



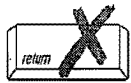
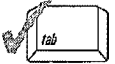
**WPA Form 5 – Order of Conditions**

246-631

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

**A. General Information**

**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: Northampton  
Conservation Commission

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

3. To: Applicant:

Tofino Associates, Inc. and Northern Avenue  
Homes, Inc.

a. First Name

b. Last Name

c. Organization

31 Campus Plaza Road

d. Mailing Address

Hadley

e. City/Town

MA

f. State

01035

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Northern Avenue

a. Street Address

Northampton

b. City/Town

25C

c. Assessors Map/Plat Number

12 & 17

d. Parcel/Lot Number

Latitude and Longitude, if known:

e. Latitude

f. Longitude

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

Hampshire

a. County

b. Certificate Number (if registered land)

Book 8428, Page 219

c. Book

Book 8829, Page 341

d. Page

7. Dates: April 15, 2009 August 27, 2009 September 16, 2009  
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):

Notice of Intent Plans for: North Street & Northern Avenue Northampton, Massachusetts

a. Plan Title

The Berkshire Design Group, Inc.

b. Prepared By

Mark Darnold and Michael Lui

c. Signed and Stamped by

April 14, 2009-June 15, 2009 Revisions- July 13, 2009 Plant Schedule

1"=20'

e. Scale

f. Additional Plan or Document Title

g. Date



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## 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. 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:

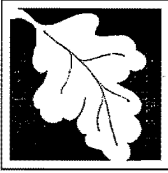
- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special 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.

#### 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 these interests, 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).**

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

3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				35
				a. linear feet
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		



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**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

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. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
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		



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

(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.
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.
6. 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.
7. 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.
8. 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 this 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.
9. 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 246-631"



## WPA Form 5 – Order of Conditions

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

### C. General Conditions Under Massachusetts Wetlands Protection Act

10. 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.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. **The work associated with this Order is (1)  is not (2)  subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
  - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.



## WPA Form 5 – Order of Conditions

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

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

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- 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 Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement 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 Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make this log available to MassDEP and the Conservation Commission upon request; and
  3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments 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.



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

j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.

k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) 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"

## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

2. The Northampton 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:

Northampton Wetlands Ordinance

Chapter 337 of the Code of Ordinances

1. Municipal Ordinance or Bylaw

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):

See "Attachment A"



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## E. Issuance

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

SEPT 10, 2009  
1. Date of Issuance

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

5  
2. Number of Signers

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

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

Signatures:

[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]

## Notary Acknowledgement

Commonwealth of Massachusetts County of HAMPSHIRE

On this 10th Day of SEPTEMBER 2009

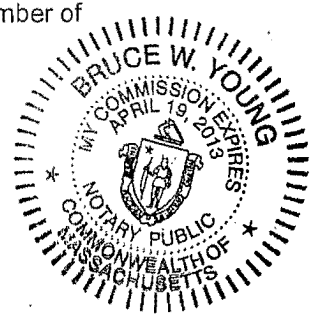
Before me, the undersigned Notary Public, personally appeared KEVIN LAKE  
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

PERSONAL KNOWLEDGE  
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of NORTHAMPTON City/Town Conservation Commission



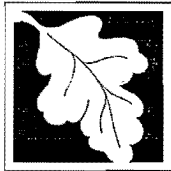
[Handwritten Signature]  
Signature of Notary Public  
BRUCE W. YOUNG  
Printed Name of Notary Public  
APRIL 19, 2013  
My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on \_\_\_\_\_ Date  
 by certified mail, return receipt requested, on SEPTEMBER 17, 2009 Date





## WPA Form 5 – Order of Conditions

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

### 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 of 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

Section G, Recording Information is available on the following page.



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## G. Recording Information

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.

\_\_\_\_\_  
Conservation Commission

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

To:

\_\_\_\_\_  
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:

\_\_\_\_\_  
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

## “ATTACHMENT A”

19. Prior to the initiation of any work, the applicant/owner shall submit a letter of understanding to the Commission stating that he/she has received, read, understands and shall comply with these Orders. The applicant, and, his or her contractor, foreman and/or construction manager shall sign the letter of understanding.
20. Prior to the initiation of any work, the applicant shall submit to the Commission a sequencing plan for construction, and erosion and sedimentation control installation.
21. Prior to the start of any site work, excavation or construction, a pre-construction conference shall be held on the site, between the contractor conducting the work, the site/project engineer, the applicant, and a member or agent of the Conservation Commission, in order to ensure that the requirements of this Order are understood by all parties. Prior to the pre-construction meeting, all erosion control devices must be installed.
22. All required permits must be obtained from the applicable federal, state and municipal agencies and departments prior to the start of any project.
23. A copy of this Order and associated plans shall remain on site during all construction and/or building activities. The project manager and all equipment operators shall be familiar with the approved plans, and shall be informed of their location on the site. **This location shall be accessible to all contractors whenever work is occurring on site.**
24. All revised plans, referenced within this Order of Conditions, shall be approved by the Conservation Commission and incorporated into the permit by reference and shall be followed during the course of construction.
25. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion control measures shall be inspected at this time, and maintained or reinforced as necessary. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall also be inspected to assure that the maximum control has been provided. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas, and maintained or reinforced as necessary. Erosion controls shall be inspected after every rainfall to assure that maximum control has been provided.
26. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, straw bales, erosion control blankets, riprap, filter berms or other devices planned for use during construction.

