



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

MassDEP File Number:
 002-1026

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: Amesbury
 Conservation Commission

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

3. To: Applicant:

Herbert Sears
 a. First Name b. Last Name

True Family Homestead Limited
 c. Organization

33 Pine Street
 d. Mailing Address

Exeter NH 03833
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

See Appendix 1
 a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

282 Elm Street Amesbury
 a. Street Address b. City/Town

80 1
 c. Assessors Map/Plat Number 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):

Essex South
 a. County b. Certificate Number (if registered land)

9703 107
 c. Book d. Page

7. Dates: October 13, 2010 August 20, 2012 August 20, 2012
 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 Index of Documents - Retail Parcel (Attached)
 a. Plan Title

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. 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)				25 feet
				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		



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 002-1026"



WPA Form 5 – Order of Conditions

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

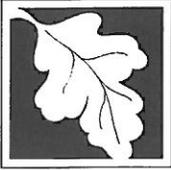
C. General Conditions Under Massachusetts Wetlands Protection Act

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.



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.



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 to Order of Conditions

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Amesbury Conservation Commission hereby finds (check one that applies):
 - 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:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------
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 to Order of Conditions



002-1026

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.

8/20/12
 1. Date of Issuance
three
 2. Number of Signers

Signatures:

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

Notary Acknowledgement

Commonwealth of Massachusetts County of

Essex

On this 20th Day of

August 2012
 Month Year

Before me, the undersigned Notary Public, personally appeared

Steve Langlois
 Name of Document Signer

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

known to me
 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 Amesbury City/Town

Conservation Commission

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on 8/21/12
 Date

[Handwritten Signature]
 Signature of Notary Public
Rita Spaurin Becotte
 Printed Name of Notary Public
March 25, 2016
 My Commission Expires (Date)

by certified mail, return receipt requested, on _____
 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 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.

**INDEX OF DOCUMENTS
RETAIL PARCEL
ELM STREET
AMESBURY, MA
DEP FILE#: 002-1026**

Permits & Reports

Notice of Intent – Retail Facility, dated October 12, 2010
Wetland & Buffer Zone Functions & Values Assessment, Hotel & Retail Facilities, dated
Revised October 25, 2011
Buffer Zone Impact Mitigation Program, Hotel & Retail Sites, dated Revised July 24, 2012
Beaver Management Program, Hotel/Retail Parcels, dated July 24, 2012
Invasive Species Control Program Site Plan, Invasive Species Locations & Mitigation Strategy,
dated July 12, 2012
Storm Water Pollution Prevention Plan for Finard Amesbury, LLC, dated Revised, March 2012.
Long Term Pollution Prevention Plan for Finard Amesbury, LLC, dated Revised, March 2012.

Correspondence

Correspondence from Michael Radner, Radner Design Associates, to Steven Langlois,
Amesbury Conservation Commission, dated August 13, 2010, regarding True Homestead
Ltd. Partnership Elm Street Hotel & Retail Design Review
Correspondence from Joseph W. Fahey, Town of Amesbury Director of Community &
Economic Development, to Fred Ford of Cammett Engineering, dated September 8, 2010,
regarding the proposed hotel on Elm Street
Correspondence from E. Ann Poole, Poole Ecological & Environmental Consultancy, to Michael
Radner, Radner Design Associates, dated March 8, 2011, regarding Review Comments –
Buffer Zone Impact Mitigation Program (Revised October 12, 2010), Hotel & Retail Sites,
282/284 Elm Street, Amesbury, MA.
Correspondence from Michael Radner, Radner Design Associates, to Joseph Fahey, Nipun Jain,
and John Lopez of the Town of Amesbury, dated March 8, 2011, regarding Peer Review –
284 Elm Street, 92 Room Hotel.
Correspondence from Curt Young, Wetlands Preservation, Inc., to John Lopez, Town of
Amesbury, dated August 9, 2011, regarding Responses to Review Comments, Buffer Zone
Impact Mitigation Program, Hotel& Retail Sites – 282/284 Elm Street, Amesbury, MA.
Email from Michael Radner, Radner Design Associates, to Curt Young, Wetlands Preservation,
Inc., dated August 30, 2011, regarding a meeting summary from the prior Thursdays
meeting with the Town of Amesbury, and E. Ann Poole, with Poole Ecological &
Environmental Consultancy.
Documentation from E. Ann Poole, Poole Ecological & Environmental Consultancy, to members
attending the Mitigation Program meetings, regarding how the proposed mitigation plan
should address stated ecological concerns, presented at 8/25/11 meeting.
Correspondence from Curt Young, Wetlands Preservation, Inc., to Nipun Jain, Town of
Amesbury, dated November 21, 2011, regarding Evaluation of Wetland Impacts &
Proposed Mitigation Program, Hotel/Retail Parcel, Elm Street, Amesbury, MA.

(Index of Documents, Retail Parcel - continued)

Memorandum from John Lopez, Town of Amesbury Conservation Agent, to the Town of Amesbury Conservation Commission and Nipun Jain, Town Planner, dated March 8, 2012, regarding 282 Elm Street Retail and 284 Elm Street Hotel Parcels, Surface and Water Pollution/Sediment & Erosion Control, LTPPP, SWPPP, O&M Plan, BZMP, and General Recommendations.

Correspondence from Curt Young, Wetlands Preservation, Inc., to John Lopez, Conservation Agent, Town of Amesbury, MA, dated March 26, 2012, regarding Responses to Peer Reviewer Comments, regarding Surface and Water Pollution/Sediment & Erosion Control, LTPPP, SWPPP, O&M Plan, BZMP, and General Recommendations.

Landscape Plant Photo List, 5 pages, not dated.

Site Plan References

Sheet # T1: Title Sheet, dated 7/20/12
Sheet #EC-1: Existing Conditions, dated 7/20/12
Sheet #SP-1: Site Plan, dated 7/20/12
Sheet #GR-1: Grading Plan, dated 7/20/12
Sheet #UT-1: Utility Plan, dated 7/20/12
Sheet #DT-1: Miscellaneous Details, dated 7/20/12
Sheet #DT-2: Miscellaneous Details, dated 7/20/12
Sheet #LP-1,2: Landscape Plans, dated 3/19/12
Sheet #SC-1: Sedimentation and Erosion Control Plan, dated 7/20/12
Sheet #WE-1,2: Invasive Species Control Program, dated 7/20/12
Sheet #E-1,2,3: Lighting Plans, dated 3/19/12

Appendix 1
Property Ownership

- 1) Herbert Sears
True Family Homestead Limited Partnership
33 Pine Street
Exeter, NH 03833

- 2) Finard Amesbury, LLC
c/o Finard Properties
One Burlington Woods Drive
Burlington, MA 01803

ATTACHMENT TO ORDER OF CONDITIONS

Applicant: Herbert Sears
True Family Homestead Limited Partnership
33 Pine Street
Exeter, NH 03833

Finard Amesbury, LLC
c/o Finard Properties
One Burlington Woods Drive
Burlington, MA 01803

Property Ownership: Herbert Sears
True Family Homestead Limited Partnership
33 Pine Street
Exeter, NH 03833

Finard Amesbury, LLC
c/o Finard Properties
One Burlington Woods Drive
Burlington, MA 01803

Project: Development of a retail outlet and associated stormwater management system and landscaping at 282 Elm Street in Amesbury, MA. 01913.

DEP File: 002-1026

Pursuant to Massachusetts Wetlands Protection Act (M.G.L. chapter 131, §40) and its implementing regulations (310 CMR, § 10.00) and the Town of Amesbury Wetlands Ordinance and its implementing regulations:

This Order permits: The construction of a retail facility consisting of a 6,650 square foot retail facility with 22 parking spaces. Grading for the retail facility will include development of a modular retaining wall along the west edge of the site in order to restrict site grading into the 25-foot no-disturb buffer zone and to allow additional buffer plantings to occur in these areas. The site will include development of bio-retention area which will receive runoff from the building rooftop, and the site will additionally include porous pavement as the stormwater treatment BMP. The stormwater management system design and analysis are provided in the attached site plan set and drainage calculations provided by W.C. Cammett Engineering, Inc.

The project will have one entrance immediately east of the retail building, and once both the hotel and retail facilities are constructed, traffic will be looped around the hotel in order to allow better flow of traffic, as well as better utilization of parking spaces.

The approved retail facility, as well as the proposed hotel facility which is filed under a separate NOI with the Amesbury Conservation Commission (ACC), have no direct wetland impacts. They do, however, require work within the 100-foot buffer zone, and thus, are jurisdictional under the state and local wetlands protection regulations. The projects have both been developed to avoid the 25-foot Amesbury Wetlands Bylaw No-Disturb Buffer Zone and as a result of the shared nature of the wetland areas and upland areas associated with the property, a Buffer Zone Impact Mitigation Program has been developed which will apply to both projects with the intent that the work on the mitigation program would progress, in some instances, prior to actual construction, and in some instances, as construction is occurring or after construction for the retail facility is completed. A construction sequence plan will be developed as part of the pre-construction planning following project approval, and that a detailed construction sequence, both for the project and for the mitigation program implementation, will be provided prior to the pre-construction meeting. The Buffer Zone Impact Mitigation Program consists of a broad program to expand wetland resource areas on the site, supplement existing shrub and tree plantings in areas that are currently mowed fields, remove accumulated trash and debris from historical dumping on edges of the site, and undertake an invasive species control program to reduce the adverse impact of bittersweet, tartarian honeysuckle, multiflora rose, autumn olive, and other invasive species on the property. The Buffer Zone Impact Mitigation Program is provided in Attachment 2 to the NOI.

Current Conditions: The site currently consists of two lots located on Elm Street. The site location is shown on the USGS Topographic Map, Newburyport Quadrangle and on the site plans provided as an attachment to the NOI. The site is currently proposed for development of both the hotel project, as well as a retail facility, and the two lots consisting of 282 and 284 Elm Street will be reconfigured through the Form A subdivision process following project approval so that the hotel and the retail facility are on individual lots. The retail site is bordered by commercial development to the west (Carriagetown Marketplace), a wetland replication area to the south, and Elm Street to the north.

