary to achieve compliance.
43. The Applicant shall not disturb any area of protected or regulated Federal, State, and/or Local wetland resource area or buffer zone except for that which has been permitted by this Order.
44. Use of Native Species: Unless otherwise approved in writing by the HCC, all seed and plantings used for this project shall be native to the county of the project as provided in current version of The Vascular Plants of Massachusetts: A County Checklist (see <https://www.mass.gov/doc/the-vascular-plants-of-massachusetts-a-county-checklist/download>).
45. The Applicant is to contact the HCC immediately upon completion of replication work; an appointment for inspection by an HCC Official shall be arranged with the EM. Immediately following this inspection, the Applicant shall submit a status report, written by the EM describing to the HCC the status of the mitigation planting work.
46. The wetlands consultant, prior to and following each growing season, beginning at the completion of planting, and ending a minimum of one (1) year after the completion of the planting, shall submit monitoring reports to the HCC. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the plantings with respect to survivorship of vegetation and plant mortality, habitat value, stability, aerial extent, and distribution, etc. These monitoring reports shall be submitted by May 31 and September 30 of each year.

WILDLIFE HABITAT

47. Authorization Duration: The Authorization issued by the Natural Heritage and Endangered Species Program for this project is valid for 5 years from its date of issuance (April 27, 2026). Work may be completed at any time during the 5-year period in compliance with the Program's conditions. Thereafter, the Applicant must re-file pursuant to the MA Endangered Species Act.

OTHER CONDITIONS

48. 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.
49. 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 in both paper form and in an electronic form found acceptable to an HCC Official:
- a) A written statement by a professional engineer registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this OOC and setting forth deviations, if any exist.
 - b) A final monitoring report and current photo log prepared by the wetlands consultant.
 - c) Two sets of as-built site plans prepared by a registered land surveyor or registered professional engineer showing grades, dock system components 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:

50. The Property Owners shall ensure that a record of 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. This information shall be made available for use by the Owner in its implementation of the activities discussed within and by the Haverhill Conservation Commission ("HCC") during any inspections that may be necessary.
51. The Property Owners shall maintain the permanent stability of this site to prevent the erosion of materials into the wetland resource areas.
52. The City of Haverhill reserves the right to schedule an annual inspection with the Property Owners to inspect the dock system components for proper function and maintenance.
53. The HCC reserves the right to enforce all restrictions and/or requirements established for this property within this OOC under the enforcement powers of the City's wetlands protection ordinance, Municipal Ordinance Chapter 253.
54. No future disturbance, except for hazard tree removal and edge maintenance pruning, shall occur within the 200' Riverfront Area identified on the referenced site plan without the approval of the Haverhill Conservation Commission. Vegetation along the access road and within the "managed" section of riverfront area may be maintained as proposed by the Applicant on Page 4 of 8 of the Project Narrative.

55. The Property Owner shall conduct routine litter pick-ups on the site to prevent debris from entering the resource areas and undisturbed buffer zones.
56. There shall be no unprotected storage of deleterious or hazardous materials (such as boat parts, debris, oil drums, batteries, etc.) allowed within the 200' Riverfront Area.
57. The Applicant is responsible for complying with all Federal, Commonwealth, and Municipal rules and regulations governing this project, such as but not limited to those implemented by the following agencies:
 - a) U.S. Army Corps of Engineers New England District Office (General Permits for Massachusetts)
 - b) MassDEP Waterways Regulatory Program (310 CMR 9.00: Waterways)
 - c) MA Natural Heritage & Endangered Species Program (321 CMR 10.00: MA Endangered Species Act)
 - d) City of Haverhill Harbormaster (City Code §116-4: Seasonal Docks and Mooring on Merrimack River)
58. Flexible, Low Impact Mooring & Anchor: This approval authorizes the installation of the dock as shown in the plan; however, mooring system components must be replaced with a flexible, low-impact mooring system. Specifically, the use of helical anchors with a rope system that will ensure that the mooring ropes or chains do not contact the bottom of the river during all water elevations. Replacement of these systems with a conventional anchorage (e.g., concrete block, mushroom anchor) or rode system (e.g., chain or non-buoyant rope) is not permitted without written authorization from the HCC regarding impacts to Resource Area habitats of state-listed wildlife and the MA Endangered Species Act.
59. Mooring System, fixed attachments if necessary. If bedrock is encountered during installation and confirmed by the Conservation Commission, an alternative fixed anchor system can be used (e.g., Eye-bolt, Manta, Plate Anchor), but rodes from those points shall still be flexible/conservation systems. If driven elements are needed for the anchors, they need to be installed between November 2 and March 14 to protect sturgeon.
60. All seasonal system components shall be stored in an upland location, outside the limits of 200' Riverfront Area and bordering land subject to flooding.
61. No creosote or other chemical coating of the structures shall be allowed.
62. Deck spacing on the docks shall be a minimum of $\frac{3}{4}$ " between boards to allow for light penetration to the land under the dock structures.
63. Boats shall not be fueled on site. This dock system is for general, personal usage by the landowner and shall not be used as a commercial boating facility.
64. The dock sections shall be constructed with float stops or "feet" on their bottom-side corners to prevent them from lying on the land under the dock during periods of low flow. Floats shall be supported a minimum of 18" above the substrate during all tides as shown on the approved plan.

65. Following the installation of this system, the applicant shall contact the Haverhill Conservation Department to schedule a site inspection for compliance with these conditions.
66. To prevent damage to the riverbank, installation and removal of the dock system shall either be from the water at the ramp or by hoisting them over the bank. Components shall not be dragged over the bank.
67. The dock system shall be equipped and maintained with floating steps or comparable ladders to provide public lateral access across the system in accordance with Massachusetts Waterways Regulations protecting the public's rights to use waterways for fishing, fowling, navigation, and other lawful purposes, and to avoid unnecessary impacts to land under water and bank by such users. Related signage shall be affixed to each side of the dock system near this mitigative measure.
68. The Applicant may operate vehicles in good repair with no obvious signs of fuel or other fluid leaks for access to the docks. Only vehicles necessary for handicap access to the dock area or ATV-type vehicles shall park unattended. All other vehicles may access the docks and boat ramp but must be attended, meaning somebody who can operate the vehicle needs to be in the general area and able to relocate the vehicle. Any vehicles other than ATV-style or those used for handicap access must be parked out of the Conservation Commission's jurisdiction.

--- 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)	

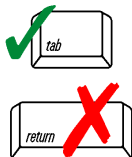
4. DEP File Number:

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.