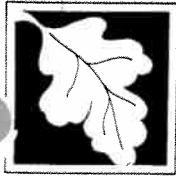


CT



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

64-466

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.



From: Salem
1. Conservation Commission

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

3. To: Applicant:

City of Salem

a. First Name

b. Last Name

c. Company

93 Washington Street

d. Mailing Address

Salem

e. City/Town

MA

f. State

01970

g. Zip Code

4. Property Owner (if different from applicant):

City of Salem and

Mass. Electric

b. Last Name

c. Company

93 Washington St & 25 Research Dr

d. Mailing Address

Salem and Westborough

e. City/Town

MA

f. State

01970 & 01582

g. Zip Code

5. Project Location:

South River between Congress, Derby & Peabody St

34

c. Assessors Map/Plat Number

Salem

b. City/Town

0436, 0435, 0444

d. Parcel/Lot Number

Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):

N 42 31'09"

e. Latitude

70 53'27"

f. Longitude

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

Essex

a. County

23049 (Mass.Electric)6667, 3282 (City of Salem)

c. Book

b. Certificate (if registered land)

93 (Mass Electric)/424, 381 (City of Salem)

d. Page

7. Dates: July 12, 2007 September 13, 2007 September 17, 2007
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):

Salem Harborwalk Derby Street to Congress Street

a. Plan Title

Vine Associates

b. Prepared By

David Vine

c. Signed and Stamped by

July 13, 2007

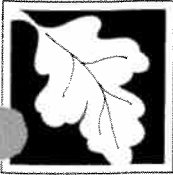
d. Final Revision Date

1"=20'

e. Scale

f. Additional Plan or Document Title

g. Date



B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. 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.

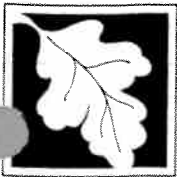
Denied because:

- 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. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

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. cu.yd dredged	f. cu.yd dredged		



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. Designated Port Areas Indicate size under Land Under the Ocean, below
11. Land Under the Ocean 230: 11 piles & 219 sheetpile 230
 b. square feet
 c. cu.yd dredged d. cu.yd dredged
12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below
13. Coastal Beaches a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.
14. Coastal Dunes a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt.
15. Coastal Banks Misc. repairs to seawall Misc. repairs to seawall
16. Rocky Intertidal Shores a. square feet b. square feet
17. Salt Marshes a. square feet b. square feet c. square feet d. square feet
18. Land Under Salt Ponds a. square feet b. square feet
 c. cu.yd dredged d. cu.yd dredged
19. Land Containing Shellfish a. square feet b. square feet c. square feet d. square feet
20. Fish Runs Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
21. Land Subject to Coastal Storm Flowage a. cu.yd dredged b. cu.yd dredged
11,225 11,225
 a. square feet b. square feet



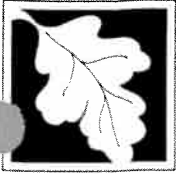
C. General Conditions Under Massachusetts Wetlands Protection Act

(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, "MA DEP"]

"File Number 64-466"

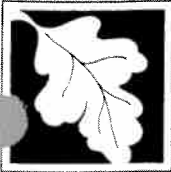


C. General Conditions Under Massachusetts Wetlands Protection Act

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 DEP.
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. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

If you need more space for additional conditions, select box to attach a text document



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

DEP File Number:
 64-466

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.

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

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

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

9/17/07
 1. Date of Issuance
 four (4)
 2. Number of Signers

Signatures:

[Handwritten signatures]

Notary Acknowledgement

Commonwealth of Massachusetts County of Essex

On this 13 of September 2007
 Day Month Year

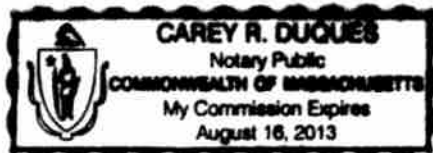
Before me, the undersigned Notary Public, K. Cornacchio, J. Furnari, D. Pabich, M. Blier, K. Glidden, personally appeared

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

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 Salem Conservation Commission
 City/Town



[Handwritten signature: Carey R. Duques]
 Signature of Notary Public
 Carey R. Duques
 Printed Name of Notary Public
 August 16 2013
 My Commission Expires (Date)

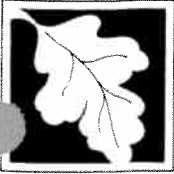
Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on
September 17 2007
 Date

Date

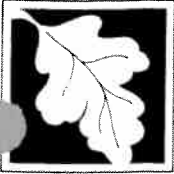


F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP 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.



