



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:
002-1032

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):

 a. First Name b. Last Name

 c. Organization

 d. Mailing Address

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

5. Project Location:

284 Elm Street Amesbury
 a. Street Address b. City/Town
68 16
 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)
15868 222
 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 - Hotel 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 (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 002-1032"



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):

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Amesbury _____ hereby finds (check one that applies):
 Conservation Commission
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw	2. Citation
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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
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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



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:

002-1032

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.

8/20/12
 1. Date of Issuance

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

three
 2. Number of Signers

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

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

Signatures:

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

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

On this 20th 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 Conservation Commission
 City/Town

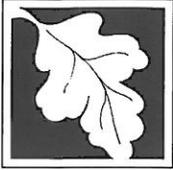
[Handwritten Signature]
 Signature of Notary Public
Ruth Shaurin Beattie
 Printed Name of Notary Public
March 25, 2016
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on August 21, 2012
 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.

ATTACHMENT TO ORDER OF CONDITIONS

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

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

Project: Development of hotel and associated stormwater management system and landscaping at 284 Elm Street in Amesbury, MA. 01913.

DEP File: 002-1032

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

This Order permits: The construction of a 92-room hotel facility with approximately 92 parking spaces. Initial hotel construction will include construction of 12 of the 92 parking spaces on an abutting retail lot. Grading for the hotel will include development of modular retaining walls along the southeast and southwest portions 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 a rain garden facility which will receive runoff from the impervious portions of the site area, and the site will also include porous pavement as the stormwater management 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 two entrances off of Elm Street, and traffic will be looped around the hotel and the retail center in order to allow better flow of traffic, as well as utilization of parking spaces on the retail store during periods of higher demand. The proposed project includes the development of the hotel facility and associated parking areas for the hotel, as well as an area of parking on the retail facility property.

The approved hotel, as well as the proposed retail facility, which is filed under a separate NOI with the Amesbury Conservation Commission (ACC), has 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 of the hotel is completed. A construction sequence plan will be developed as part of the pre-construction planning following project approval, and 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 approved for development of both the hotel project, as well as a retail facility (under a separate NOI), 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 hotel 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, open field, and an upland wooded area. The site 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 nearby areas are Windsor loamy sand, 3 – 8 percent slopes (255b), Scantic silt loam, 3 – 8 percent slopes (16b), and 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. 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

1) Notice of Intent plans prepared by:

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

Permits, Reports and Documents

Notice of Intent – Hotel 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 (SWPPP) for True Homestead Limited Partnership 1, dated Revised, March 2012.

Long Term Pollution Prevention Plan (LTPPP) for True Limited Partnership 1, 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 Thursday's 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, 11 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 #DT-3:	Miscellaneous Details, dated 7/20/12
Sheet #LP-1,2,3,4:	Landscape Plans, dated 3/19/12
Sheet #SC-1:	Sediment and Erosion Control Plan, dated 7/20/12
Sheet #WE-1,2:	Invasive Species Control Program, dated 7/20/12
Sheet #RW-1:	Plan/Profile Riverwalk, 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 002-1032”

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 state 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.

**INDEX OF DOCUMENTS
HOTEL PARCEL
ELM STREET
AMESBURY, MA
DEP FILE#: 002-1032**

Permits & Reports

Notice of Intent – Hotel 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 (SWPPP) for True Homestead Limited Partnership 1, dated Revised, March 2012.
Long Term Pollution Prevention Plan (LTPPP) for True Limited Partnership 1, 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.

(Index of Documents, Hotel Parcel - continued)

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, 11 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 #DT-3: Miscellaneous Details, dated 7/20/12
- Sheet #LP-1,2,3,4: Landscape Plans, dated 3/19/12
- Sheet #SC-1: Sediment and Erosion Control Plan, dated 7/20/12
- Sheet #WE-1,2: Invasive Species Control Program, dated 7/20/12
- Sheet #RW-1: Plan/Profile Riverwalk, dated 7/20/12
- Sheet #E-1,2,3: Lighting Plans, dated 3/19/12

Exhibit
Approved Site Plans

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 #DT-3:	Miscellaneous Details, dated 7/20/12
Sheet #LP-1, 2, 3, 4:	Landscape Plans, dated 3/19/12
Sheet #SC-1:	Sediment and Erosion Control Plan, dated 7/20/12
Sheet #WE-1,2:	Invasive Species Control Program, dated 7/20/12
Sheet #RW-1:	Plan/Profile Riverwalk, dated 7/20/12
Sheet #E-1, 2, 3:	Lighting Plans, dated 3/19/12

NOTES:

1. PROPOSED WALKWAYS & STAIRS
 MAXIMUM HEIGHT=4"
 CROSS FLOOR AREA=53.512 SF (13.378 SF FLOOR)

FOR RECORD USE ONLY



287 ELM STREET, AMESBURY, MA
 Phone: (978) 386-2157 Fax: (978) 386-6489
 L.A.O. SURVEYORS SINCE 1878
 Visit us on the WEB at www.santelli.com