The property consists of wetland area with steep side slopes, constructed wetland, lawn, and an upland wooded area. The site and surrounding area is depicted on the Natural Resources Conservation Service (NRCS) Soil Survey, Essex County, Massachusetts, Northern Part. According to the soil survey, the major soil components of the site and surrounding area are Windsor loamy sand, 3 – 8 percent slopes (255b), Scantic silt loam, 3 – 8 percent slopes (16b), Pipestone loamy sand, 0 – 3 percent slopes, (38a). Minor soil types mapped include Scarboro mucky fine sandy loam, 0 – 1 percent slopes (6a), Pits/gravel (600), Udorthents, smooth (651), and Windsor sandy loam, 15 – 25 percent slopes (255d). The site is depicted on the Natural Heritage Atlas, 13th edition, Newburyport West Quadrangle published by the Natural Heritage and Endangered Species Program (NHESP), which indicates no estimated habitat of rare wildlife or priority habitat of rare species on the site. There are no certified or certifiable vernal pools present on the site.

The site has minor areas associated with Zone X flood zones of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Community Panel Number 250075-004C dated August 3, 1992 (Figure 4). Zone X is the area of the 500-year floodplain. There is no 100-year floodplain on the lots, and thus, no Bordering Land Subject to Flooding (BLSF).

The wetland resource areas associated with the property were the subject of an Abbreviated Notice of Resource Area Delineation (ANRAD) for which an Order of Resource Area Delineation (ORAD) was issued on March 9, 2009.

All work shall conform to the following:

Notice of Intent filed by: **Herbert Sears**
True Family Homestead Limited Partnership
33 Pine Street
Exeter, NH 03833

Finard Amesbury, LLC
c/o Finard Properties
One Burlington Woods Drive
Burlington, MA 01803

1) Notice of Intent plans prepared by:

Curtis R. Young, President
Wetlands Preservation Inc.
47 Newton Road
Plaistow, NH 03865

Permits & Reports

Notice of Intent – Retail Facility, dated October 12, 2010

Wetland & Buffer Zone Functions & Values Assessment, Hotel & Retail Facilities, dated Revised October 25, 2011

Buffer Zone Impact Mitigation Program, Hotel & Retail Sites, dated Revised July 24, 2012

Beaver Management Program, Hotel/Retail Parcels, dated July 24, 2012

Invasive Species Control Program Site Plan, Invasive Species Locations & Mitigation Strategy, dated July 12, 2012

Storm Water Pollution Prevention Plan for Finard Amesbury, LLC, dated Revised, March 2012.

Long Term Pollution Prevention Plan for Finard Amesbury, LLC, dated Revised, March 2012.

Correspondence

Correspondence from Michael Radner, Radner Design Associates, to Steven Langlois, Amesbury Conservation Commission, dated August 13, 2010, regarding True Homestead Ltd. Partnership Elm Street Hotel & Retail Design Review

Correspondence from Joseph W. Fahey, Town of Amesbury Director of Community & Economic Development, to Fred Ford of Cammett Engineering, dated September 8, 2010, regarding the proposed hotel on Elm Street

Correspondence from E. Ann Poole, Poole Ecological & Environmental Consultancy, to Michael Radner, Radner Design Associates, dated March 8, 2011, regarding Review Comments – Buffer Zone Impact Mitigation Program (Revised October 12, 2010), Hotel & Retail Sites, 282/284 Elm Street, Amesbury, MA.

Correspondence from Michael Radner, Radner Design Associates, to Joseph Fahey, Nipun Jain, and John Lopez of the Town of Amesbury, dated March 8, 2011, regarding Peer Review – 284 Elm Street, 92 Room Hotel.

Correspondence from Curt Young, Wetlands Preservation, Inc., to John Lopez, Town of Amesbury, dated August 9, 2011, regarding Responses to Review Comments, Buffer Zone Impact Mitigation Program, Hotel& Retail Sites – 282/284 Elm Street, Amesbury, MA. Email from Michael Radner, Radner Design Associates, to Curt Young, Wetlands Preservation, Inc., dated August 30, 2011, regarding a meeting summary from the prior Thursdays meeting with the Town of Amesbury, and E. Ann Poole, with Poole Ecological & Environmental Consultancy.

Documentation from E. Ann Poole, Poole Ecological & Environmental Consultancy, to members attending the Mitigation Program meetings, regarding how the proposed mitigation plan should address stated ecological concerns, presented at 8/25/11 meeting.

Correspondence from Curt Young, Wetlands Preservation, Inc., to Nipun Jain, Town of Amesbury, dated November 21, 2011, regarding Evaluation of Wetland Impacts & Proposed Mitigation Program, Hotel/Retail Parcel, Elm Street, Amesbury, MA.

Memorandum from John Lopez, Town of Amesbury Conservation Agent, to the Town of Amesbury Conservation Commission and Nipun Jain, Town Planner, dated March 8, 2012, regarding 282 Elm Street Retail and 284 Elm Street Hotel Parcels, Surface and Water Pollution/Sediment & Erosion Control, LTPPP, SWPPP, O&M Plan, BZMP, and General Recommendations.

Correspondence from Curt Young, Wetlands Preservation, Inc., to John Lopez, Conservation Agent, Town of Amesbury, MA, dated March 26, 2012, regarding Responses to Peer Reviewer Comments, regarding Surface and Water Pollution/Sediment & Erosion Control, LTPPP, SWPPP, O&M Plan, BZMP, and General Recommendations. Landscape Plant Photo List, 5 pages, not dated.

Site Plan References

Sheet # T1: Title Sheet, dated 7/20/12
Sheet #EC-1: Existing Conditions, dated 7/20/12
Sheet #SP-1: Site Plan, dated 7/20/12
Sheet #GR-1: Grading Plan, dated 7/20/12
Sheet #UT-1: Utility Plan, dated 7/20/12
Sheet #DT-1: Miscellaneous Details, dated 7/20/12

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Sheet #LP-1,2: Landscape Plans, dated 3/19/12
Sheet #SC-1: Sedimentation and Erosion Control Plan, dated 7/20/12
Sheet #WE-1,2: Invasive Species Control Program, dated 7/20/12
Sheet #E-1,2,3: Lighting Plans, dated 3/19/12

I. GENERAL CONDITIONS:

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 of Conditions (“Order”).
2. Approval of this application does not constitute compliance with any law or regulation other than MGL Chapter 131, Section 40, Wetlands Regulations CMR 10.00 and Amesbury Wetlands Ordinance (“Ordinance”) and its implementing regulations (“Regulations”) as promulgated by the City of Amesbury Conservation Commission (ACC).
3. This Order shall apply to any successor in interest or successor in control of the property.
4. The work authorized hereunder shall be completed within **three (3) years** from the date of this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to one year each upon application to the issuing authority at least **thirty (30) days** prior to the expiration date of the Order.
6. This Order shall be made part of all construction contracts and subcontracts dealing with the work proposed and approved, and the requirements of this Order shall supersede any conflicting contract requirements. The contractor or contractors responsible for the project’s completion shall understand and be notified of the requirements of this Order. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order.
7. One sign shall be displayed (Elm Street) at the site not less than two (2) feet or more than three (3) square feet in size bearing the words,

“MA DEP File Number 002-1026”
8. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including but not limited to additional or modified erosion control / siltation controls during construction, if it deems that site conditions warrant such measures to mitigate potential impacts.
9. A copy of this Order and the plan approved in this Order shall be available on site at all times when work is in progress.
10. If the subject parcel is sold or the development rights are transferred to any other person, the applicant shall be required to submit to the ACC a signed and notarized

letter of acknowledgement from the buyer or their assignees stating that they have been provided copies of all permits associated with the proposed project, including this Order, and that they understand their responsibility associated with the construction of this project under those permits, including this Order.

11. The applicant shall be required to pay in full any outstanding invoices from the Commission's peer review consultant for this project. All construction activity shall cease immediately if sufficient funds are not made available for review and monitoring by the commission's Environmental Monitor as identified in condition 12.
12. At the applicant's expense, the Amesbury Conservation Commission shall designate BSC Group (Worcester) to act as an '**Environmental Monitor**'. **BSC Group shall provide environmental monitoring expertise** by a professional engineer and/or a professional wetland scientist, who have relevant experience in wetland impact / assessment and erosion / sedimentation control measures to oversee any emergency placement of controls and regular inspection or replacement of sedimentation control device. In addition, the Environmental Monitor(s) shall conduct weekly monitoring of the work locus as it relates to wetland resources during the construction phase. The Environmental Monitor(s) shall submit weekly monitoring reports to the Amesbury Conservation Commission during the pre-construction and construction phase of the approved work and quarterly monitoring reports during the post construction period.
13. The Environmental Monitor shall also provide a full review of the as-built plans and provide comments and recommendations in support of a Request for Certificate of Compliance and the subsequent issuance of a Certificate of Compliance by the Amesbury Conservation Commission. Deviations, both authorized and unauthorized, shall be fully documented. Unauthorized deviations from the approved plan may result in additional mitigation measures imposed on the applicant by the ACC and/or enforcement action with possible fines.
14. The name and phone number of the Environmental Monitor shall be provided to the applicant in the event that this person has to be contacted, due to an emergency at this site, during any 24-hour period, including weekends. **The monitor(s) shall be given the authority to stop construction should there be unlawful entry into the wetland resources areas and / or for erosion controls purposes.** The Environmental Monitor(s) will be required to inspect all such devices and oversee cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt.
15. As stated, **the Environmental Monitor(s) shall conduct site inspections on site for compliance with this Order at a minimum of once per week during pre-construction and construction phases of work and/or during or immediately after rainstorms of 0.5 inches or more.** No site preparation or construction shall be allowed until the Environmental Monitor has submitted a site visit schedule to the applicant and ACC.
16. Any modification to the approved site plan shall require review and approval by the ACC. Prior to consideration of any such request, the wetland resource area shall be re-flagged or the originally approved flagging shall be established in the field. The applicant shall be required to submit the modification request in writing along with all the necessary forms and supporting documents in a timely manner for the

Commission's consideration. The ACC may require all modification requests to be reviewed by its Environmental Monitor and the applicant shall submit the necessary funds to the ACC for the consultant services. The Commission shall review the request and decide if an Amended Order of Conditions is required pursuant to the Massachusetts Wetlands Protection Act and the Amesbury Wetlands Ordinance.