27. Soils exposed for periods greater than two months shall be stabilized with erosion control blankets and netting, a covering of straw mulch, or a temporary cover of rye or other grass to prevent erosion and sedimentation. Drainage ditches shall be stabilized and seeded with a native perennial grass mixture. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding. Preference should be given to biodegradable materials.
28. All disturbed areas shall be graded, loamed and seeded, or stabilized with erosion control blankets or netting, and a covering of straw mulch prior to November 30, of each year. No disturbed areas or stockpiled materials will be left unprotected or without erosion control after this date.
29. No disposal of soils or other materials shall be allowed within: a 100-year floodplain; 40 feet of the 100-year floodplain elevation; any wetland; or any area within 100-feet of a wetland, unless such areas are specifically approved by the Commission, in accordance with 310 CMR 10.00, and City of Northampton Ordinances.
30. Ongoing conditions that shall not expire with the issuance of a Certificate of Compliance are as follows: 32, 33, 34, 35,36, 37 & 40
31. Upon completion of the work covered by this Order, the applicant shall submit an as-built plan, signed and stamped by a registered professional engineer or land surveyor, together with a written request for a Certificate of Compliance.

The plan and written request shall specify any ways that the completed project differs from the plans referenced in the Order. The as-built plan shall include, at a minimum, and as applicable to the project: elevations of all pipe inverts and outlets, pipe sizes, materials, and slopes; all other drainage structures; limits of clearing, grading, and fill; all structures, pavement, and contours within 100 feet of wetland boundaries; all alterations within the wetland resource areas; and all dates of fieldwork.

32. The owner of the property described in this Order must advise any potential buyer of the property that any construction or alteration to said property, including brush cutting or clearance, may require approval by the Northampton Conservation Commission.

Any instrument conveying any or all of the owners' interest in said property or any portion thereof, shall contain language similar to the following:

**"This property is subject to the Northampton Wetlands Ordinance and/or the Massachusetts Wetlands Protection Act. Any construction or major maintenance work performed on this property requires an Order of Conditions, and/or a Determination of Applicability from the Northampton Conservation Commission.**

33. The stormwater system shall be maintained in accordance with the Stormwater Management Permit issued by the Department of Public Works, the Operation and

Maintenance Plan, and the Declaration of Covenants and Restrictions, Easements and Maintenance Agreements. Annual inspection reports shall be submitted to the Northampton Conservation Commission by October 1<sup>st</sup>.

34. No snow shall be dumped or stockpiled within seventy-five feet of any wetland resource area.
35. The applicant is forbidden to use any lawn or garden chemicals on the site. An annual acknowledgement of this requirement shall be provided to the Conservation Commission by October 1<sup>st</sup> of each year.
36. The 35-foot buffer zone to the bordering vegetated wetlands shall be a No Disturb Zone unless otherwise authorized by the Northampton Conservation Commission. Permanent 4'x4' (minimum) boulders shall be spaced no more than four feet apart, marking the 35-Foot Wetland Buffer No Disturb Area, and must remain in place in perpetuity. The boulders shall be placed along the 35-Foot Buffer of wetland flags A2-A5, W6-W1 and A32-A73 on the approved site plan.
37. The applicant shall contract with a qualified person, approved by the Conservation Commission, to annually inspect the 35-foot No Disturb Zone. The applicant shall provide Conservation Commission an annual inspection report of (1) the integrity of the permanent markers, (2) the condition of the No Disturb Zone, including, but not limited to, any encroachment, erosion, destruction of vegetation, dumping of waste of any kind, including lawn clippings and other yard waste, and (3) whether any restoration is required. This report shall be submitted to the Conservation Commission by October 1<sup>st</sup> of each year.
38. Upon completion of construction activities, the applicant shall provide the Northampton Conservation Commission with baseline documentation of the vegetation and site conditions of the 35' No-Disturb area.
39. Upon completion of construction activities, the applicant shall provide the Northampton Conservation Commission with a five-year invasive removal plan for the 35' No-disturb area. Invasive removal and inventory reports shall be submitted by October 1<sup>st</sup> of each year.
40. The applicant shall use Ice Ban, Magic Minus Zero, or an equivalent liquid deicing agent (not containing sodium chloride,) for routine deicing on the roadways and paved sidewalks. The applicant reserves the right to use a commercially available sand mixture on the roadways and paved sidewalks that are used as access from parking to dwelling units if in a particularly severe or icy weather condition the aforementioned product is not sufficient to permit safe vehicular and pedestrian travel. The Northampton Conservation Commission shall be notified within twenty-four (24) hours of any application of a commercially available sand mixture. The applicant shall make an ongoing good faith effort to find ecologically benign deicing solutions for all impervious surfaces. The applicant shall include a statement on alternative deicing efforts in the annual report.

The Conservation Commission and DPW shall be notified by the applicant where a violation of these requirements occurs.