**Site Plan
 Hotel 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**

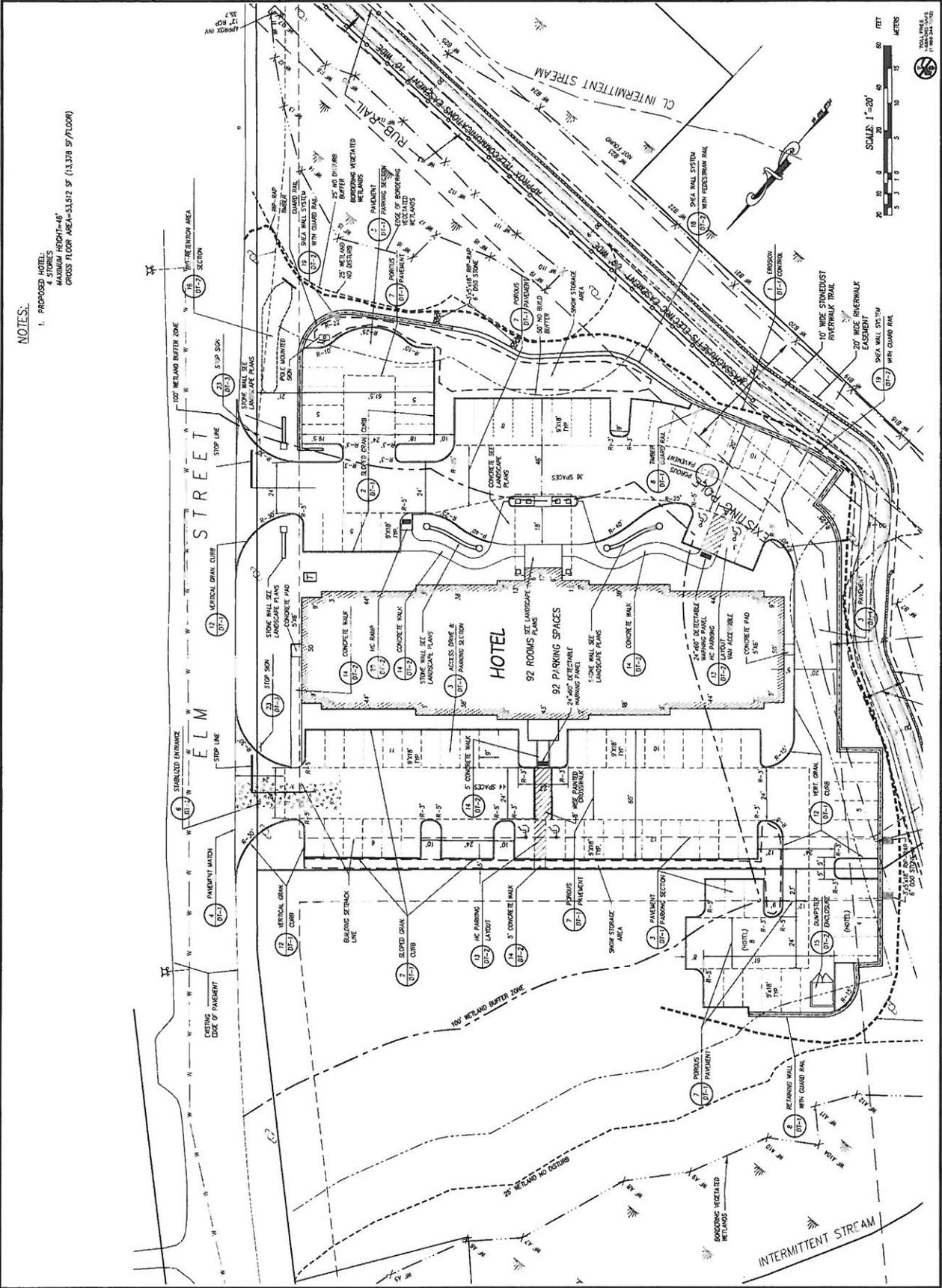
33 Pine Street Exeter, NH 03833

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

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



Date: _____
 PROJECT: _____
 DESIGNER: _____
 DRAWN: _____
 CHECKED: _____
 TITLE: _____
 FIRM: _____

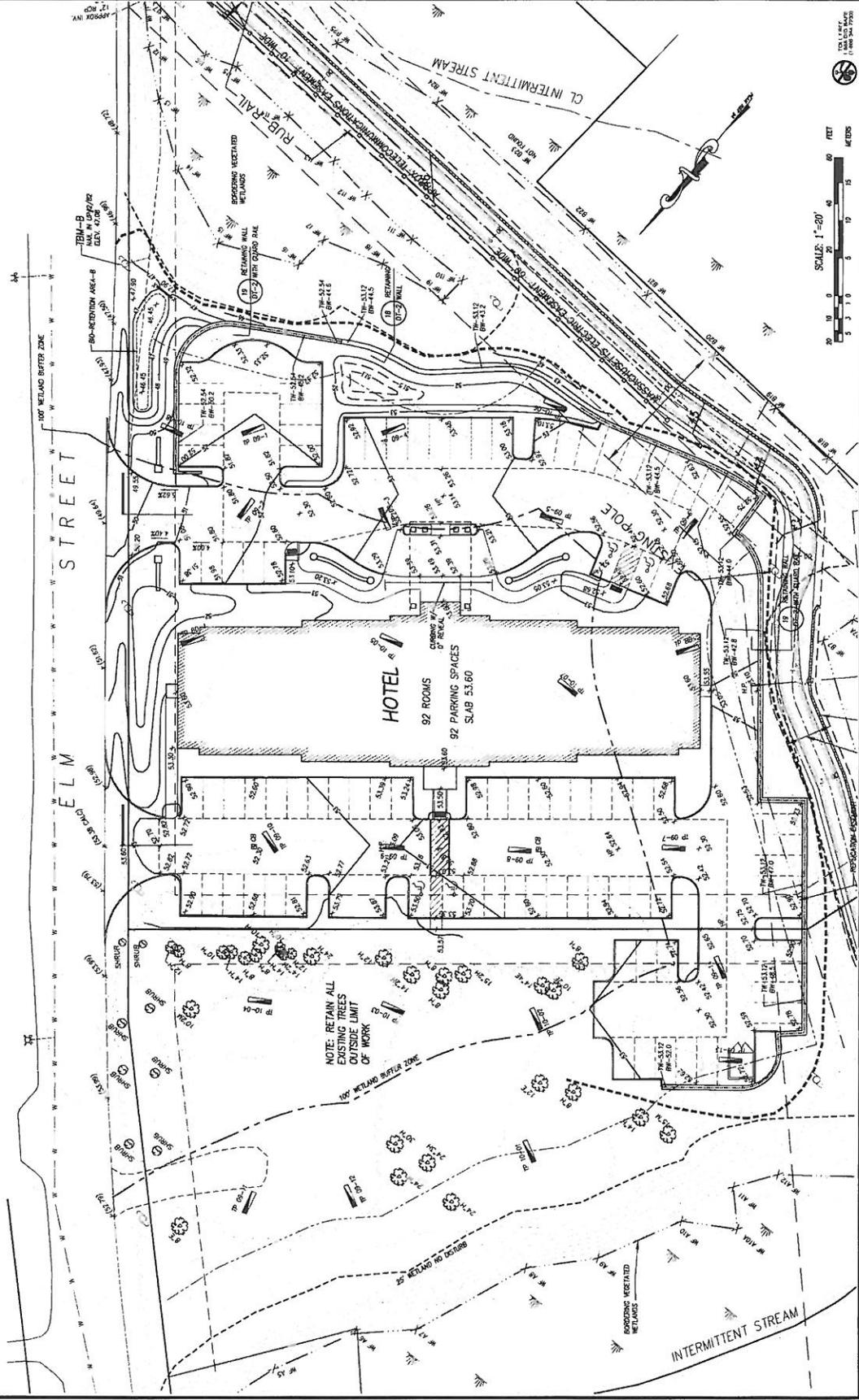


SNOW REMOVAL MANAGEMENT:

- LOCATION - PARKING LOTS AND ACCESS DRIVE
1. SNOW STOCKPILE AREAS ARE PROVIDED ON-SITE AT AREAS DESIGNATED ON THE SITE PLANS.
 2. D-DIING COMPOUNDS TO BE UTILIZED ON-SITE SHALL CONSIST OF CALCIUM AND CALCIUM MAGNESIUM ACETATE (CMA).
 3. SNOW SHALL NOT BE FLOWED INTO STORMWATER MANAGEMENT AREAS OR BORDERING VEGETATED WETLANDS. SNOW REMOVAL SHALL BE IN ACCORDANCE WITH MASS DEP BUREAU OF RESOURCE PROTECTION - SNOW DISPOSAL GUIDELINES-03 BRP001-01.

Tree Legend

E	ELM TREE
M	MAPLE TREE
H	HICKORY TREE
C	CHERRY TREE
OK	OK TREE



FOR REVISIONS ONLY
CAMMETT ENGINEERING
 287 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2157 Fax: (978) 388-0428
 LAND SURVEYORS SINCE 1979
 Visit us on the WEB at www.cammett.com

Sheet 156
Site Grading Plan
Hotel 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

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

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

Professional Engineer Seal: **STATE OF MASSACHUSETTS**, **Professional Engineer**, **Registration No. 12345**, **Exp. 12/31/15**

DATE: 7/23/10
 PROJECT: 100' WETLAND BUFFER ZONE
 FIELD: K. Down, M. McDonald
 DESIGN: J. Hynes
 DRAWN: J. Hynes
 CHECKED: J. Hynes
 DATE: 7/23/10
 FILE: K:\PROJECTS\100' WETLAND BUFFER ZONE\DWG\100' WETLAND BUFFER ZONE.DWG
 JOB # : 08079
 SHEET: GR-1