17. As stated, any change that requires modification of approved plans within the jurisdictional area or changes to the erosion control plan or to the stormwater management system may require an Amended Order of Conditions unless the Commission decides otherwise at its regularly posted public meeting. If the ACC decides that a change is of sufficient magnitude that it shall require the imposition of additional conditions to ensure adequate protection of the resource area and / or the interests covered under the Ordinance and Regulations, an Amended Order of Conditions shall be required and a new public hearing shall be required.
18. Any requests for modification or amendment of the Order shall not be considered or reviewed if the Order has expired or there is an outstanding Enforcement Order on the subject parcel.
19. Any Deed for all or any portion of the property subject to this Order shall contain the following language. "This property is subject to a non-disturbance zone in which no alteration of land or vegetation may occur other than the alteration approved under this Order. The non-disturbance zone is shown on the plan entitled " ____ (title of plans) _____ recorded at the Essex South Registry of Deeds, at Book _____, Page _____, and/or registered with the Land Registration Office of the Essex County Registry District as Document No. ____ as described in the Order of Conditions recorded in the same Registry at Book _____, Page _____, and/or in the same Registry District as Document _____. In accordance with said Order of Conditions, this language shall be incorporated in full into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the property or a portion thereof is conveyed (a "Deed").

II. PRE-CONSTRUCTION CONDITIONS:

Prior to requesting a pre-construction meeting the following documents and information shall be submitted along with a written request no later than sixty (60) days in advance of such meeting.

20. Prior to construction the applicant will provide the ACC a copy of the NPDES permit application and supporting documents. Additionally, the applicant will provide a statement from the operator/manager of the SWPPP and LTPPP acknowledging the responsibilities and requirements in the plans and agree to carry out said responsibilities and adhere to Best Management Practices of the plans as a perpetual responsibility and condition.
21. The Environmental Monitor shall review and provide comments and recommendations on all final mitigation plans and stormwater operations and maintenance plans and any proposed beaver management program as a pre-construction condition. This includes buffer zone impact mitigation and any and all invasive species locations and mitigation

strategy; and a grading plan for the proposed bike trail. No review shall take place until the applicant has provided sufficient funds to conduct the review. The approved plans will be subject to amendment pursuant to the recommendations by the Environmental Monitor and subsequent approval by ACC.

22. The contractor shall provide a dewatering plan subject to review and approval by the Environmental Monitor and the ACC indicating the design of the dewater filter as well as proposed location for the filters should they be required. The dewatering plan will be provided to the ACC no later than forty (40) days prior to construction.
23. The dewatering plan or draw down activities shall not directly release water into a resource area or storm drainage system tributary to a resource area. Water from dewatering activities could make use of a dewatering bag or similar device to remove sediment before the water is released. This requirement also applies to discharge of any and all construction-generated runoff, whether released by gravity or pumped.
24. There shall be no pumping of water from wetland resource areas on or adjacent to the site.
25. The contractor will provide a construction sequence for installation of the stormwater management facilities sixty (60) days prior to construction for review and approval by the ACC.
26. The applicant will provide a final Invasive Species Control Program sixty (60) days prior to construction for review and approval by the ACC; provided, however, that regardless of when construction is scheduled to begin, the applicant will provide a final Invasive Species Control Program for review and approval by the ACC within twelve (12) months after issuance of the OoC. The approved program will include the proposed schedule and sequence of mitigation activities and will be updated on an annual basis by March 1st of each year during construction. The updated program will also include the National Wetlands Inventory classification of replacement plants and the control methodology for each invasive plant species. Any and all documents shall be submitted at least four (4) weeks prior to the start of construction.
27. If for unforeseen circumstances the project does not take place within three (3) years of the OoC issuance, the ACC shall require a review of site conditions and final Invasive Species Program at that time to better reflect changing conditions.
28. The applicant shall be required to post an erosion control bond with the ACC and the amount shall be calculated @ \$0.25 per square foot of buffer zone area within the approved limit of work. Such funds shall be sufficient to repair any damages to the wetlands due to soil erosion, stabilization of all soils and the disturbed areas on the site. The applicant shall be exempt from establishing a separate erosion control bond if such a bond is established with the Planning Board approval. Prior to any release of bond amount, the ACC shall require the inspection of work completed. Final release of the bond amount shall be allowed upon completion of all site work, including but not limited to, the stormwater management system, access driveways and landscaping work. If the erosion control bond is held by the Planning Board, the ACC shall send a letter to the Planning Board prior to final release of the bond.
29. Prior to making application for building permits, copies of all recorded legal documents pertaining to drainage and utility easements, the Riverwalk Easement,

restrictions on individual lots and other conservation restrictions shall be provided to the Commission for their records.

30. Unless required by the Amesbury Planning Board, the Commission shall require a performance bond to be posted in the amount necessary to install and complete the stormwater management system and to ensure the performance of all the permit conditions under this Order. The applicant shall submit the necessary legal and financial documents in order to post the bond. Upon receiving the request from the applicant, the Commission's consultant shall review the work to be done and make their recommendation to the Commission. No work on the site shall commence until such time as the approved performance bond has been established by the applicant. The final release from the performance bond shall be made after two growing seasons have passed and all the plants in the approved mitigation areas have survived and are healthy as confirmed by the Environmental Monitor and approved by the ACC. Any release of funds shall be made by the Commission upon verification of work by its consultant and/or its Agent.
31. Prior to the pre-construction meeting and commencement of any activity on this site, the boundaries of all wetland resource areas and of the Riverwalk Easement shown on the approved plan shall be identified by flagging, spaced at intervals not greater than 25-feet apart. Wetland and Riverwalk Easement flags shall be checked and replaced as necessary and maintained until a Certificate of Compliance is issued for the project. If any grading is proposed, a final plan that is within the Riverwalk Easement would require ACC review and approval.
32. Prior to the pre-construction meeting and commencement of any activity on this site, all erosion control devices approved under this Order shall be properly installed as shown on the approved plan. Erosion control barriers shall consist of entrenched silt fence backed by double-staked hay bales. The ACC and/or its Agent and Environmental Monitor shall inspect and approve such installation at a pre-construction meeting. The erosion control devices must remain in place and functioning until the Commission or its Agent has authorized their removal. All workers must be instructed not to work beyond this limit.
33. **Once the above mentioned pre-construction requirements are complete, the applicant shall contact the Conservation Department prior to site preparation or construction and shall arrange an on-site PRE-CONSTRUCTION SITE VISIT with a representative from the ACC and/or its agent, the project supervisor, the contractor responsible for work, the engineer, wetland scientist (if applicable), and the applicant to ensure all of the Conditions of this Order are understood. Please contact the Amesbury Conservation Department office at (978) 388-8110 ext. 317 at least seventy-two (72) hours prior to any activity to arrange the pre-construction meeting.**
34. All contractors and subcontractors shall be informed of the conditions and provisions of this Order. This Order shall be included in all construction contracts and subcontracts dealing with the work, and shall supersede other contract requirements. Failure to have this OoC present during a site visit shall constitute a violation of the Wetlands Protection Act and the Amesbury Wetlands Ordinance and shall be subject to enforcement action by the ACC in a public meeting.

35. Prior to any work being done at the project site, the applicant shall inform the ACC and the Environmental Monitor in writing of the names, addresses, business, mobile and home telephone numbers of both the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate. The notification shall occur at least 72 hours prior to commencement of work on the site. The 72 hours shall not be over weekends or holidays. The applicant shall also notify the ACC and its Environmental Monitor in writing of any changes.
36. A recorded copy of the Order of Conditions shall be presented to the Agent no later than the time of the pre-construction meeting.

III. CONSTRUCTION CONDITIONS:

37. A copy of the recorded Order shall be provided to the Building Inspector at the time of making application for Building Permit along with a set of approved plans.
38. Accepted engineering and Best Management Practices as outline in the SWPPP and LTPPP for construction standards shall be followed in the conduct of all work. All site improvements shall be installed as per approved plans and engineering details shown on them. Any modifications or deviations from approved plans shall only be made upon approval from the Commission. Any reports that are required to be submitted shall be subject to review and approval the by the ACC.
39. Erosion control devices shall be inspected regularly by the applicant; and immediately after 0.5 inches of precipitation. Any entrapped silt shall be removed to an area outside of the buffer zone and wetland resource areas; silt fence and hay bales shall be replaced as necessary.
40. The applicant shall implement the Invasive Species Management Plan within the area of the Riverwalk Easement and shall be required to stabilize, seed and protect any disturbed areas within the area of the Riverwalk Easement as required under this OoC. Within the area of the Riverwalk Easement, the applicant shall implement the Invasive Species Management Plan as shown on the approved plan.
41. After proper grading, all disturbed areas shall be brought to final finished grade and stabilized permanently against erosion. This shall be done in the ACC approved manner. Achievement of stabilization is considered to be when the surface shows complete vegetation cover as prescribed in the approved landscape plan. This shall be measured by at least 80% coverage by established vegetation.
42. Bare ground in the Buffer Zone that cannot be permanently stabilized within thirty (30) days shall be stabilized by a temporary cover of rye or other grass should be established following U.S. Natural Resource Conservation Service (NRCS) procedures to prevent erosion and sediment transport. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting or other NRCS approved Best Management Practices. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain, snow melt, or flooding.