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

DEP File Number:
 64-466

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 Page 7 of this form shall be submitted to the Conservation Commission listed below.

Salem
 Conservation Commission

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

To:
 Salem
 Conservation Commission

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

South River between Congress, Derby and Peabody Streets 64-466
 DEP 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:

27231 323
 Book Page

In accordance with the Order of Conditions issued on:

Date

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

FF60
 Instrument Number

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

Document Number

Signature of Applicant

SALEM CONSERVATION COMMISSION**DEP FILE #64-466****South River Harborwalk****City of Salem, Massachusetts****ADDITIONAL FINDINGS**

Based on the Estimated Habitats or Rare Wildlife and Certified Vernal Pools Map (June 1, 2003) from Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife, it has been determined that this project does not occur near any habitat of state-listed rare wildlife species nor contains any vernal pools.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 34, Section 34-1 – 34-13.

This Order permits the development of a 10 foot clear width, 1,000 foot long concrete pedestrian walkway and associated landscaping along the south and west sides of the South River. The permitted harborwalk will be constructed along the top of the existing seawall. The section of the harborwalk adjacent to MassElectric's property (approx 215 feet long) will be located on 14, 12 inch diameter steel, concrete filled piles, over the South River. The harborwalk begins at grade along Derby Street, transitions to an above grade structure along a portion of the City and Mass Electric properties and terminates in a sloped, elevated, precast concrete walkway section reaching grade at the Congress Street bridge sidewalk. This order also permits minor seawall repairs which include the chinking of stones into voids located in seawall. The order permits the installation of a new steel sheet pile wall along the South River in Salem. The sheet pile wall will be located approximately 1 ½ feet outboard of the existing wall, will tie into the existing wall and will contain gravel filled between the two walls. The Conservation Commission issued this Order of Conditions with the following special conditions: the existing timber piles present in the South River shall be cut to the mud-line and properly disposed of off site; a perforated pipe shall be installed along the length of the southern side of the harborwalk covered with gravel and shall tie into a drainage system and address drainage concerns; armoring in front of the elevated walkway on the landward side shall be completed using material such as granite blocks to protect the walkway from damage; a trash management plan shall be presented to the Conservation Commission noting the number and location of solar operated (big belly) trash receptacles along the harborwalk; and if harborwalk is going to be maintained during the winter months a snow management plan shall be presented to the Conservation Commission.

GENERAL CONDITIONS

1. This Order of Conditions must be recorded in its entirety (**all 5 pages**) at the Essex County Registry of Deeds or the Land Court for the district in which the land is located, after the expiration of the 10-day appeal period and within 30 days of the issuance. **A copy of the recording information must be submitted to the Salem Conservation Commission before any work approved in this Order commences.**
2. Approval of this application does not constitute compliance with any law or regulation other than M.G.L Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00 and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 34, Section 34-1 – 34-13.

3. All work shall be performed in accordance with this Order of Conditions and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Order, shall occur on this property without prior approval from the Commission.
4. Prior to any work commencing, a sign shall be displayed showing **DEP File #64-466**, and not placed on a living tree.
5. No work approved in this Order may commence until the ten (10) day appeal period has lapsed from the date of the issuance of this Order.
6. With respect to this Order, the Commission designates the Conservation Agent as its agent with powers to act on its behalf in administering and enforcing this Order.
7. The Commission or its Agent, officers, or employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, and shall have the right to require any data or documentation that it deems necessary for that evaluation.
8. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of the property that takes place prior to issuance of the Certificate of Compliance.
9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
 - (1) Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
 - (2) Water Quality Certification in accordance with the Federal Water Pollution Control under authority of sec. 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
 - (3) Sewer Extension Permit from the DEP Division of Water Pollution Control under G. L. Ch. 21A ss7 and 314 CMR 7.00. Any Board of Health permit for septic system design for any portion of the septic system within 100 feet of wetlands shall be submitted to the Commission prior to construction initiation.
 - (4) Design Requirements for Construction in Floodplains under the State Building Code (780 CMR 744.).
10. If there are conflicting conditions within this Order, the stricter condition(s) shall rule.
11. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
12. The Commission or its Agent shall have the discretion to modify the erosion/siltation control methods and boundary during construction if necessary.
13. The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
14. The work shall conform to the following attached plans and special conditions:

Final Approved PlansSalem Harborwalk Derby Street to Congress Street*(Title)*July 13, 2007*(Dated)*David B. Vine*(Signed and Stamped by)*City of Salem Conservation Commission*(On file with)*

15. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the Commission. The Notice shall be accompanied by a written inquiry prior to their implementation in the field, as to whether the change(s) is substantial enough to require filing a new Notice of Intent or a request to correct or amend this Order of Conditions. A copy of such request shall at the same time be sent to the Department of Environmental Protection.
16. In conjunction with the sale of this property or any portion thereof before a Certificate of Compliance has been issued, the applicant or current landowner shall submit to the Commission a statement signed by the buyer that he/she is aware of an outstanding Order of Conditions on the property and has received a copy of the Order of Conditions.

PRIOR TO CONSTRUCTION

17. **Prior to the commencement of any activity on this site other than activities listed above, there shall be a Pre-Construction Meeting** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Administrator to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting. Please contact the Conservation Commission Agent at (978) 745-9595 ext 311 at least forty-eight (48) hours prior to any activity to arrange for the pre-construction meeting.
18. Prior to the pre-construction meeting and commencement of any activity on this site, sedimentation and erosion control barriers shall be installed as shown on the approval plan(s) and detail drawings. The Commission and/or its Administrator **shall inspect and approve such installation at the pre-construction meeting.**
19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.

EROSION CONTROL

20. Appropriate erosion control devices shall be in place prior to the beginning of any phase of construction, and shall be maintained during construction in the wetland areas and buffer zones. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; the Commission may require additional measures.

21. All debris, fill and excavated material shall be stockpiled a location far enough away from the wetland resource areas to prevent sediment from entering wetland resource areas.
22. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
23. The area of construction shall remain in a stable condition at the close of each construction day.
24. Any de-watering of trenches or other excavation required during construction shall be conducted so as to prevent siltation of wetland resource areas. All discharge from de-watering activities shall be filtered through hay bale sediment traps, silt filter bags or other means approved by the Commission or its Administrator.
25. Within thirty (30) days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long-term stabilization of disturbed areas.
26. If soils are to be disturbed for longer than two (2) months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surface shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding.

DURING CONSTRUCTION

27. A copy of this Order of Conditions and the plan(s) approved in this Order shall be available on site at all times when work is in progress.
28. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
29. All waste products, grubbed stumps, slash; construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from river.
30. Cement trucks shall not be washed out in any wetland resource or buffer zone area, nor into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
31. All exposed sub-soils shall be covered by a minimum of three (3) inches of quality screened loam topsoil prior to seeding and final stabilization.
32. Immediately following drainage structure installation all inlets shall be protected by silt fence, haybale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
33. There shall be no pumping of water from wetland resource areas.
34. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
35. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
36. The applicant is hereby notified that failure to comply with all requirements herein may result in the issuance of enforcement actions by the Conservation Commission including, but not limited to, civil administrative penalties under M.G.L Chapter 21A, section 16.

AFTER CONSTRUCTION

37. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
38. When issued, the Certificate of Compliance must be recorded at the Essex County Registry of Deeds and a copy of the recording submitted to the Salem Conservation Commission.
39. If the completed work differs from that in the original plans and conditions, the report must specify how the work differs; at which time the applicant shall first request a modification to the Order. Only upon review and approval by the Commission, may the applicant request in writing a Certificate of Compliance as described above.
40. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.

ADDITIONAL CONDITIONS

41. Existing timber piles present in the South River shall be cut to the mud-line and properly disposed of off site.
42. A perforated pipe shall be installed along the length of the southern side of the harborwalk covered with gravel and shall tie into a drainage system and address drainage concerns.
43. Armoring shall be installed in front of the elevated walkway on the landward side using material such as granite blocks to protect the walkway from damage.
44. A trash management plan shall be presented to the Conservation Commission noting the number and location of solar operated (big belly) trash receptacles along the harborwalk.
45. If the harborwalk is going to be maintained during the winter months a snow management plan shall be presented to the Conservation Commission.