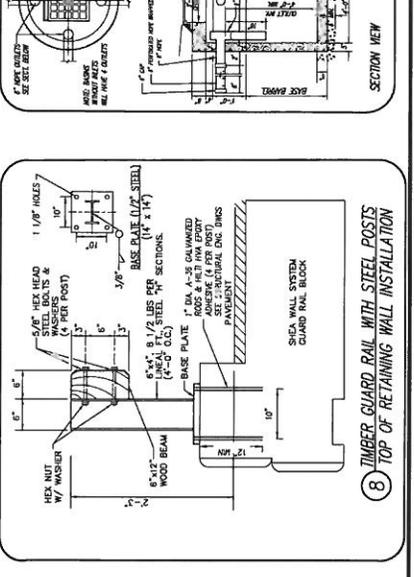
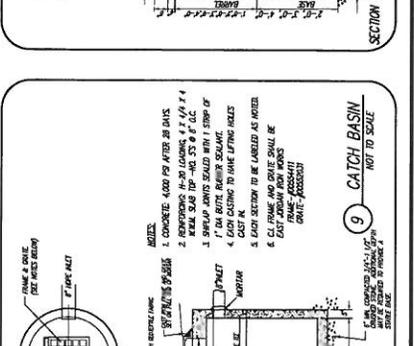
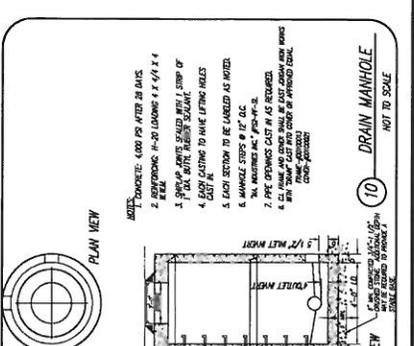
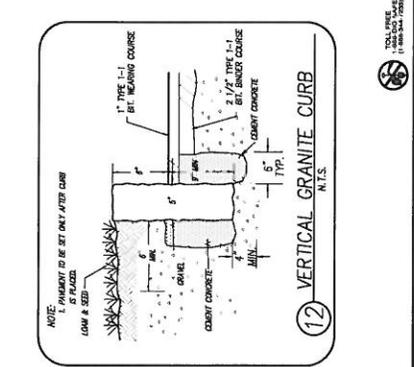
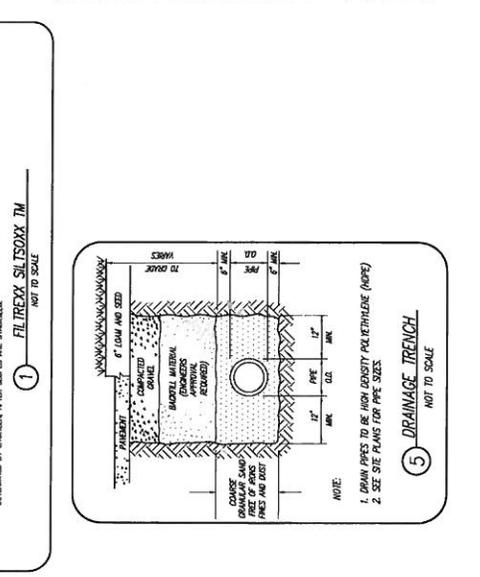
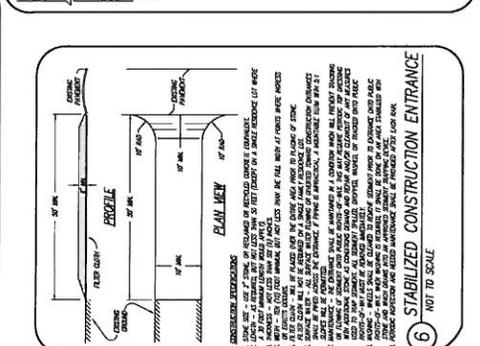
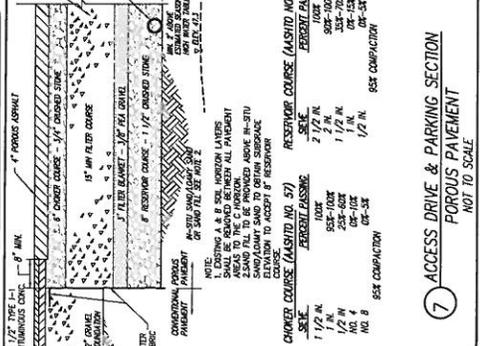
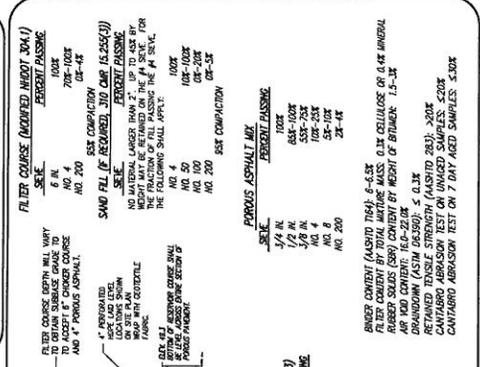
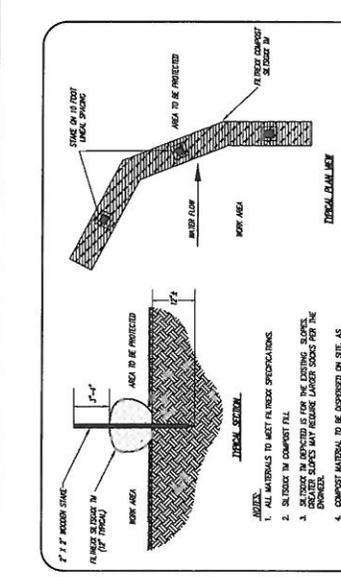
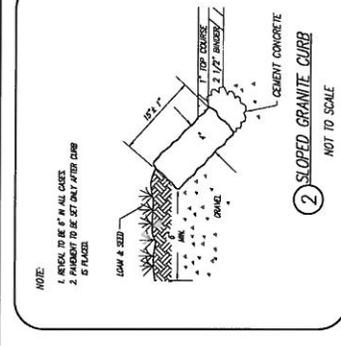
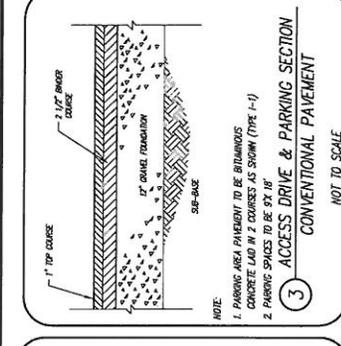
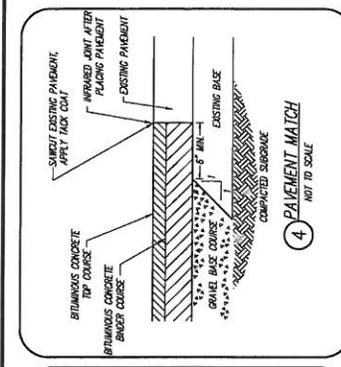
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 LAND SURVEYORS SINCE 1878
 287 ELM STREET, AMESBURY, MA
 Phone: (978) 888-1417 Fax: (978) 888-0428
 Visit us on the WEB at www.cannett.com

Miscellaneous
 Details

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	DH
2	1-19-12	MISC. REVISIONS	WT
3	7-20-12	MISC. REVISIONS	DH