43. Subsequent to seeding, disturbed areas will be covered with salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide adequate surface protection until seen germination. Preference should be given to erosion control netting with biodegradable stitching. Netting shall be required on all slopes 4:1 or steeper unless the slope is designated on the approved plans to be covered by other material.
44. Site grading and construction in the Buffer Zone shall be scheduled to avoid periods of high water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation to the wetlands.
45. No alteration or activity shall occur beyond the limit or work as defined by the siltation barriers shown on the approved plan.
46. All waste generated by, or associated with, the construction activity shall be contained within the construction area, and away from the resource area. There shall be no stump dumps, burying of stumps or any material onsite. The applicant shall maintain a dumpster (or other suitable means) at the site for the storage and removal of such construction material off-site. However, no trash dumpsters will be allowed within 50-feet of the Bordering Vegetated (BVW) or riparian bank.
47. All stockpiles shall be enclosed by erosion control consisting of hay bales and entrenched silt fence. There shall be no stockpiling outside the approved limit of work.
48. Equipment storage and refueling operations shall be situated in an upland area at a distance greater than 100-feet from the BVW. All machinery shall be checked daily for leaking fluids.
49. Cleaning of concrete mixing equipment and/or machinery shall be restricted to upland areas at a distance greater than 100 feet to the BVW.
50. Unless approved by the Commission for control of invasive species, chemicals, pesticides, herbicides, etc. shall not be used or stored within 100' of a BVW with the exception of the use of herbicides as part of the approved Invasive Species Management Plan.
51. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and / or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission and/or its agents shall be contacted and a plan for abatement of the problem and proposed restoration / mitigation measures shall be submitted for approval and implementation. If the applicant fails to address the failure or damage as required by the Commission in a timely manner, it shall be deemed as a violation under the Regulations.
52. Monitoring by the Environmental Monitor, follow-up eradication of invasive species, and any necessary re-plantings shall be continued until a Certificate of Compliance is issued. The applicant shall provide sufficient funds to ensure this to avoid enforcement action.

IV. AFTER CONSTRUCTION:

53. **Upon completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to Request for a Certificate of Compliance (COC):**
- a. WPA Form 8A- Request for a Certificate of Compliance;
 - b. A letter from the applicant requesting the Certificate of Compliance with the following information included:
 - i. Name and address of current landowner;
 - ii. The name and address of the individual or other entity to whom the COC is to be issued;
 - iii. The street address and lot number for the project; and DEP file #
 - iv. “As-Built” plans prepared, sign, and stamped by a Registered Professional Civil Engineer (and / or Registered Professional Land Survey) of the Commonwealth, for public record.
54. If warranted, erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with final vegetative cover and the Commission and / or its Agent has authorized their removal.
55. The Environmental Monitor shall also provide a full review of the as-built plans and provide comments and recommendations in support of a Request for Certificate of Compliance and the subsequent issuance of a Certificate of Compliance by the Amesbury Conservation Commission. Deviations, both authorized and unauthorized, shall be fully documented. Unauthorized deviations from the approved plan may result in additional mitigation measures imposed on the applicant by the ACC and/or enforcement action with possible fines.
56. Prior to issue of Certificate of Compliance, the applicant shall be required to pay in full any outstanding invoices from the Commission’s construction observation consultant.
57. The applicant shall make request for Certificate of Compliance as provided for under Section 7.12 of the Amesbury Wetlands Regulations, as amended.

V. PERPETUAL CONDITIONS:

The following conditions are ongoing and do not expire with the issuance of the Certificate of Compliance:

58. The drainage easements on individual lots shall not be obstructed by any structure and shall always be available for maintenance and repair. This condition shall be noted on individual property Deed.

59. The management contract between the owner and the site management company shall provide that the dumping of leaves, grass clippings and/or brush is prohibited in buffer zones into perpetuity.
60. There shall be no storage of soils, material or equipment between the erosion control barriers and the applicable resource area during construction. Equipment refueling shall occur outside the 50 foot buffer zone and/or on impervious surfaces.
61. The site management agreement between the owner and the site manager shall provide that no chemical herbicides, pesticides, non-organic fertilizers or road deicers are to be used on the property, including both open space and developed areas at any time now or in the future and that any contractors providing maintenance services to the site shall be advised of the requirement except that the site management agreement may permit the use of chemical deicers such as low salt/sand mix or calcium chloride in the areas shown on the as-built plans that are outside of the jurisdictional areas.
62. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25-feet of a resource area. Unless approved by the Commission for control of invasive species, pesticides and herbicides shall not be used within 100-feet of a wetland resource area. This condition shall survive the Order of Conditions and shall run with the title of the property and noted in the Deed.
63. If pets are allowed by the site manager, management must provide receptacles for the disposal of pet waste and arrange to have the receptacles emptied in accordance with sanitary codes.
64. It is the responsibility of the property owner to maintain the stormwater management systems as specified in the Operation and Maintenance Plan to ensure that they function properly. This condition shall exist in perpetuity and shall be recorded as such in the Certificate of Compliance. On the sale or change of hands of the property, the applicant shall provide the new owner with a copy of the Operation and Maintenance Plan. At each subsequent sale of the property, the then current owner shall provide a copy of the Operation and Maintenance Plan to the new owner. A copy of the new owner's acknowledgement of receipt of the Operation and Maintenance Plan shall be sent to the Amesbury Conservation Commission. This condition shall exist in perpetuity and shall be recorded as such in the Certificate of Compliance.
65. The applicant shall comply with all requirements of the Operation and Maintenance Plan filed with the Order of Conditions. The applicant shall maintain and repair all components of the stormwater management system in order to ensure that the design capacity, the stormwater treatment and pollution abatement capacity, and structural integrity of these facilities are maintained. The applicant shall maintain all stabilized surfaces as designed including maintenance and repair of pavement and maintenance of landscaped areas maintaining a vigorous growth of all plant materials. Catch basins and stormwater treatment units shall be inspected and cleaned and roadways, driveways and sidewalks shall be swept at intervals specified in the Operation and Maintenance Plan (O&M Plan). Snow shall be plowed onto designated areas to encourage infiltration during subsequent thawing periods. Sediments shall be removed from snow storage areas by April 4 of each year. Accumulated sediments shall be

removed from sumps and floatable wastes shall be removed from the surface of every catch basin at intervals specified in the operation plan. All drain pipes shall be inspected and sediment and debris removed at intervals specified in the O&M Plan. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. The subsurface infiltration structures shall be inspected and cleaned at intervals specified in the O&M Plan.

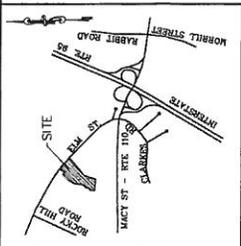
66. The applicant and his/her successors in ownership shall file written reports of the inspections, cleaning and stormwater maintenance with the ACC on an annual basis, by November 1st beginning the year the stormwater management system is installed. If the approved invasive species monitoring plan is not implemented as approved, the ACC may issue a fine in addition to an enforcement order.
67. Stormwater management reports shall be submitted in the prescribed manner for a five (5) year period.

**Exhibit
Approved Site Plans**

Site Plan References

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SITE PLAN RETAIL DEVELOPMENT 282 ELM STREET, AMESBURY, MA.

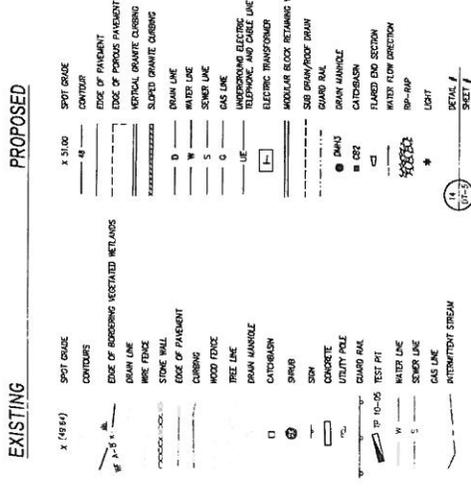


LOCUS
N.E.S.

SHEET INDEX

- TI TITLE SHEET
- EC-1 EXISTING CONDITIONS
- SP-1 SITE PLAN
- GR-1 GRADING PLAN
- UT-1 UTILITY PLAN
- DT-1 MISCELLANEOUS DETAILS
- LP-1,2 LANDSCAPE PLANS
- SC-1 SEDIMENTATION AND EROSION CONTROL PLAN
- WE-1,2 INVASIVE SPECIES CONTROL PROGRAM
- E-1,2,3 LIGHTING PLANS

LEGEND



ZONING REQUIREMENTS

REQUIRED	PROPOSED
MIN. AREA: 2 ACRES	2.0 ACRES
MIN. WARE: 150 FT.	150 FT.
FRONT YARD: 20'	20'
REAR YARD: 20'	20'
MAX. BUILDING HEIGHT: 35'	35'
MAX. BUILDING AREA: 300,000 SQ. FT.	300,000 SQ. FT.
MIN. OPEN SPACE: 300	300

PARKING INFORMATION

6,650 SF x 3.3 SPACES/1000 SF = 21.95
 Required: 22
 Retail: 22

NOTES

- THE SURFACE OF EXISTING LOT 1017 IS AS SHOWN AND APPROXIMATE. THE OWNER SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL EXISTING UTILITIES AND ALL ADJACENT PROPERTIES. THE OWNER SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE PRESUME ANY AND ALL UTILITIES.
- VERTICAL DATA FROM EXISTING CONDITIONS PLAN OF LAND DATED 7-2-98 BY HANCOCK SURVEY ASSOC. INC. NOTED 1029
- FLOOD INSURANCE RATE MAP COMMUNITY-PANEL 1982, ZONE X IN A ZONE X.
- WETLAND BOUNDARY Delineated by WELAND PRESERVATION, INC. ON DECEMBER 8, 2008.

NOTE:
THIS PLAN COMPILED FROM AVAILABLE RECORDED PLANS AND DEEDS.

