

**SALEM CONSERVATION COMMISSION****DEP FILE #64-473****City of Salem Transfer Station****12 Swampscott Road****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 capping and renovation (including slope stabilization, repaving, grading) of the existing City of Salem transfer station and upgrade of City of Salem yard waste drop-off area (installation of retaining walls and repaving) at the closed solid waste landfill. In further detail, this Order of Conditions permits the work proposed in the Notice of Intent filed with the Conservation Commission on February 11, 2008 which is further described in supplemental information provided to the Conservation Commission on February 28, 2008 and March 13, 2008. The activities approved under this Order of Conditions include demolition of the existing former incinerator building, including the building and the smoke stack. The Commission approves the demolition procedure proposed in the application. The applicant shall obtain all necessary local and state permits necessary to complete this demolition.

This Order permits the capping of the landfill as described in the Notice of Intent application. The Commission approves this plan so long as it is in compliance with DEP's regulations. If changes are made to the proposed capping technique the landowner shall provide the Conservation Commission with the new proposed approach to capping the landfill.

The Commission approves the construction of a new transfer station building to be 75 feet by 100 feet, as proposed in the Notice of Intent application. This Order permits repaving on the Site including areas within the 200 foot Riverfront area. In order to address runoff and reduce the total suspended solids entering into the river the landowner shall install a Stormceptor 900i unit, per DEP comments made on March 4, 2008. In order to control stormwater during construction the landowner shall provide a Stormwater Pollution Prevention Plan (SWPPP) to the appropriate agencies and provide the Conservation Commission with a copy.

This Order permits the development of concrete block push walls and retaining walls within the Riverfront area as proposed on the Overall Site Plan dated February 2008 stamped by Gerald R. Magnan. This project proposal includes the relocation of the yard waste drop-off area and the creation of a recyclable drop-off area to the rear (southern) portion of the site. The Conservation Commission is requiring that no dumping signs be installed along the perimeter of the drop-off area and along the top of the river. Condition #46 outlines the specifics of design, quantity and location of the signs. This Order permits the creation of a water quality swale around the perimeter of the drop-off area as described in the Notice of Intent application.

This Order permits site improvements, specifically the removal of approximately 60 linear feet of the upstream portion of a culvert that currently conveys the Forest River under the existing access road to the yard waste drop-off area located to the rear, southern, side of the Site. This Order permits the removal of the 48" and the installation of a



12” pipe at inlet to control flow and maintain existing conditions. All material removed as a result of the daylighting of the river shall be handled appropriately according to DEP requirements. The river shall be protected throughout the entire process of removing the 60 linear feet, taking necessary precautions to limit sediment, equipment, etc. from entering the river. Final stamped plans showing the removal of the pipe shall be submitted to the Conservation Agent or Conservation Commission prior to the start of construction and post the inspection of the drainage pipe.

The landowner shall remove debris from the Forest River, including but not limited to “white goods” such as washing machines, dryers, bicycles, etc. Equipment used to remove this debris shall not enter the river and spill kits shall be on Site at all times.

An Operations and Maintenance Plan shall be maintained on site by the landowner and shall be available for review by the Conservation Agent or others who are interested.

The Conservation Agent will be inspecting the site on a weekly basis during construction. The Conservation Agent shall be notified if changes are made to any section of the approved application.

GENERAL CONDITIONS

1. This Order of Conditions must be recorded in its entirety (**all 7 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 #64-473**, 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 the Salem Wetlands Ordinance, 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 Plans

See Attached Sheet for a Listing of all Plans

(Title)

(Dated)

(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.
17. Condition Number 50 and 51 as indicated shall continue in force beyond the Certificate of Compliance, in perpetuity, and shall be referenced to in all future deeds to this property.

PRIOR TO CONSTRUCTION

18. **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) 619-5685 at least forty-eight (48) hours prior to any activity to arrange for the pre-construction meeting.
19. 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.**
20. 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.
21. There shall be twenty (20) hay bales and wooden stakes under cover on the site to be used only for emergency erosion control.

EROSION CONTROL

22. 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.
23. 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.
24. 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.
25. The area of construction shall remain in a stable condition at the close of each construction day.
26. 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.
27. 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.



28. 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

29. 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.
30. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
31. 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.
32. 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.
33. 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.
34. 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.
35. There shall be no pumping of water from wetland resource areas.
36. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
37. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.
38. 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

39. 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;

- 40. 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.
- 41. 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.
- 42. 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

- 43. The applicant shall obtain all necessary state and local permits prior to demolition occurring on site. The Conservation Commission shall receive copies of these permits.
- 44. Final plans outlining the partial removal of the Forest River Culvert shall be submitted to the Conservation Agent and approved before construction on this portion of the project can begin. The plans shall contain, elevation of culvert project area post construction, exact length of culvert to be removed, location of erosion control measures to be installed during construction, identification of area where material excavated will be placed, dewatering plan (if necessary), restoration plan proposed for the river banks, and details of cement headwall to be placed on inlet end of culvert.
- 45. The applicant shall remove debris from the Forest River. Excavators or other equipment used to remove debris from the river shall not enter the river. Spill kits shall be on Site.
- 46. The applicant shall coordinate with the Conservation Agent regarding the layout, wording, design, quantity, etc of no dumping signs to be installed adjacent to resource area and in the rear, southern, portion of Site near the recycling and yard waste drop-off area.
- 47. The applicant shall submit letter from adjacent property owner agreeing to be an applicant on the Notice of Intent.
- 48. The applicant shall submit letter from adjacent property owner granting a construction easement over the property owned by NSSS Limited Partnership located at 38-52 Swampscott Road in Salem, MA or documentation proving the conveyance of the property to the applicant prior to start of construction.
- 49. The Conservation Commission shall be copied on all documents submitted to the DEP and other state agencies.
- 50. The applicant shall provide the Conservation Agent with hydrologic calculations, pre and post removal of the 60 feet of culvert. Final plans for the headwall and any structure to be installed at the upstream



inlet of the Forest River shall also be submitted for review and final approval by the Conservation Agent or Conservation Commission and City Engineer.

51. The applicant shall update the Operations and Maintenance manual prior to starting construction to reflect quarterly street sweeping and supplemental sweeping as necessary.
52. The applicant shall update the Operations and Maintenance manual prior to starting construction to reflect inspections of catch basins quarterly and annual cleaning of the catch basins with supplemental cleaning as necessary.
53. Applicant shall update plan showing Toe of Landfill Cap Detail with rip rap covering the impervious liner above and below the water surface.
54. Applicant shall submit annual report by December 31 of each year to the Conservation Agent showing that the catch basins have been cleaned and street sweeping has occurred.
55. The applicant shall install four (4) foot sumps in each of the catch basins located on site.
56. Applicant shall complete and submit a stormwater report meeting DEP standards prior to performing construction.
57. Site visits shall be conducted weekly by the Conservation Agent upon the start of construction.
58. Applicant shall note on site plans snow storage areas.
59. Applicant shall appear before the Conservation Commission with final plans stamped by an engineer upon submitting plans to DEP and prior to beginning construction.

PERPETUAL CONDITIONS

60. The applicant shall maintain an Operations and Maintenance Manual for the stormwater system that is accessible on Site.
61. Sodium based products shall not be used within the Riverfront Area, 200 feet from the river.