DATE: _____
 PROJ. MGR.: D. Nason
 DESIGNED: K. Brown, M. MacLeod
 DRAWN: D. Nason
 CHECKED: G. Farnsworth, L. Thibodeau
 DATE: 9-23-2010
 FILE: PROJECT: 1302679/A
 JOB #: 08077 08077-D10141.DWG



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GAITHER LLC
 ENGINEERING & ARCHITECTURE
 297 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2107 Fax: (978) 388-0428
 www.gaither.com
 LAO SLOAN PARTNERS SINCE 1974
 Visit us on the WEB at www.gaither.com

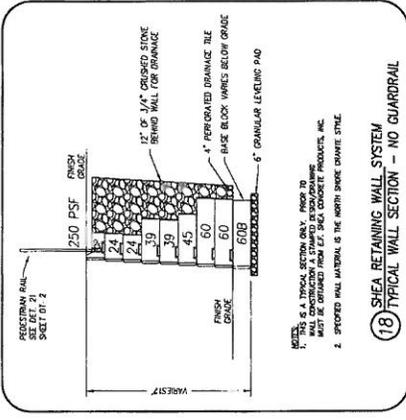
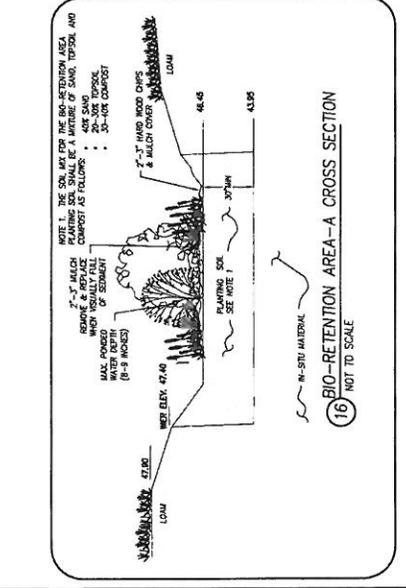
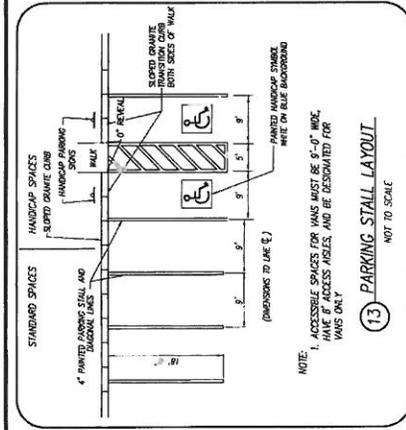
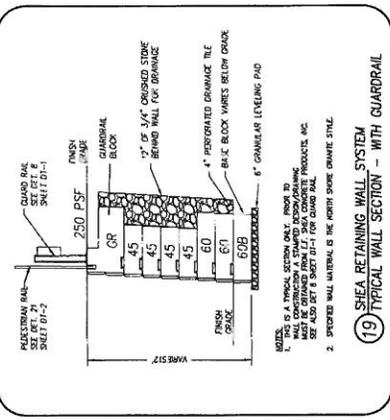
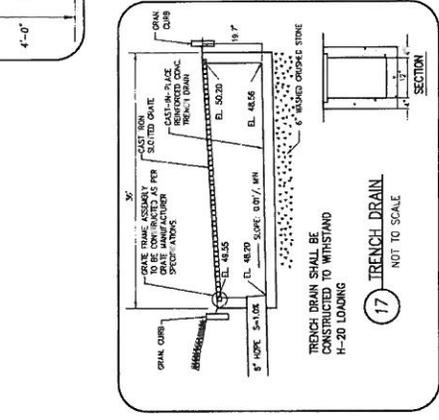
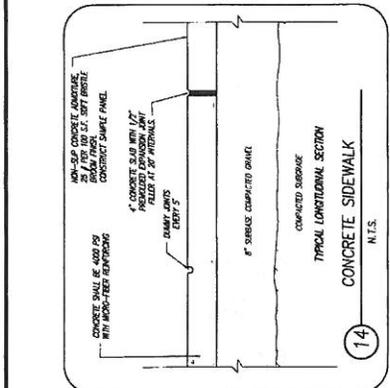
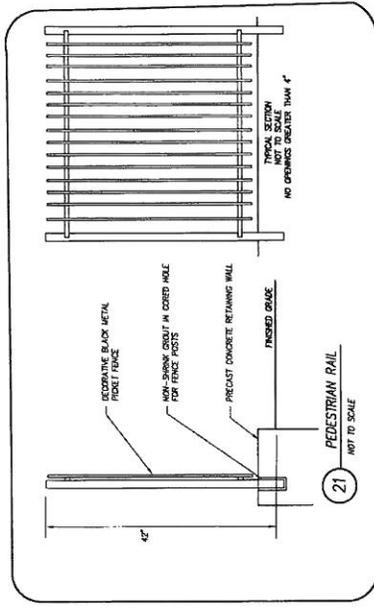
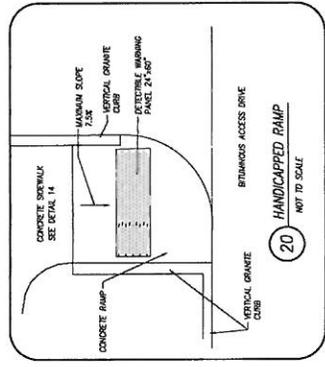
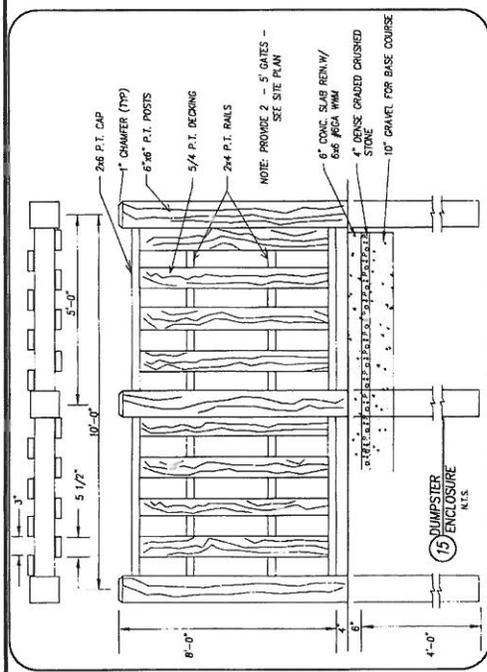
Miscellaneous
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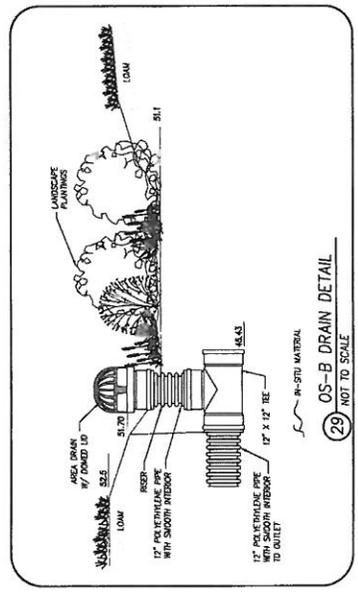
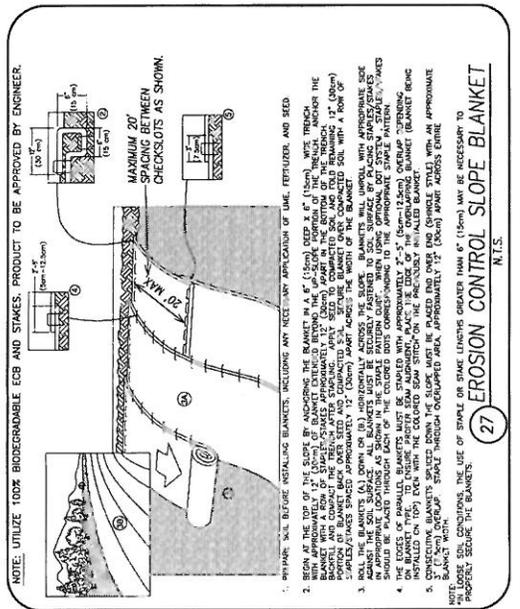
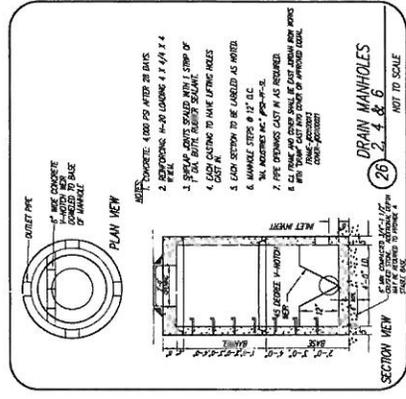
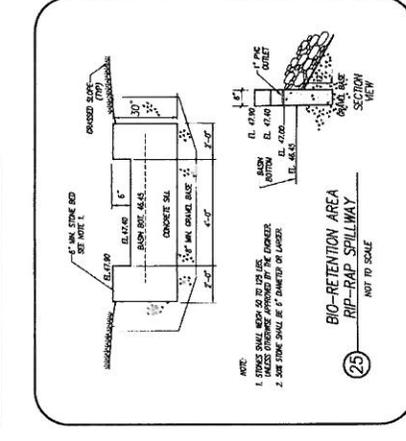
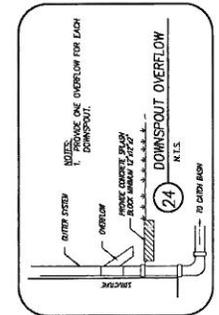
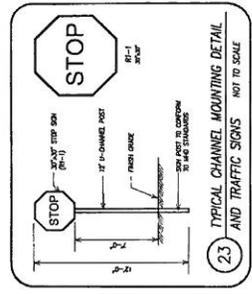
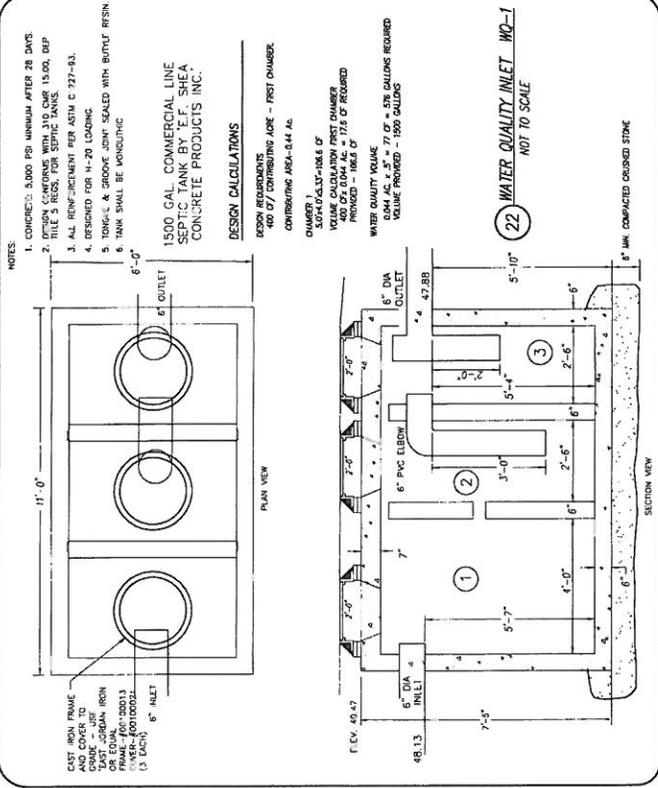
Client:
Finard Amesbury, LLC
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, MA 01803
 True Homestead
 Limited Partnership I
 c/o Herb Seabers
 33 Pine Street, Exeter, NH 03833