DEED REFERENCE
MAP # 1017 AMESBURY, MA
THE HANCOCK SURVEY ASSOCIATES, INC.
ESP# 10867/022 7-22-98

PLAN REFERENCES
1) PLAN OF LAND IN AMESBURY, MA FOR HANCOCK SURVEY ASSOCIATES, INC. ESP# 1017/022 7-22-98
2) EXISTENT PLAN OF LAND IN AMESBURY, MA ESP# 1017/022 7-22-98

FOR REGISTRY USE ONLY
CAMPELL ENGINEERING
 287 ELM STREET, AMESBURY, MA
 PHONE: (978) 386-2127 FAX: (978) 386-0428
 LAND SURVEYORS SINCE 1878
 VISIT US ON THE WEB AT WWW.CAMPELL.COM
 SHEET 28

TITLE SHEET

Client: Applicant
Finard Amesbury, LLC
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, MA 01803
 True Homestead
 Limited Partnership I
 c/o Herb Sears
 33 Pine Street Exeter, NH 03833

NO.	DATE	REVISION	BY
1	11-2-11	MISC. REVISIONS	DM
2	1-19-12	MISC. REVISIONS	DM
3	7-20-12	MISC. REVISIONS	DM

DATE: 7/20/12
 FILED: 7/20/12
 SHEET 28



TOLL FREE
 (1-888-344-7233)

FOR REVISION USE ONLY

GAMBITT ENGINEERING
 297 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2157 Fax: (978) 388-0428
 CONSULTING ENGINEERS &
 LAND SURVEYORS
 Web site on the WEB at www.gamblitt.com

EXISTING CONDITIONS

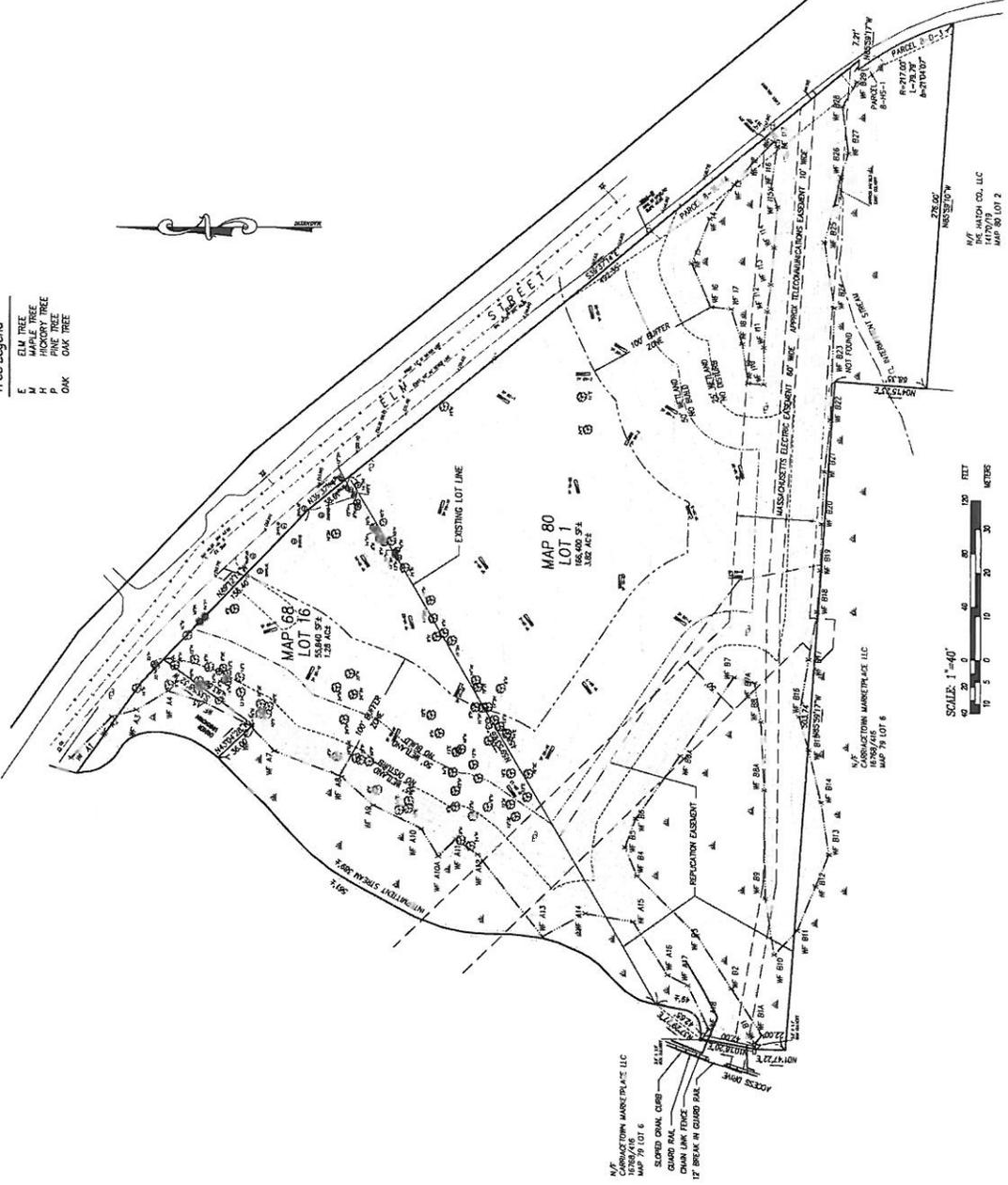
Client: **Finard Amesbury, LLC**
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, MA 01803
 True Homestead
 Limited Partnership I
 c/o Herb Sears
 33 Pine Street, Exeter, NH 03833

NO.	DATE	REVISION DESCRIPTION	BY
1	11-24-11	MISC. REVISIONS	DH
2	1-19-12	MISC. REVISIONS	DH
3	7-20-12	MISC. REVISIONS	DH

DESIGNED BY: **Herb Sears**
 DRAWN BY: **D. Lynch**
 CHECKED BY: **Dr. G. M. F. Foy**
 DATE: **11-24-11**
 SCALE: **AS SHOWN**
 SHEET: **EC-1**

Tree Legend

- E - Elm Tree
- H - Hickory Tree
- P - Pine Tree
- DK - Oak Tree



HERB SEARS
 PROFESSIONAL ENGINEER
 STATE OF NEW HAMPSHIRE
 NO. 117019

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ENGINEERING

287 ELM STREET, AMESBURY, MA
Phone: (978) 388-2187 Fax: (978) 388-0428
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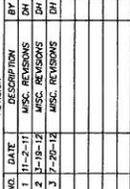
**Site Grading Plan
Retail Site**

Client: **Finard Amesbury, LLC**
c/o Finard Properties
One Burlington Woods Drive
Burlington, MA 01803

Contractor: **True Homestead
Limited Partnership I**
c/o Herb Sears
33 Pine Street Exeter, NH 03833

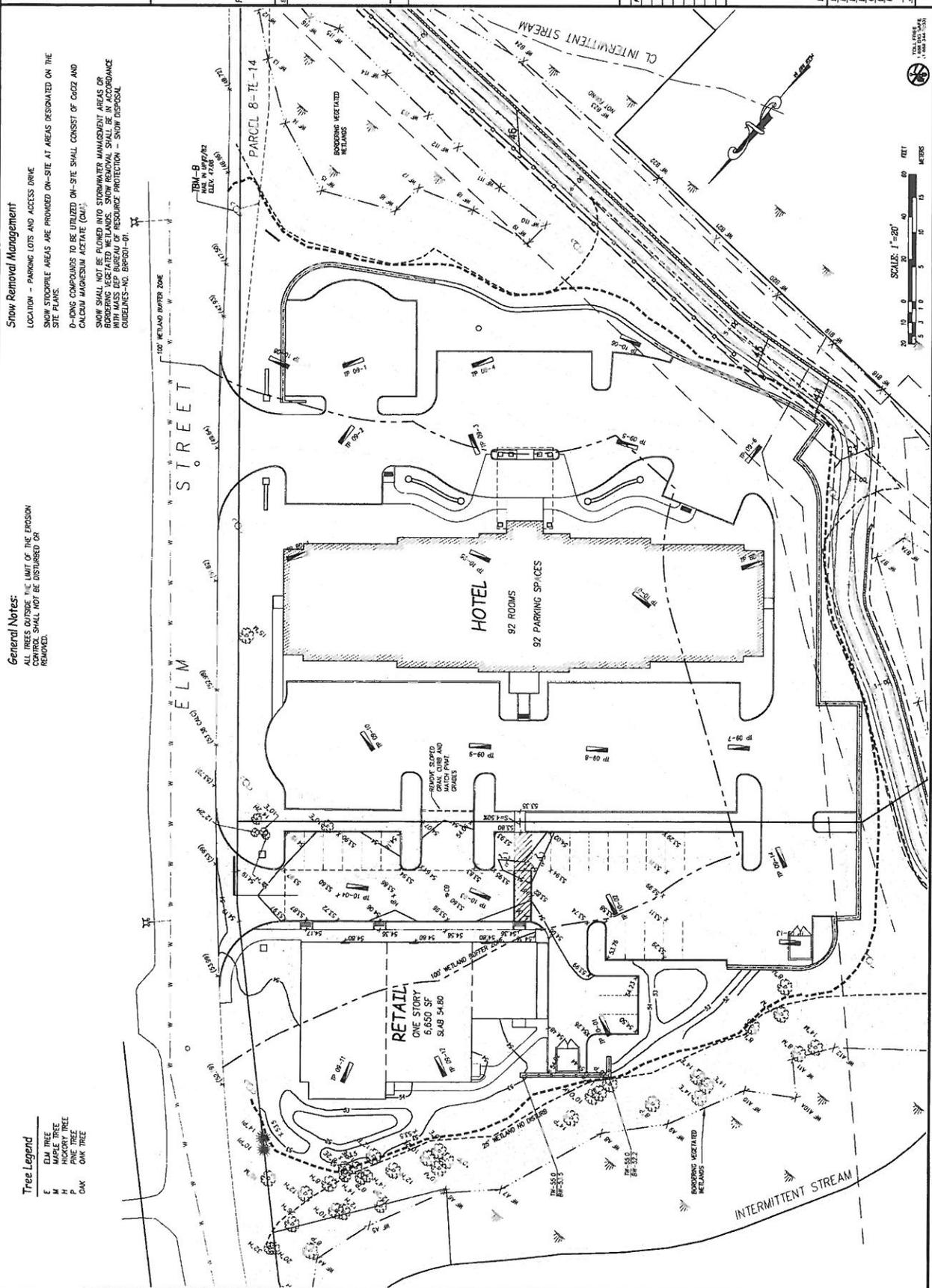
NO.	DATE	REVISION	BY
1	11-2-11	ISSUE REVISIONS	DH
2	11-18-12	MISC. REVISIONS	DH
3	7-23-14	MISC. REVISIONS	DH

Date: 11/14/14
 Design: R. Dwyer, M. McLeod
 Drawn: D. Hines
 Checked: R. Dwyer
 File: 11-14-14-01-11.DWG
 Job #: 11-14-14-01
 Scale: 1"=20'



General Notes:
 ALL TREES OUTSIDE THE LIMIT OF THE EROSION CONTROL SHALL NOT BE DISTURBED OR REMOVED.