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

NO.	DATE	DESCRIPTION	BY
1	11-27-11	MISC. REVISIONS	DH
2	5-19-12	MISC. REVISIONS	FF
3	7-20-12	MISC. REVISIONS	DH

DESIGN: D. Finard
 DRAWN: D. Finard, L. Dineen
 CHECKED: W. Campbell
 FILE: F:\2012\2012-029\2012-029.dwg
 JOB # 02079-DT-1-111.DWG
 SHEET DT-2





100 BOSTON STREET, SUITE 100
CAMBRIDGE, MASSACHUSETTS 02142
TEL: 617.452.1111
WWW.CAMELLET.COM

CAMELLET ENGINEERING

287 ELM STREET, AMESBURY, MA
PHONE: (978) 388-9157 FAX: (978) 388-9428
LAND SURVEYORS SINCE 1878
CONSULTING ENGINEERS
Visit us on the WEB at www.camellet.com

Miscellaneous Details

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

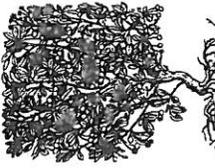
True Homestead Limited Partnership I
c/o Herb Sears
33 Pine Street, Exeter, NH 03833

NO.	DATE	DESCRIPTION	BY
1	11-2-11	MISC. REVISIONS	DW
2	11-09-12	MISC. REVISIONS	DT
3	7-20-12	MISC. REVISIONS	DT

Date: **11/2/11**

DESIGNER: **D. HERR**
CHECKED: **D. HERR**
DRAWN: **D. HERR**
SCALE: **AS SHOWN**
FILE: **09077-01-01-11.DWG**
JOB #: **09075**

PROJECT:
OWNER: **True Homestead Limited Partnership I**
DESIGNER: **D. HERR**
CHECKED: **D. HERR**
DRAWN: **D. HERR**
SCALE: **AS SHOWN**
FILE: **09077-01-01-11.DWG**
JOB #: **09075**



HUGH J. COLLINS, JR.
LANDSCAPE DESIGNER, INC.
225 MAIN STREET
WENHAM, MASS. 01984
PHONE: (978)408-1942
FAX: (978)488-1104
E-MAIL: hcollins@hcollinsdesign.com
www.hcollinsdesign.com



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HOTEL SITE
AMESBURY,
MASSACHUSETTS

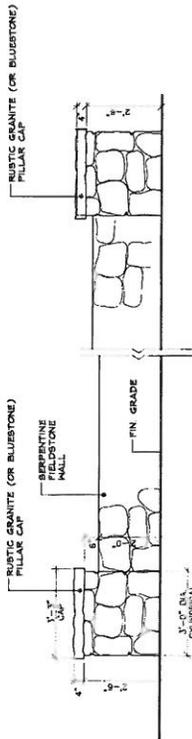
LANDSCAPE
DETAILS

This document, the ideas and designs incorporated herein, as an instrument of professional service, is the property of Hugh J. Collins, Jr. Landscape Designer, Inc. and shall remain the property of the author/collaborator of Hugh J. Collins, Jr. Landscape Designer, Inc.

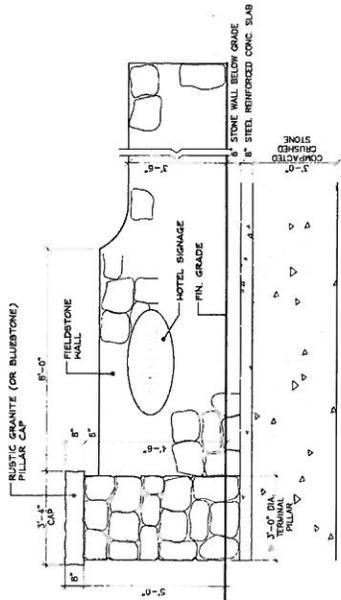
Date: 29 NOVEMBER, 2011

Revisions:	
#	Description
1.	10/19/12 1 PER IPR REVIEW 01/20/12

SHEET LP-4
Scale: AS NOTED



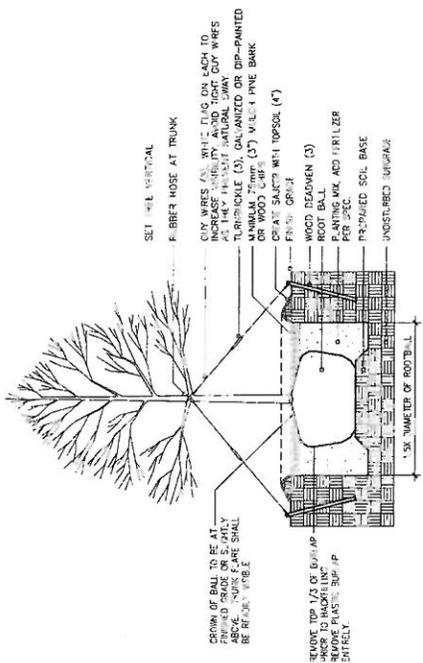
STONE WALL PILLAR @ HOTEL ENTRANCE
SCALE: 1/2"=1'-0"



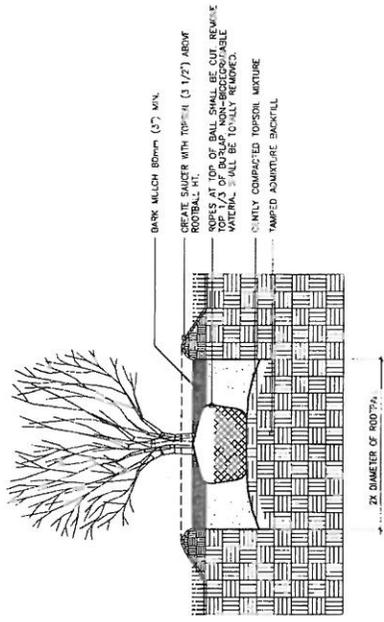
STONE WALL PILLAR @ HOTEL STREET ENTRANCE
SCALE: 1/2"=1'-0"



PROPOSED PEDESTRIAN BENCH
SCALE: N.T.S.



STANDARD TREE PLANTING DETAIL
SCALE: N.T.S.



STANDARD SHRUB PLANTING DETAIL
SCALE: N.T.S.

PAUL FEMER
ASLA, AICP
22 NOV 2011
19 MARCH 2012

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 237 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2157 Fax: (978) 388-4208
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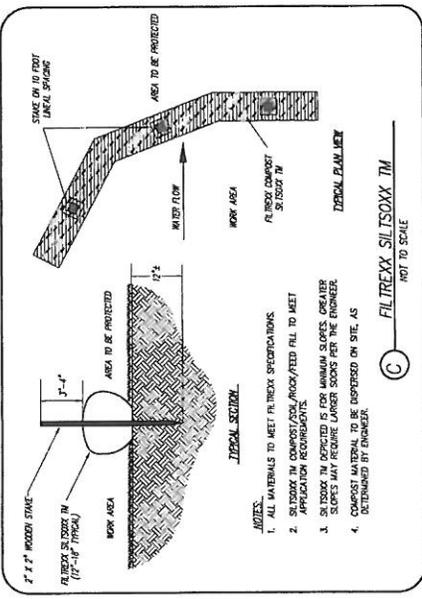
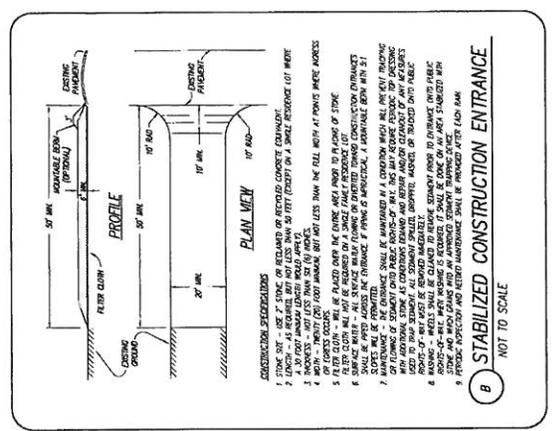
Sedimentation and Erosion Control Plan

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

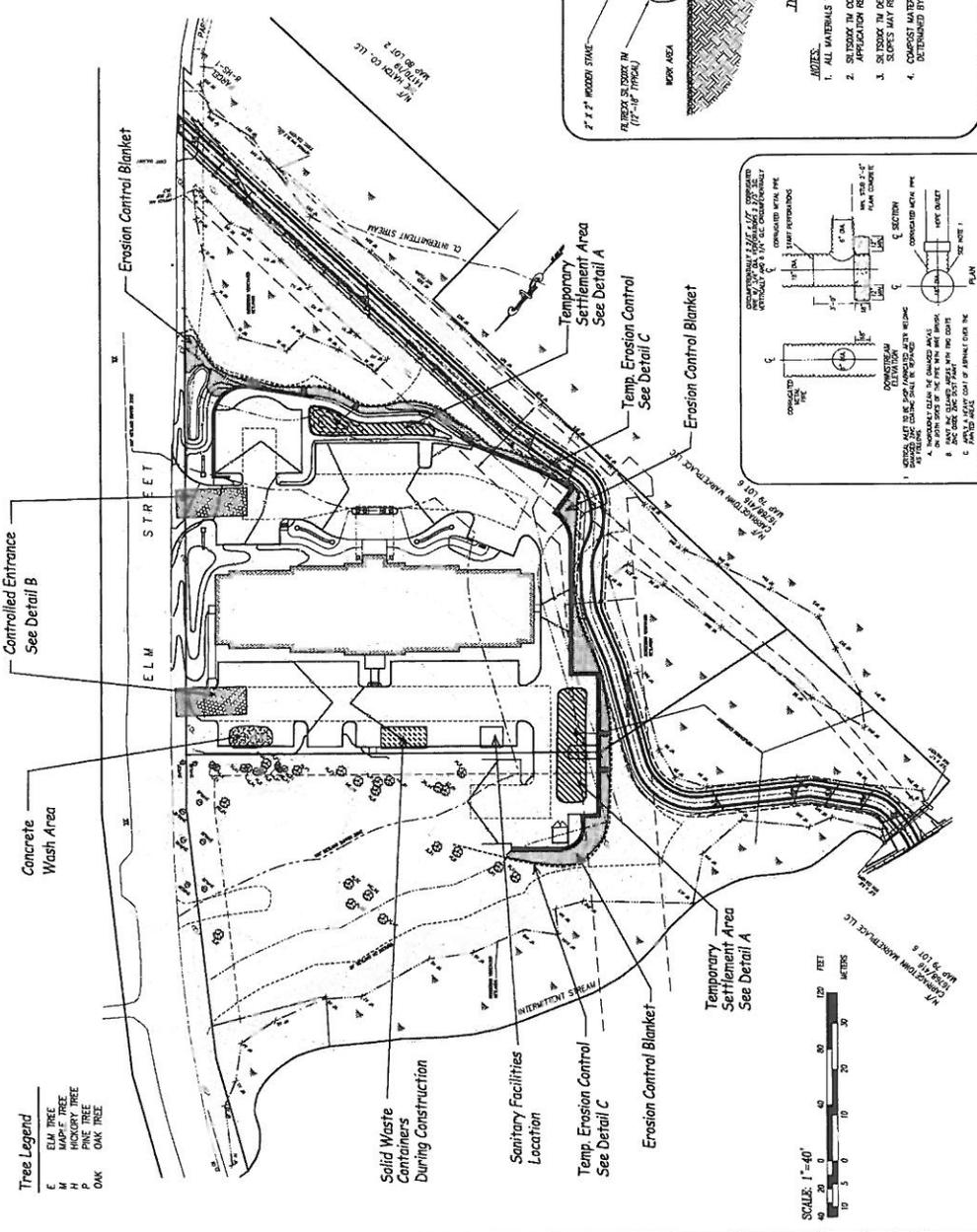
True Homestead Limited Partnership I
 c/o Herb Seatts
 33 Pine Street, Exeter, NH 03833