Snow Removal Management
 LOCATION - PARKING LOTS AND ACCESS DRIVE
 SNOW STOCKPILE AREAS ARE PROVIDED ON-SITE AT AREAS DESIGNATED ON THE SITE PLANS.
 PAVING COMPOUNDS TO BE UTILIZED ON-SITE SHALL CONSIST OF GGGZ AND CALCIUM MAGNESIUM ACETATE (CMA).
 SNOW SHALL NOT BE FLOWED INTO STORMWATER MANAGEMENT AREAS OR INTO ANY WATERWAY. SNOW SHALL BE REMOVED FROM THE SITE IN ACCORDANCE WITH MASS DEP BUREAU OF RESOURCE PROTECTION - SNOW DISPOSAL GUIDELINES-NO. BRP001-01.



Tree Legend

E	ELM TREE
M	MAPLE TREE
H	HICKORY TREE
O	OAK TREE
C	CORNER TREE



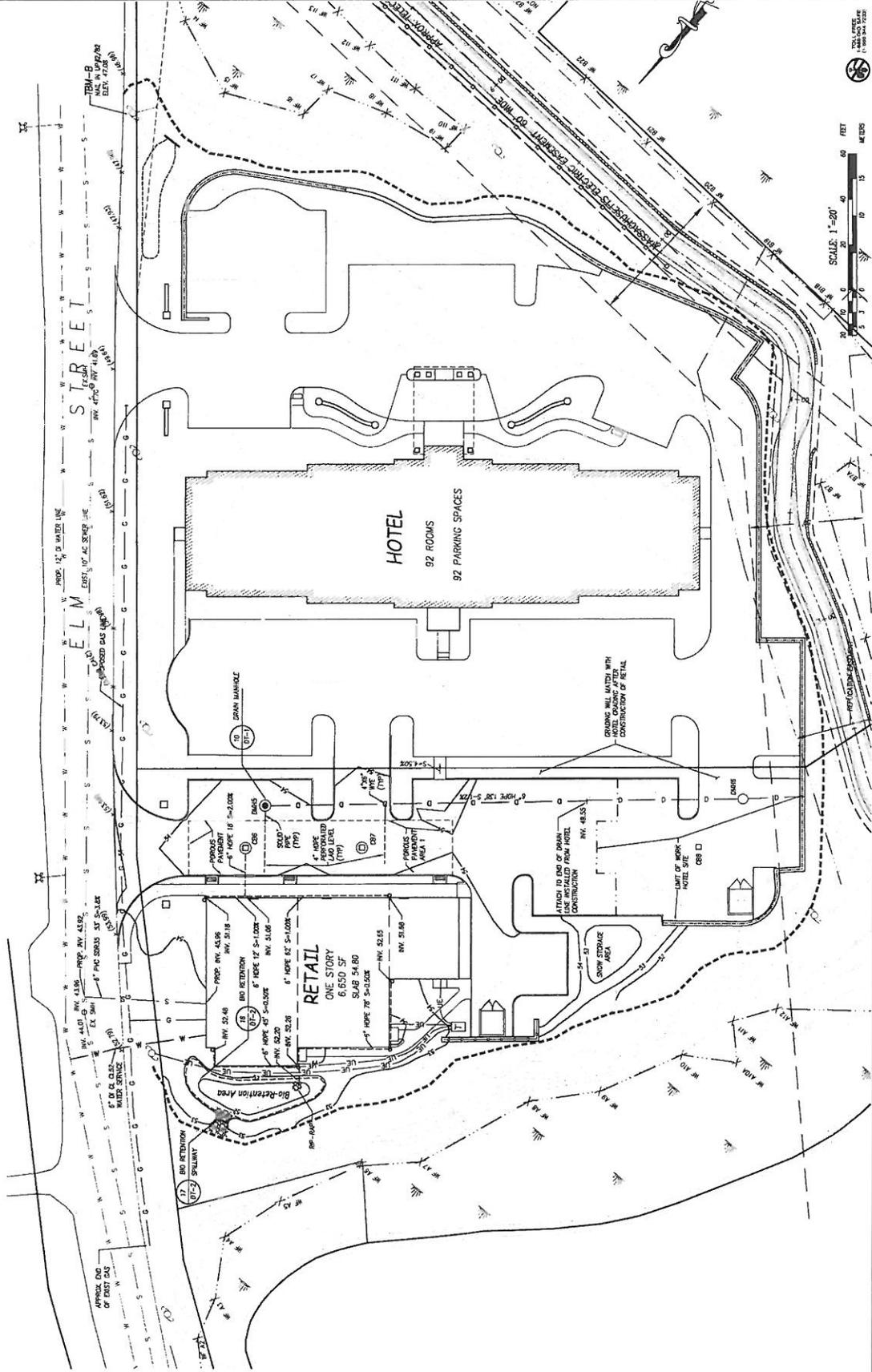
TOTAL AREA: 1.15 AC. (79,500 SQ. FT.)

SHEET GR-1

INVERT DATA

POROUS PAVEMENT AREA - 1
 BOTTOM OF RESERVOIR COURSE - 52.70
 OR - 5.7' RW - 53.60
 HW - 0.0' (0' F. HOPE) - 53.70
 RW - 0.0' (0' F. HOPE) - 53.70
 HW - 0.0' (0' F. HOPE) - 53.70
 RW - 0.0' (0' F. HOPE) - 53.70

General Notes:
 THE DESIGN ENGINEER SHALL CONFORM WITH THE PROJECT ARCHITECT PRIOR TO CONSTRUCTION WHERE FINAL ROOF DRAIN LOCATIONS WILL BE TO CONCLUDE WITH DRAINAGE DESIGN ASSUMPTIONS.



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**Site Utility Plan
 Retail Site**

Client ADDRESS:
Finard Amesbury, LLC
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, MA 01803

**True Homestead
 Limited Partnership I**
 c/o Herb Sears
 33 Pine Street Exeter, NH 03833

NO.	DATE	DESCRIPTION	BY
1	11-24-11	MISC. REVISIONS	DH
2	12-19-12	MISC. REVISIONS	DH
3	7-20-12	MISC. REVISIONS	DH



Date: 7.23.14
 PROJECT: K. E. Seaman
 FIELD: D. Seaman, K. Seaman, M. Seaman
 DESIGN: D. Seaman
 DRAWING: D. Seaman
 CHECKED: M. Seaman
 FILE: K:\PROJECTS\2014\07\01\11.DWG
 JOB #: 25879-02000



TITLE BLOCK
 SHEET UT-1

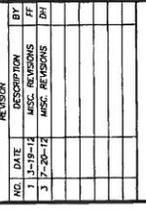
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 CONSULTING ENGINEERS & ARCHITECTS
 297 ELM STREET, AMESBURY, MA
 PHONE: (978) 898-2157 Fax: (978) 898-0428
 WWW.GAMBLETT.COM
 Web site for the WEB at www.gamblett.com