NO.	DATE	DESCRIPTION	BY
1	3-19-17	CREATE PLAN	DM
2	7-20-17	MISC. REVISIONS	DM

DATE: 7/21/17
 PROJECT: 17-001
 FIELD: 17-001
 DRAWN: D. FINE
 CHECKED: D. FINE
 DATE: 3-13-17
 FILE: 17-001-001-001.dwg
 SHEET 50-1



NOTES:
 1. MAINTAIN THESE STORAGE AREAS AND SANITARY FACILITIES SHOULD BE LOCATED OUTSIDE THE 100' FOOT BUFFER ZONE FROM REGULATED WASTE FACILITY STORAGE CONSTRUCTION PHASE.
 2. REMOVAL OF EROSION CONTROL SHOULD BE SUBJECT TO THE APPROVAL OF THE NECESSARY COMMISSIONER AFTER ALL CONSTRUCTION IS COMPLETED BY THE NECESSARY CONSTRUCTION COMMISSIONER OR ITS DESIGNATED AGENT.
 3. THE SITE CONTRACTOR SHALL SUBMIT A DETAILED PLAN FOR APPROVAL BY THE AMESBURY CONSTRUCTION COMMISSIONER PRIOR TO THE START OF CONSTRUCTION. THE DETAILED PLAN SHALL BE SIGNED BY A REGISTERED PROFESSIONAL ENGINEER. THE DETAILED PLAN SHALL BE ASSOCIATED WITH THE PERMIT APPLICATION. THE DETAILED PLAN SHALL BE ASSOCIATED WITH THE PERMIT APPLICATION. THE DETAILED PLAN SHALL BE ASSOCIATED WITH THE PERMIT APPLICATION.



A SETTLEMENT BASIN DISCHARGE STRUCTURE
 NOT TO SCALE

NOTES:
 1. INSTALL TOP COURSE OF CONVENTIONAL PAVEMENT.
 2. CUT OUT AND REMOVE BRIDGE COURSE WHERE POROUS PAVEMENT IS TO BE INSTALLED.
 3. INSTALL PAVEMENT MARKINGS AND DIRECTIONAL SIGNS.
 4. REMOVE EROSION CONTROL DEVICES.
 5. INSTALL 800-RETENTION AREA.

Construction Sequence

1. INSTALL EROSION CONTROL AROUND THE LIMITS OF WORK AS SHOWN ON THE PLANS.
2. ESTABLISH STABILIZED CONSTRUCTION ENTRANCE INTO ELM STREET.
3. CONSTRUCT AND REMOVE STAMPS THAT ARE TO BE REMOVED AS A RESULT OF THE CONSTRUCTION.
4. CHIP BRANCHED AND BRUSH AND STOCKPILE OR REMOVE FROM SITE.
5. REMOVE STAMPS FROM THE SITE. DO NOT BURY STAMPS.
6. STRIP TOPSOIL AND DISPOSABLE MATERIAL AND REMOVE FROM SITE. NOTE THAT THE TOPSOIL REMOVED MAY BE BROUGHT BACK AS NEEDED DURING THE LANDSCAPE PHASE.
7. INSTALL PRECAST RETAINING WALL.
8. REMOVE GRADE SITE TO SUBBASE GRADES.
9. EXCAVATE AND INSTALL FOUNDATION FOR BUILDING.
10. INSTALL UNDERGROUND UTILITIES.

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 287 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2157 Fax: (978) 389-0428
 Web: www.samnettsurvey.com

**PLAN - PROFILE
 RIVERWALK
 PRELIMINARY
 DESIGN**

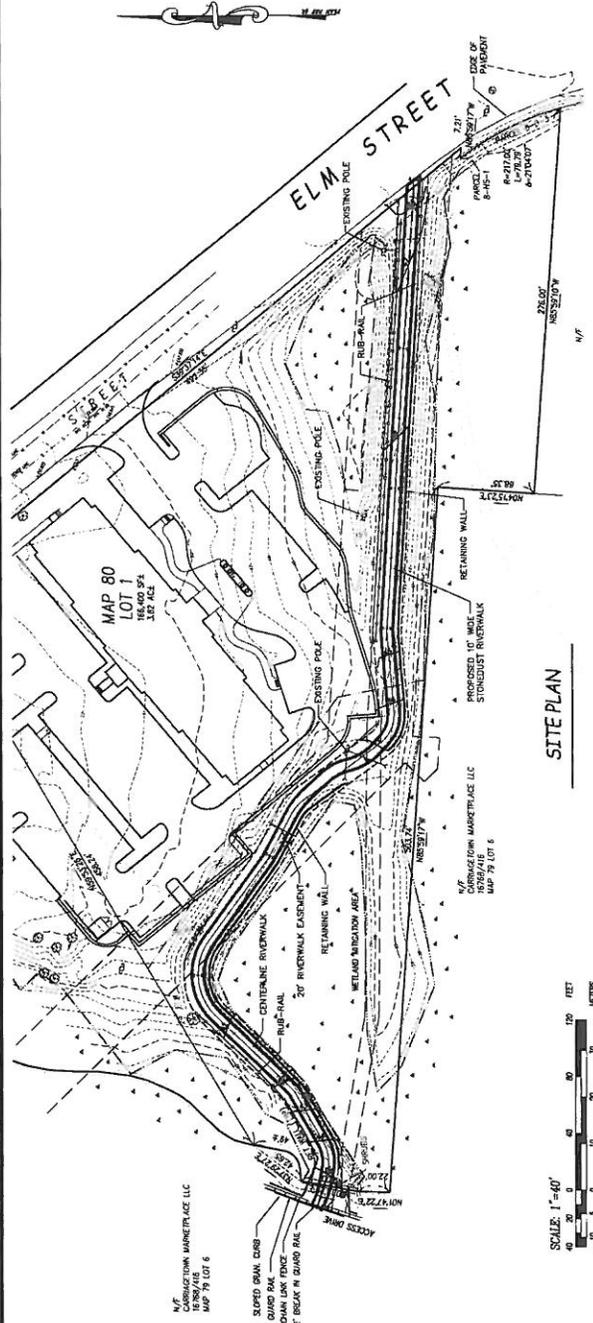
Client:
 Finard Amesbury, LLC
 c/o Finard Properties
 One Burlington Woods Drive
 Burlington, Ma 01803
**True Homestead
 Limited Partnership I
 c/o Herb Sears
 33 Pine Street, Exeter, NH 03833**