Miscellaneous
 Details
 Retail Site

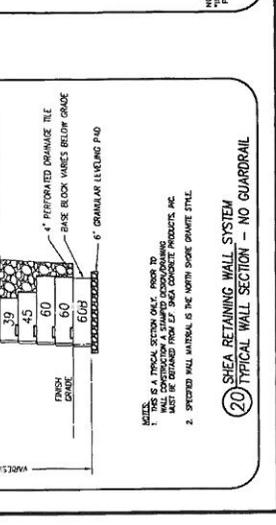
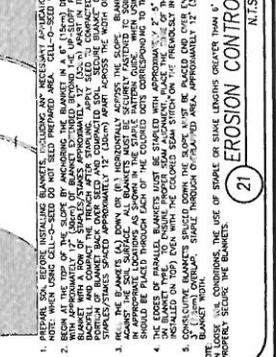
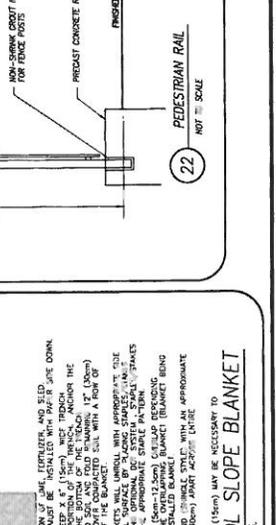
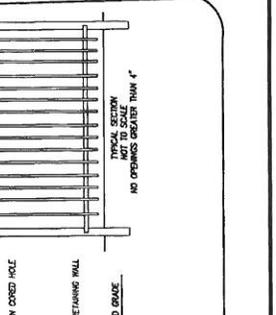
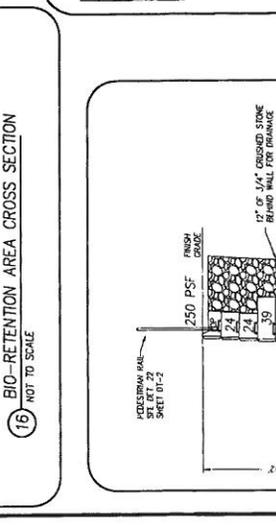
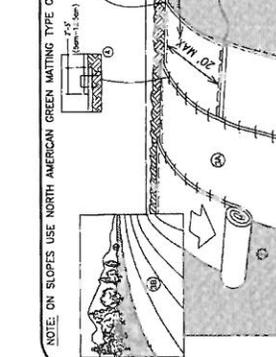
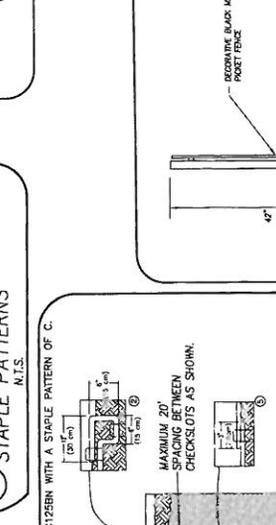
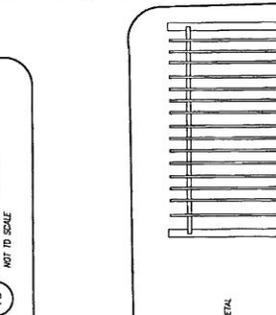
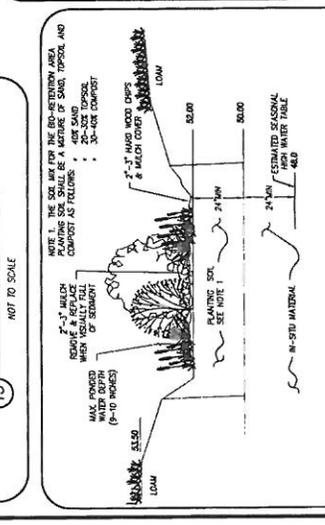
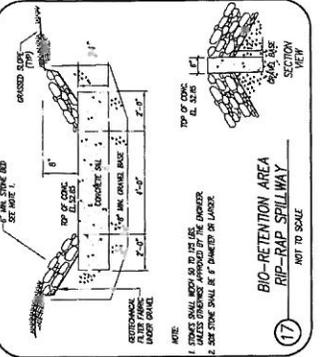
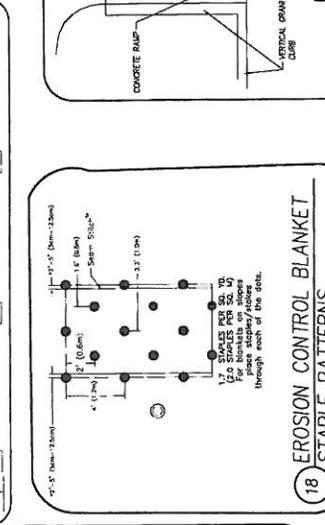
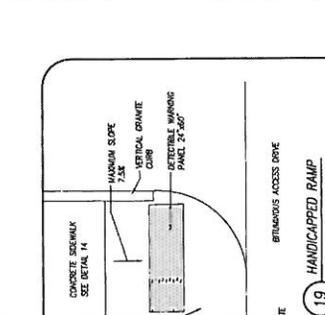
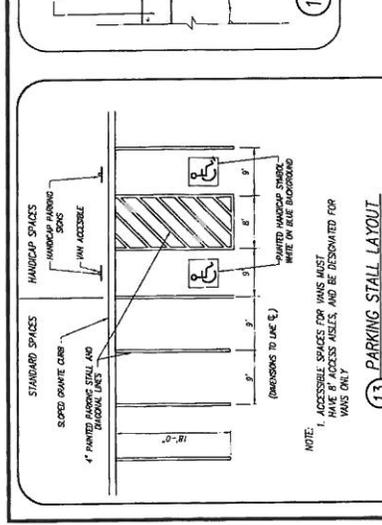
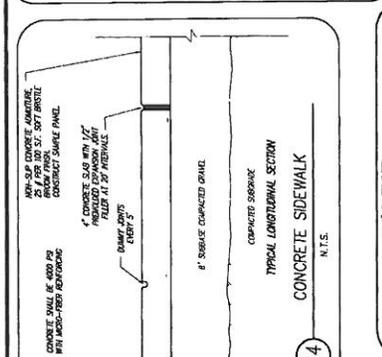
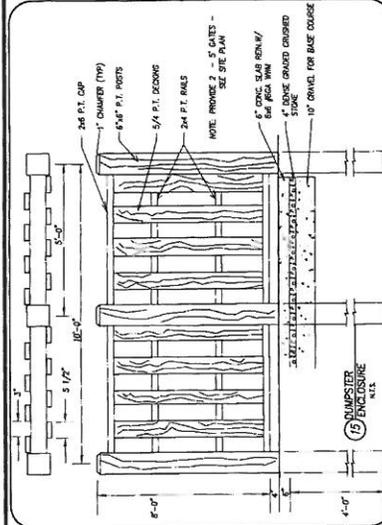
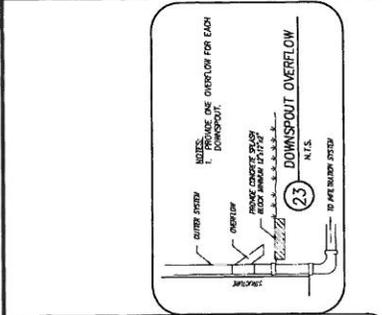
Owner: **Finard Amesbury, LLC**
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, Ma 01803

True Homestead
 Limited Partnership I
 c/o Herb Sears
 33 Pine Street Exeter, NH 03833

NO.	DATE	DESCRIPTION	BY
1	3-19-12	MISC. REVISIONS	FF
2	7-20-12	MISC. REVISIONS	DH



Date: 7-25-12
 DRAWN BY: D. Finard
 CHECKED BY: M. L. ...
 DATE: 7-25-12
 SCALE: AS SHOWN
 SHEET DT-2

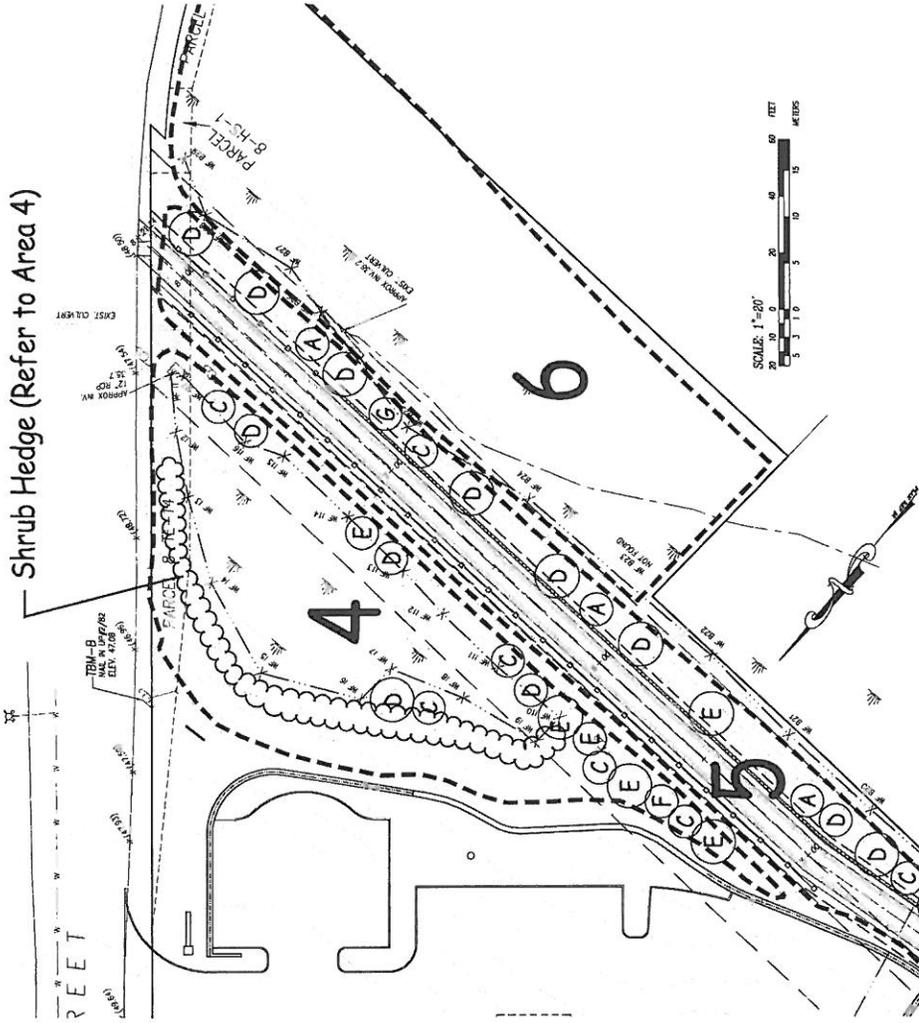


ELM STREET R t e. 110

Implementation Schedule* Invasive Plant Control Program (ITCP)[®] 282 and 284 Elm Street Amesbury, Ma.

- September 1, 2012 Meet with Amesbury Conservation Commission to review ITCP schedule and implementation plan.
- September 15-30 2012 Stake out limits of erosion control devices; staked centerline of Riverwalk Easement; conduct pre-control vegetation sampling.
- October 1-15 2012 Remove vegetation within limits of work.
- October 1-15 2012 Excavation of shrub and trees that are beyond machine reach, as well as removal of woody debris from site. Concurrently remove surficial trash from all Areas. Seed disturbed soil.
- November 15, 2012 Submit annual report to Amesbury Conservation Commission on status of control program.
- May 1, 2013 Physically remove plants or apply herbicide to slump sprouts and seedlings.
- May 15 2013 Easement. Install hedge plantings in Area 4.
- June 15, 2013 Physically remove plants or apply herbicide to slump sprouts and seedlings. Inspect replacement plantings.
- July 15, 2013 Inspect site for invasive species and physically remove plants or apply herbicide as needed. Inspect replacement plantings.
- September 1, 2013 Mow fields in Areas 1 and 4.
- September 30, 2013 Inspect replacement plantings and status of invasive species. Install hedge plantings in Area 3 when retail facility completed.
- November 15, 2013 Submit annual report to Amesbury Conservation Commission on status of control program.
- May 1, 2014 Review conditions of each Area and physically remove plants or apply herbicide if needed. Evaluate replacement plant survival and report with supplemental plants as needed.
- June 15, 2014 Inspect site and if required, physically remove plants or apply herbicide as needed. Evaluate replacement plants survival.
- July 15, 2014 Inspect mitigation areas for invasive species and replacement plant status.
- September 1, 2014 Mow fields in Areas 1 and 4.
- September 30, 2014 Inspect replacement plant survival and process supplemental plantings for Spring of 2015, if needed.
- November 15, 2014 Submit annual report to Amesbury Conservation Commission on status of control program.
- May 15, 2015 Install supplemental plants to ensure 85% survival of replacement plants.
- June 15, 2015 Inspect areas and assess need for further treatment of invasives and survival of replacement plants.
- September 1, 2015 Mow fields in Areas 1 and 4.
- September 15, 2015 Conduct vegetation sampling using the intercept method.
- November 15, 2015 Submit annual report to Amesbury Conservation Commission on status of control program.
- June 15, 2016 Inspect areas and assess need for further treatment of invasive species and survival of replacement plants.
- September 1, 2016 Mow field in Areas 1 and 4.
- November 15, 2016 Submit annual report to Amesbury Conservation Commission on status of control program.
- June 15, 2017 Inspect areas and assess need for further treatment of invasive species and survival of replacement plants.
- September 1, 2017 Mow fields in Areas 1 and 4.
- September 15, 2017 Conduct final vegetation analysis using the Intercept method to evaluate control effectiveness.
- November 15, 2017 Submit final report to the Amesbury Conservation Commission on results of the control program.