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

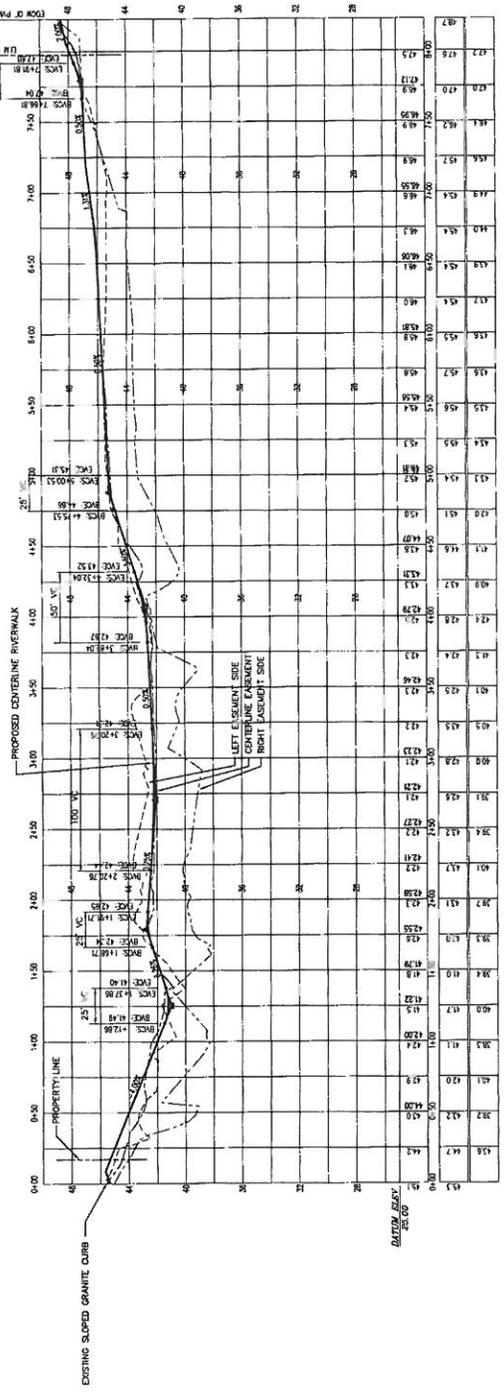
NO.	DATE	DESCRIPTION	BY
1	7-20-12	ASRC REVISIONS	DH



Drawn: D. Masi
Checked: D. Masi
Designed: D. Masi
Reviewed: R. Campbell
Date: 7-20-12
File: 1203 - PLAN - RW-1



NOTE:
 1. RIVERWALK EASEMENT TO BE DEEDED TO THE CITY OF AMESBURY
 AND CONSTRUCTED BY THE CITY OF AMESBURY.
 2. FINAL DESIGN TO BE COMPLETED BY OTHERS.



PROFILE
 SCALE: HORIZ. 1"=40'
 VERT. 1"=4'

'AA' 'BB' 1' BASE 15' POLE, 16' HIGH TOTAL
'CC' 'DD' 'FF' 'PHILLIPS LUMEC'

MetroScape
Data Sheet



LED Lamp Details

Model	Wattage	Beam Angle	Color Temp	Life Span (hrs)	Notes
MPTR-100	100W	30°	3000K	50,000	
MPTR-150	150W	30°	3000K	50,000	
MPTR-200	200W	30°	3000K	50,000	
MPTR-300	300W	30°	3000K	50,000	
MPTR-400	400W	30°	3000K	50,000	
MPTR-500	500W	30°	3000K	50,000	
MPTR-600	600W	30°	3000K	50,000	
MPTR-700	700W	30°	3000K	50,000	
MPTR-800	800W	30°	3000K	50,000	
MPTR-900	900W	30°	3000K	50,000	
MPTR-1000	1000W	30°	3000K	50,000	

Optical System
The MetroScape luminaire is designed to provide uniform, glare-free illumination. The optical system is optimized for street lighting applications. The luminaire is available in multiple beam angles and color temperatures to meet specific project requirements.

Voltages
120V, 277V, 347V, 480V
The luminaire is designed to operate on standard North American power systems. It is compatible with both single-phase and three-phase power.

Optical System
The luminaire is designed to provide uniform, glare-free illumination. The optical system is optimized for street lighting applications. The luminaire is available in multiple beam angles and color temperatures to meet specific project requirements.

Luminaire Options
PHB, RC, TNB, TNS, FNC
The luminaire is available in several different configurations to meet specific project requirements. Options include different mounting styles, finishes, and accessories.

Smart luminaire options
The luminaire is available with several smart lighting options. These options include dimming, color changing, and remote control capabilities.

Smart city options
The luminaire is available with several smart city options. These options include energy saving features, remote monitoring, and integration with smart city infrastructure.

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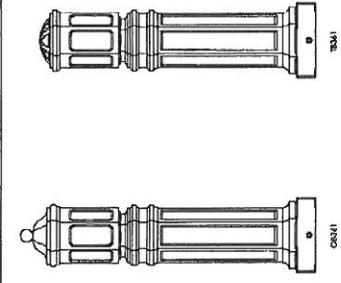
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'EE' BOLLARD 3 1/2' HIGH 'PHILLIPS HADCO'

INSTALLATION INSTRUCTIONS:
OB361 AND TB361 BOLLARDS
LUMINOUS CORPORATION
1100 Cherry Hill Dr., Suite 100
Cherry Hill, NJ 08002
Phone: 856-331-4188 Fax: 713-359-7475



CAUTION
1. The bollard must be disconnected from the fixture and pole before installing, servicing, or repairing the fixture.
2. The bollard must be completely and uniformly and subjected to factors to so to stay intact in future damage to the bollard, and avoid the warranty.

PHILIPS HADCO
The bollard is designed to provide uniform, glare-free illumination. The bollard is available in multiple finishes and colors to meet specific project requirements.

'GG' SMALL WALLPACK

110 Line
111 Mini-Scone
The 110 Line is a new, high-performance, energy-efficient lighting fixture. It is designed for use in a variety of applications, including street lighting, parking lots, and industrial facilities. The 110 Line is available in multiple finishes and colors to meet specific project requirements.



DISTRIBUTION
The 110 Line is distributed through a network of authorized distributors. For more information, please contact your local distributor or Philips Lighting.

WARRANTY AND VOLTAGE
The 110 Line is covered by a limited warranty. The warranty details are provided in the separate warranty document. The luminaire is designed to operate on standard North American power systems.

Model	Wattage	Beam Angle	Color Temp	Life Span (hrs)	Notes
110-100	100W	30°	3000K	50,000	
110-150	150W	30°	3000K	50,000	
110-200	200W	30°	3000K	50,000	
110-300	300W	30°	3000K	50,000	
110-400	400W	30°	3000K	50,000	
110-500	500W	30°	3000K	50,000	
110-600	600W	30°	3000K	50,000	
110-700	700W	30°	3000K	50,000	
110-800	800W	30°	3000K	50,000	
110-900	900W	30°	3000K	50,000	
110-1000	1000W	30°	3000K	50,000	

PHILIPS HADCO
The luminaire is designed to provide uniform, glare-free illumination. The luminaire is available in multiple finishes and colors to meet specific project requirements.

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