*Assumes a November 2012 Start Date. Updated schedule to be provided prior to start of construction.



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Invasive Species Control Program
 Invasive Species Locations and Mitigation Strategy

Drawn: **APRIL 2012**
Finard Amesbury, LLC
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, Ma 01803
True Homestead Limited Partnership I
 c/o Herb Sears
 33 Pine Street Exeter, NH 03833

NO.	DATE	REVISION DESCRIPTION	BY
1	7-20-12	MISC. REVISIONS	DM

DATE: 07/20/12
 DRAWN BY: D. JAMES
 CHECKED BY: J. VANDERKAM
 DATE: 6-20-12
 FILE: K:\PROJECTS\302-12\AMH-1\287-12\01\A11.DWG
 JOB: 302-12-01-11.DWG
 SHEET WE-2



ELECTRICAL SITE LIGHTING TEMPLATES

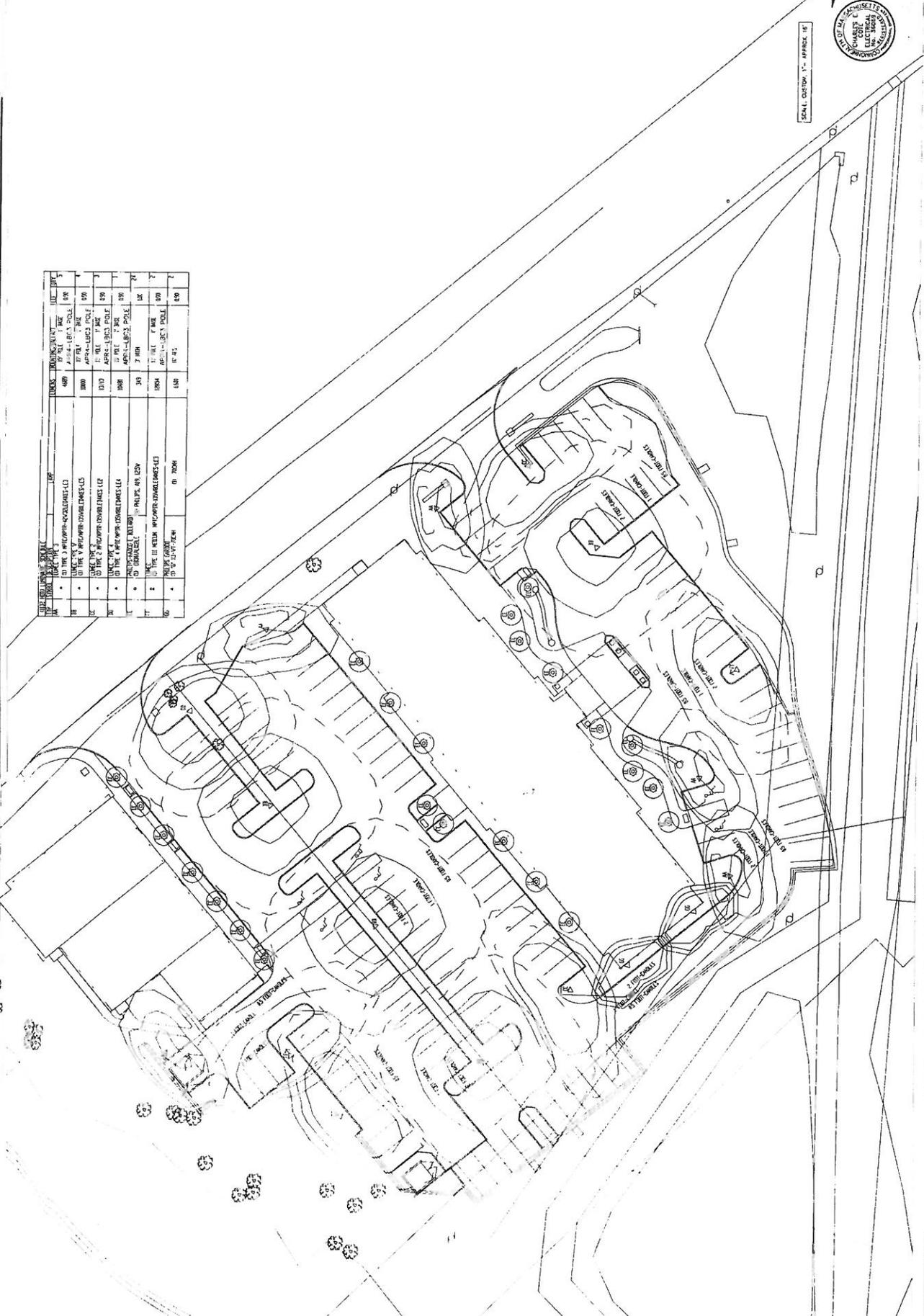
CHARLES E. COTE, P.E.
ELECTRICAL ENGINEERS
468 BRIMLEY ROAD, SUITE 200
HARTFORD, CONNECTICUT 06111
(860) 234-1111 (FAX)
(860) 239-7822

PROJECT:
HOTEL
ELM STREET
AMESBURY, MA

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SCALE: CUSTOM 1" = APPROX. 16'



NO.	DATE	DESCRIPTION
001	10/10/12	ISSUED FOR PERMIT
002	10/10/12	ISSUED FOR CONSTRUCTION
003	10/10/12	ISSUED FOR AS-BUILT
004	10/10/12	ISSUED FOR FINAL REVIEW
005	10/10/12	ISSUED FOR ARCHIVE
006	10/10/12	ISSUED FOR PROJECT CLOSEOUT
007	10/10/12	ISSUED FOR PROJECT REVIEW
008	10/10/12	ISSUED FOR PROJECT REPORT
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PROJECT NO. 112

DRAWING NO. E2

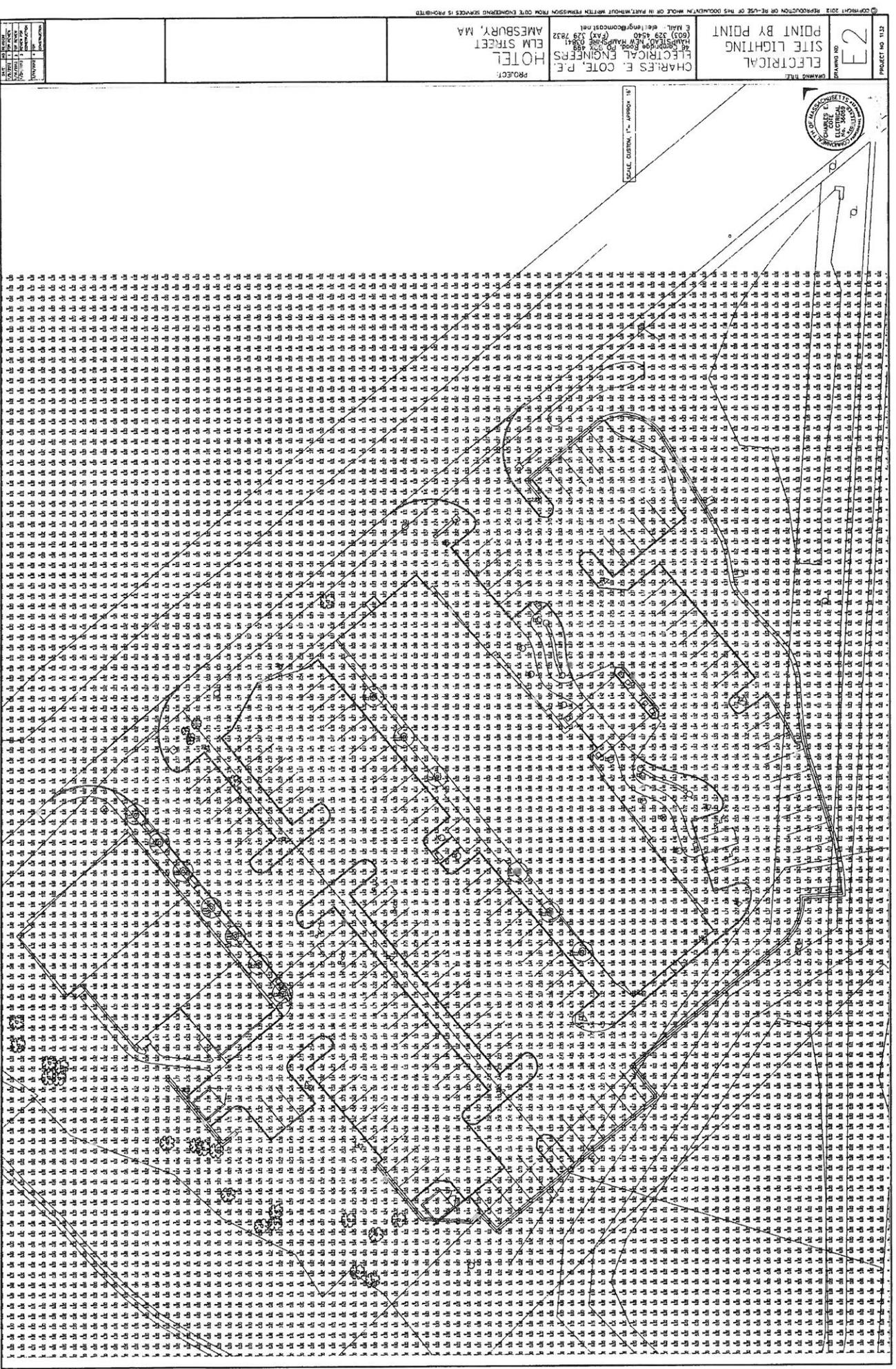
ELECTRICAL
SITE LIGHTING
POINT BY POINT

CHARLES E. COLE, P.E.
ELECTRICAL ENGINEERS
ELM STREET
AMESBURY, MA 01823
(978) 252-4540
E-Mail: cec@engcon.com

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SCALE: EXTERN. "1" = APPROX. 10'



DATE	DESCRIPTION

